
TOWN OF PORT HEDLAND

TOWN PLANNING SCHEME NO 5 AMENDMENT NO. 62

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME NO. 5
AMENDMENT NO. 62

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme as follows:

- a. Rezone Lot 452 Morgans Street, Port Hedland from "Community" (Health) to "West End Residential";
- b. Insert sub-clause 6.3.10 (b), "Residential Development on Lot 452 Morgans Street shall be permissible to a yield equivalent to the R160 density" and renumber existing sub-clause (b) and (c) as sub-clause (c) and (d), respectively;
- c. Amending the Scheme Maps accordingly to designate Lot 452 Morgans Street, Port Hedland as having a R160 residential density coding; and
- d. Modifying Appendix 2 of TPS 5 – "Additional Development and Uses" to include Lot 452 Morgans Street, Port Hedland into "Description of Land" with the additional uses of "Shop", "Showroom" and "Take-away Food Outlet" and inserting "Development shall be in accordance with clause 6.3.10 (b)" under the conditions.

Dated this ___ day of _____ 2013

.....
CHIEF EXECUTIVE OFFICER

SCHEME AMENDMENT REPORT

LOCAL AUTHORITY	Town of Port Hedland
DESCRIPTION OF TOWN PLANNING SCHEME	Town Planning Scheme No. 5
TYPE OF SCHEME	District Planning Scheme
SERIAL NUMBER OF AMENDMENT	Amendment No. 62
PROPOSAL	<p>This Scheme Amendment proposes the rezoning of Lot 452 Morgans Street from "Community (Health)" to "West End Residential" at a density of R160. It is also proposed to include the additional uses of "Shop", "Showroom" and "Takeaway Food Outlet".</p>

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I.0 Introduction

Greg Rowe and Associates acts on behalf of Finbar Group Limited, with respect to a proposed Scheme Amendment for Lot 452 Morgans Street, Port Hedland ('the subject site').

This report has been prepared in support of a Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5 ('TPS 5') for the purposes of:

- » Amending the zoning of Lot 452 Morgans Street, Port Hedland from "Community (Health)" to "West End Residential" Zone;
- » Creating a new sub-clause 6.3.10 (b), which will state: "Residential development shall have a maximum yield equivalent to the R160 density, refer to Lot 452 Morgans Street, Port Hedland". Clause (a) of this subsection does not apply to Lot 452 Morgans Street, Port Hedland where the residential density will be R160. Renumbering of the existing sub-clause (b) and (c) as sub-clause (c) and (d), respectively;
- » Amending the Scheme Maps accordingly to designate Lot 452 Morgans Street, Port Hedland as having a R160 residential density coding; and
- » Modifying Appendix 2 of TPS 5 – "Additional Development and Uses" to include Lot 452 Morgans Street, Port Hedland into "Description of Land" with the additional uses of "Shop", "Showroom" and "Take-away Food Outlet" and inserting "Development shall be in accordance with clause 6.3.10 (b)" under the conditions.

This report includes a description of the following matters:

- » Location of the subject land;
- » Description of the existing land use and site attributes;
- » Overview of relevant planning and design issues;
- » Detailed explanation of the proposal; and
- » Justification for the proposed Scheme Amendment.

2.0 Description of Site

2.1 Regional Location

The subject site is located in the Municipality of the Town of Port Hedland, within the Pilbara region of Western Australia.

Refer Figure 1 – Regional Location.

2.2 Local Location

The subject site is situated in Port Hedland and is located generally south of Sutherland Street and to the north of Morgans Street. All of the aforementioned roads are sealed, gazetted roads.

Refer Figure 2 – Local Location.

2.3 Cadastral Information

The subject site comprises a single land parcel, being:

- » Lot 452 on Deposited Plan 207898 contained on Certificate of Title Volume LR3007, Folio 37

The subject site has a total land area of approximately 3.5 hectares.

Refer Figure 3 – Site Plan and Appendix 1 – Certificate of Title.

2.4 Existing Improvements

The subject site currently contains the decommissioned Port Hedland Hospital and associated buildings.

2.5 Surrounding Development

The Spoil Bank is located to the north directly opposite the subject site and currently contains a yacht club and associated buildings.

The land directly east of the subject site is currently vacant and is zoned “Tourism”.

The area directly to the west and south, and generally to the east of the subject site, is developed predominantly with low density residential dwellings on freehold lots. With reticulated sewerage now available, some lots are being redeveloped with grouped and multiple dwellings.



FIGURE 1 REGIONAL LOCATION



FIGURE 3 SITE PLAN

3.0 Town Planning Considerations

3.1 State Planning

3.1.1 State Planning Policy No. 1 – State Planning Framework Policy

A Scheme Amendment to rezone Lot 452 Morgans Street, Port Hedland to 'West End Residential' Zone (with 'Additional Uses') and apply a density of R160 is considered to address the majority of the primary aims of State Planning Policy No. 1 ('SPP 1'). The relevant primary aims, in this regard, include: Community, Economy and Regional Development.

COMMUNITY

The specifics of the Scheme Amendment will directly address the following provisions as contained in A2 Community of SPP 1:

"...Planning should recognise the need for and, as far as practicable, contribute towards more sustainable communities by:

- » *Accommodating future population growth and providing housing choice and diversity to suit the needs of different households, including specialist housing needs, and the services they require;*
- » *Providing land for a range of accessible community resources, including affordable housing, places of employment, open space, education, health, cultural and community services;*
- » *Encouraging safe environments, high standards of urban design and a sense of neighbourhood and community identity;*
- » *Promoting commercial areas as the focus for shopping, employment and community activities at the local, district and regional levels".*

A rezoning of Lot 452 (in the manner proposed) achieves the above provisions of SPP 1 in the following ways:

- » Providing additional housing at a density of R160, which is urgently required in the Port Hedland locality, in addition to providing housing choice/diversity
- » Inclusion of commercial facilities (i.e. 'Additional Uses') will provide opportunities for local employment and provide an opportunity to develop a high standard development (with street level commercial interaction/activation)

ECONOMY

The specifics of the Scheme Amendment will directly address the following provisions as contained in A3 Economy of SPP 1:

"Planning should contribute to the economic well-being of the State, regions and local communities by supporting economic development through the provision of land, facilitating decisions and resolving land use conflicts. In particular, planning should provide for economic development by:

- » *Providing suitable zoned and serviced land for industry, business and other employment and wealth generating activities;*
- » *Promoting local employment opportunities in order to reduce the time and cost of travel to work;*
- » *Providing sites for tourism accommodation and facilities taking account of their special location and serving needs."*

A rezoning of Lot 452 (in the manner proposed) achieves the above provisions of SPP 1 in the following way:

- » There is a need for additional, suitably zoned land for residential purposes in the Port Hedland locality. Lot 452 is a landmark site that has the potential to accommodate a unique mixed use development comprising of residential, commercial and tourist (short-stay) land uses. The 'West End Residential' Zone land permissibility provisions of TPS 5 allows Council the ability to approve a variety of short-stay accommodation land uses at Lot 452 (subject to the rezoning) and the 'Additional Uses' sought also will allow Council the ability to approve appropriate commercial land uses at the site.

REGIONAL DEVELOPMENT

The specifics of the Scheme Amendment will directly address the following provisions as contained in A5 Regional Development of SPP 1:

"...Consistent with the State Planning Strategy, the growth and development of other regional communities will be supported by assisting them to achieve their social, environmental and economic goals. Planning should assist communities of the outlying regions in achieving the opportunities comparable with towns of the south-west despite their isolation, size and climatic disadvantages. This will mean better co-ordination of land uses, high standards of development and the availability of land, physical and social services to make regional communities sustainable in the long term.

A rezoning of Lot 452 (in the manner proposed) achieves the above provisions of SPP 1 in the following way:

- » Facilitating a mixed-use development with a residential density of R160 is consistent with the DRDL's 'Pilbara Cities' vision for Port Hedland – i.e. building the population of Port Hedland to 50,000 people by 2035 and growing Port Hedland into a more attractive, sustainable local community

3.1.2 State Planning Policy No. 2.6 – State Coastal Planning Policy

The general objectives of State Planning Policy No 2.6 ('SPP 2.6') are to:

- » *Protect, conserve and enhance coastal values, particularly in areas of landscape, nature conservation, indigenous and cultural significance;*
- » *Provide for public foreshore areas and access to these on the coast;*
- » *Enhance the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities; and*
- » *Ensure that the location of coastal facilities and development takes into account coastal processes including erosion, accretion, storm surge, tides, wave conditions, sea level change and biophysical criteria.*

SPP 2.6 has relevance to Lot 452 due to the location of the site in proximity to the coast. The specific planning requirements outlined in SPP 2.6 relate greater to the Development Application process as opposed to the Scheme Amendment process as matters such as building height limits, coastal development setback guidelines and coastal management plans, which are typically addressed at the Development Application phase of a development.

Notwithstanding the above, a seriously entertained revision of SPP 2.6 has been prepared and advertised by the WAPC. A number of the built form restrictions (i.e. building height, coastal setbacks) have been removed or relaxed (in the revised draft SPP 2.6). Due to the existence of a seriously entertained revised version of SPP 2.6 (which has removed/relaxed various development requirements) and the fact that the planning requirements outlined in SPP 2.6 relate greater to the Development Application process, we do not believe SPP 2.6 is of great relevance at the Scheme Amendment phase.

3.1.3 State Planning Policy No. 3 – Urban Growth and Settlement

The relevant objectives of State Planning Policy No. 3 ('SPP 3') with regard to the proposed Scheme Amendment of Lot 452 are:

- » *To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space;*
- » *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities;*
- » *To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints;*
- » *To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community;*
- » *To coordinate new development with the efficient, economic and timely provision of infrastructure and services.*

A rezoning of Lot 452 (in the manner proposed) achieves the above objectives of SPP 1 in the following way:

- » The site will provide the opportunity for a development in Port Hedland that provides variety and choice in dwelling size and type to support a diverse range of household sizes, ages and incomes and which is responsive to housing demand and preference.
- » Lot 452 should support a high density, mixed use development due to its proximity to the Port Hedland town centre and, specifically, its strategic location being adjacent to an area of high amenity (foreshore and parklands).
- » Redevelopment of the site will make the most efficient use of the land given the current (under-utilised) condition of Lot 452.

3.2 Local Planning

3.2.1 Town of Port Hedland Town Planning Scheme No. 5

Under the provisions of TPS 5 the subject site is currently zoned "Community" (for Health purposes).

Refer Figure 4 – Current Zoning

3.2.1.1 Scheme Amendment No. 22

Scheme Amendment No. 22 ('Amendment No. 22') to TPS 5 was gazetted on 27 April 2012. Amendment No. 22 rezoned land bounded by Anderson, Withnell, Sutherland and Taplin Streets, and The Esplanade in Port Hedland from "Residential" Zone to "West End Residential" Zone and altered the density coding to "Minimum R30/Maximum R80". Amendment No. 22 also rezoned land bounded by Withnell, McKay and Anderson Streets, and The Esplanade from "Residential" Zone to "Town Centre" Zone.

The key objectives of Amendment No. 22 in relation to the new "West End Residential" Zone were to:

- » *Discourage the long-term residency by families with children or elderly persons;*
- » *Add vibrancy to both the Subject Land and the nearby commercial area; and*
- » *Maximise opportunities for workers in nearby employment nodes to reside close to work opportunities and commercial and entertainment facilities.*

All new residential development in the “West End Residential” Zone is the subject of strict criterion in order to achieve the above objectives. The above objectives were formulated to maximise the development potential of the West End and to ensure new residences are not developed in a manner that would attract residents at higher risk of respiratory issues associated with the dust issues characteristic of the West End (i.e. the young and elderly).

Amendment No. 22 contains a series of development provisions (Clauses 6.3.8 – 6.3.12) that have now been incorporated into TPS 5 to control new residential development. An application for planning approval to commence development on the subject site will be accompanied by a report (at the appropriate juncture) prepared by a suitably qualified engineer to address these design requirements. As such, the ability to amend any of these development controls (at the Development Application process) is considered reasonable by way of a report being prepared confirming the design of the development remains consistent with the intent of the controls listed in Clause 6.3.9 of TPS 5.

The inclusion of the subject site into the “West End Residential” Zone will ensure that all future permanent residential development on the subject site will be compliant with the objectives of this zone.

3.3 Strategic Planning Context

3.3.1 Port Hedland Land Use Master Plan

The Port Hedland Land Use Master Plan (‘LUMP’), endorsed by the Western Australian Planning Commission (‘WAPC’) in September 2008, was prepared to guide the growth and development of Port Hedland over a 20 – 25 year timeframe. Specific to the subject land, the LUMP states the following:

With its relatively high elevation, grand views of the coast and immediate access to the Spoil Bank, the Old Hospital occupies an extraordinary site with dramatic development potential...Plans are also progressing for development of a new marina on the west side of the Spoil Bank which will add a significant attraction to the area...A concept sketch of a possible town centre layout in this area [Old Hospital site generally] (Figure 26) shows the excellent opportunities for an ocean-front development, with strong connections to the proposed marina and recreation areas of the Spoil Bank; hotel, restaurant and high density residential development lining a waterfront promenade; a mall of mixed retail and office uses with good visibility from the Anderson Street entry; and supporting medium density residential development on the Moore Street sites.

The proposed Scheme Amendment accords with the intent of the LUMP with respect to its location and mix of land uses.

3.3.2 Pilbara’s Port City Growth Plan

The Town of Port Hedland has prepared and adopted the Pilbara’s Port City Growth Plan document (‘Growth Plan’). With respect to the subject land, the Growth Plan identifies the Old Hospital Site as being contained in “Precinct 1 – West End”. The West End is categorised as the Port City’s “soul” and a number of strategically important current or planned projects are earmarked for the Precinct. In this regard, and associated with the subject land, the Growth Plan outlines the following:

- » Short-stay accommodation and West End (Amendment 22) limited residential development.
- » A small boating facility/harbour planned for Spoil Bank, with associated accommodation facilities; and
- » A key Precinct Highlight being the development opportunities (coastal access, boat ramp, moorings and major entertainment space) attributed to Spoil Bank.

As with the LUMP, the proposed Scheme Amendment is consistent with the provisions of the Growth Plan.

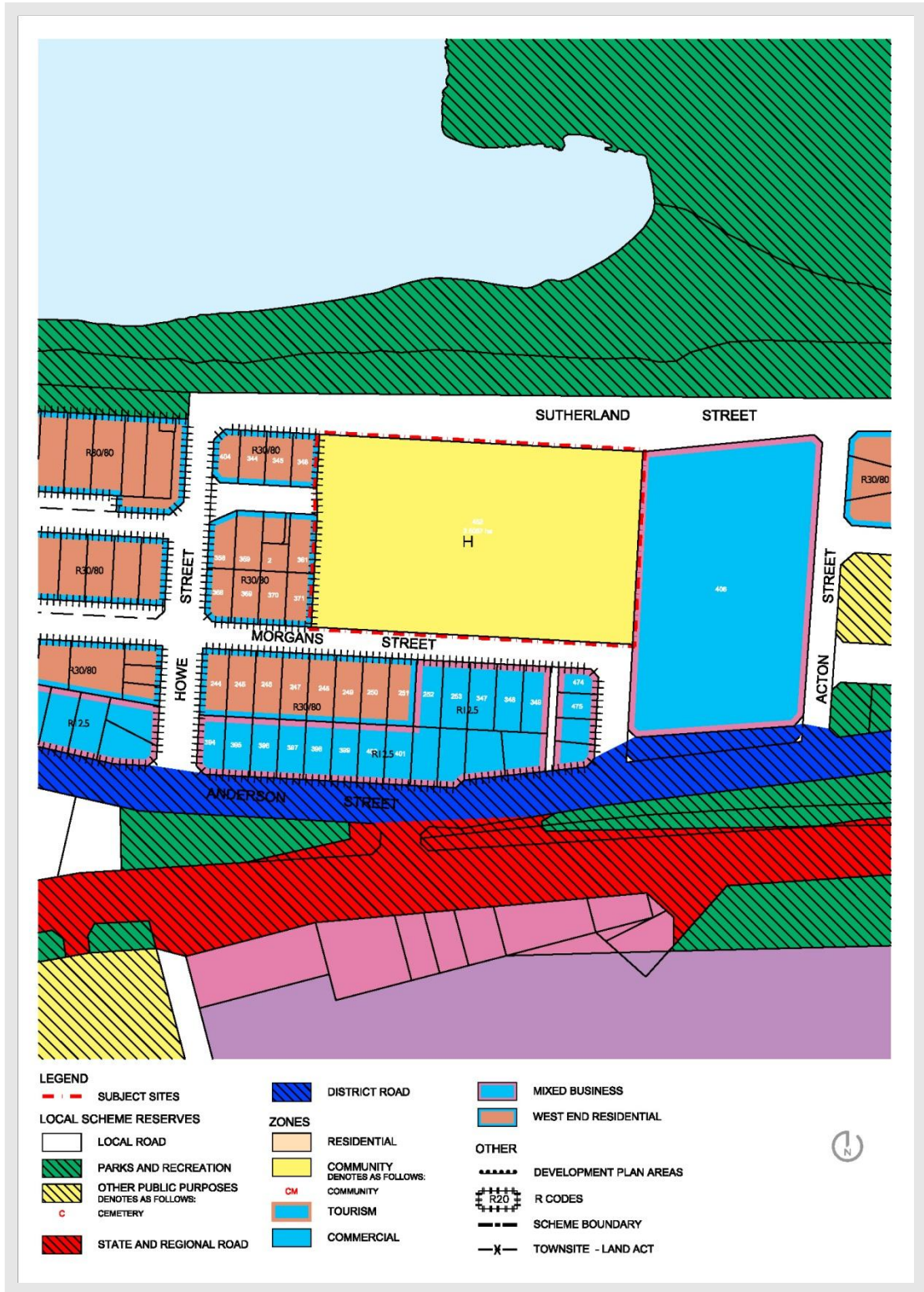


FIGURE 4 CURRENT ZONING

4.0 Technical Reports and Studies

4.1 Environmental Report

Coffey Environments was commissioned by LandCorp to prepare a Preliminary Site Investigation ('PSI') for the decommissioned Port Hedland Regional Hospital. The objective of the PSI was to assess whether there have been any potentially contaminating land uses at the subject site, probable contaminants and the possible location of contaminants. Based on the evidence presented in this PSI (including the limited soil sampling program), Coffey Environments concluded "*that potentially contaminating land uses did occur at the site as a result of the hospital operations*".

On the basis of the information derived the PSI Coffey Environments suggests consideration to be given to a series of recommendations in order to resolve any potential site contamination issues.

5.0 Other Considerations

5.1 Aboriginal and European Heritage

A desktop search using the Aboriginal Heritage Inquiry System of the Department of Indigenous Affairs revealed that there are no Aboriginal heritage places located on the subject land.

Similarly, a desktop search using the Places Database maintained by the Office of Heritage revealed that there are no sites of European heritage significance on the subject land.

Based upon the above, the proposed Scheme Amendment is considered to be suitable and appropriate.

6.0 Description of Scheme Amendment

Finbar is seeking a Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5 ('TPS 5') to rezone the subject site from "Community (Health)" to "West End Residential" Zone. The intent of the Scheme Amendment is to provide the necessary and appropriate planning provisions to facilitate the development of the subject site in a manner that is cognisant of contemporary planning principles and that responds to and takes maximum advantage of the unique characteristics of the land.

6.1 Specifics of the Scheme Amendment

In order to provide the greatest flexibility with respect to the development of the subject site, short stay and permanent residential/commercial purposes, it is intended to amend TPS 5 by:

- » Amending the zoning of Lot 452 Morgans Street, Port Hedland from "Community (Health)" to "West End Residential" Zone;
- » Creating a new sub-clause 6.3.10 (b), which will state: "Residential development shall have a maximum yield equivalent to the R160 density, refer to Lot 452 Morgans Street, Port Hedland". Clause (a) of this subsection does not apply to Lot 452 Morgans Street, Port Hedland where the residential density will be R160. Renumbering of the existing sub-clause (b) and (c) as sub-clause (c) and (d), respectively;
- » Amending the Scheme Maps accordingly to designate Lot 452 Morgans Street, Port Hedland as having a R160 residential density coding; and
- » Modifying Appendix 2 of TPS 5 – "Additional Development and Uses" to include Lot 452 Morgans Street, Port Hedland into "Description of Land" with the additional uses of "Shop", "Showroom" and "Take-away Food Outlet" and inserting "Development shall be in accordance with clause 6.3.10 (b)" under the conditions.

Conclusion

This report supports the proposal to amend the Town of Port Hedland Town Planning Scheme No. 5 by:

- » Amending the zoning of Lot 452 Morgans Street, Port Hedland from “Community (Health)” to “West End Residential” Zone;
- » Creating a new sub-clause 6.3.10 (b), which will state: “Residential development shall have a maximum yield equivalent to the R160 density, refer to Lot 452 Morgans Street, Port Hedland”. Clause (a) of this subsection does not apply to Lot 452 Morgans Street, Port Hedland where the residential density will be R160. Renumbering of the existing sub-clause (b) and (c) as sub-clause (c) and (d), respectively;
- » Amending the Scheme Maps accordingly to designate Lot 452 Morgans Street, Port Hedland as having a R160 residential density coding; and
- » Modifying Appendix 2 of TPS 5 – “Additional Development and Uses” to include Lot 452 Morgans Street, Port Hedland into “Description of Land” with the additional uses of “Shop”, “Showroom” and “Take-away Food Outlet” and inserting “Development shall be in accordance with clause 6.3.10 (b)” under the conditions.

As demonstrated within this report, the proposed rezoning of the subject land is considered to be justified and appropriate for the following reasons:

- » The proposal accords with the objectives of ‘Precinct 1 – West End’ as contained in Pilbara’s Port City Growth Plan;
- » The Scheme Amendment will provide the necessary legal town planning mechanisms to facilitate the development (which has been in the preliminary planning phase for some time);
- » The Environmental Preliminary Site Investigation Report concludes that while site contamination may be a possibility, it can be mitigated with the recommendations as listed in the PSI report; and
- » Much needed short-stay accommodation, permanent residential development, retail and commercial land will be made available within the development.
- » A density of R160 at the subject site is appropriate given the site’s proximity to the proposed Spoil Bank Marina (and associated commercial, residential and recreational development)
- » The subject site is a unique, landmark site positioned in a strategic location that warrants higher order development
- » A higher residential density addresses the notion of the efficient use of land, which is a finite resource in Port Hedland
- » Maximising the development potential of the subject site (at R160) addresses the principles of sustainability as contained in SPP 3
- » A residential development at a density of R160 will provide much needed residential accommodation in Port Hedland
- » A density of R160 at the subject site is consistent with the DRDL’s ‘Pilbara Cities’ vision for Port Hedland – i.e. building the population of Port Hedland to 50,000 people by 2035 and growing Port Hedland into a more attractive, sustainable local community
- » As the site is a unique, landmark/strategic site, development for mixed use purposes is appropriate

- » A mixed use development will provide street level commercial facilities (such as the proposed Additional Uses of 'Shop', 'Showroom' and 'Take Away Food Outlet) which will encourage/promote street level activation which would not be achieved with a residential only development
- » A variety of land uses at the subject site will ensure a redevelopment of the site will provide an interesting/attractive development that will enhance the urban fabric of the subject site and its surrounds

APPENDIX I

SCHEME AMENDMENT DOCUMENTS

PLANNING AND DEVELOPMENT ACT 2005

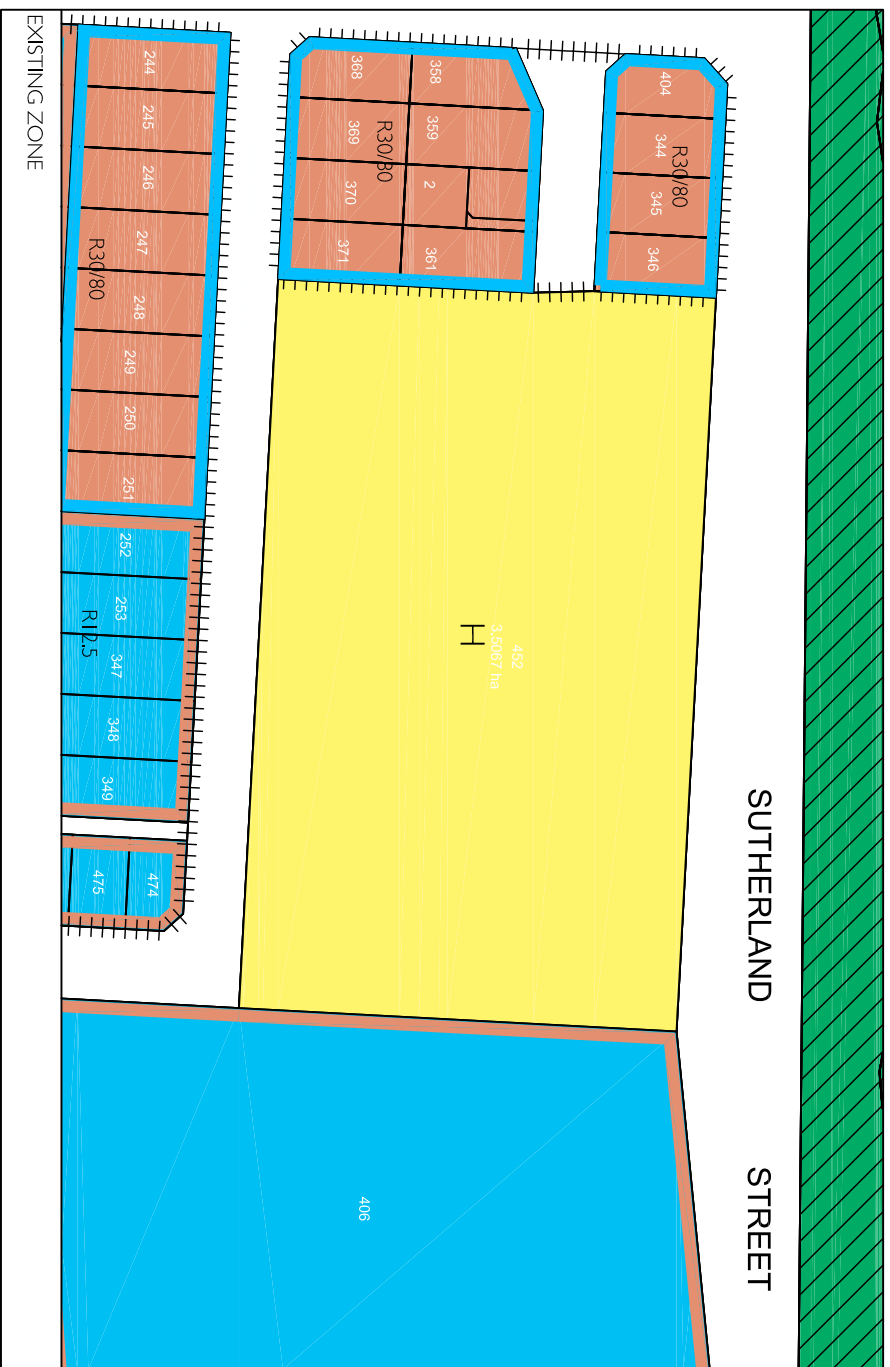
TOWN OF PORT HEDLAND

TOWN PLANNING SCHEME NO.5

AMENDMENT NO. 62

The Town of Port Hedland under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

- a. Rezoning Lot 452 Morgans Street, Port Hedland from "Community" (Health) to "West End Residential";
- b. Inserting sub-clause 6.3.10 (b), "Residential Development on Lot 452 Morgans Street shall be permissible to a yield equivalent to the R160 density" and renumber existing sub-clause (b) and (c) as sub-clause (c) and (d), respectively;
- c. Amending the Scheme Maps accordingly to designate Lot 452 Morgans Street, Port Hedland as having a R160 residential density coding; and
- d. Modifying Appendix 2 of TPS 5 – "Additional Development and Uses" to include Lot 452 Morgans Street, Port Hedland into "Description of Land" with the additional uses of "Shop", "Showroom" and "Take-away Food Outlet" and inserting "Development shall be in accordance with clause 6.3.10 (b)" under the conditions.



LEGEND

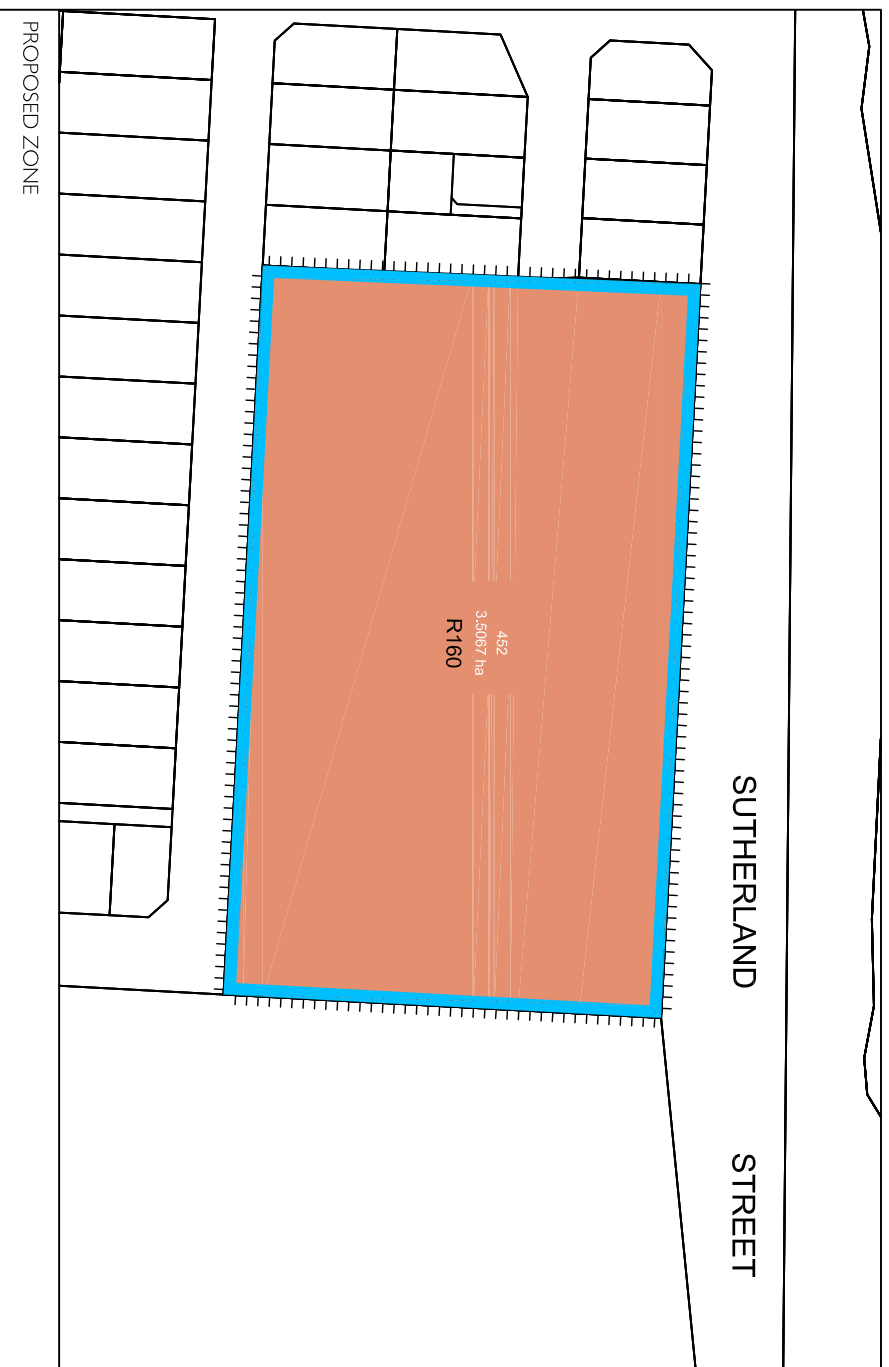
LOCAL SCHEME RESERVES
 PARKS AND RECREATION

ZONES

- WEST END RESIDENTIAL
- TOURISM
- COMMUNITY
- HEALTH

OTHER

- NO ZONE
- R 20 R CODE



ZONES

- WEST END RESIDENTIAL
- OTHER R 160 R CODE

OTHER

- NO ZONE
- R 20 R CODE

NORTH
 SCALE 1:10000

ADOPTION/REFUSAL

ADOPTION [Regulation 13(1)]
 ADOPTED by resolution of the Council of the
 City of Mandurah at the Ordinary Meeting of the
 Council held on the ____ day of ____, 20__.

SHIRE PRESIDENT _____

CHIEF EXECUTIVE OFFICER _____

FINAL APPROVAL

1. FINAL ADOPTION BY COUNCIL
 Adopted for Final Approval by Resolution of
 the Town of Port Hedland at the Ordinary
 Meeting of Council held on the ____
 day of ____ 20__.

The Common Seal of the Town of Port Hedland
 was hereunto affixed by authority of a
 resolution of the Council in the presence of:

TOWN PRESIDENT _____

CHIEF EXECUTIVE OFFICER _____

2. RECOMMENDED / SUBMITTED FOR FINAL
 APPROVAL : _____

DELEGATED UNDER S.16 OF PD ACT 2005

Date: _____

3. FINAL APPROVAL GRANTED _____

MINISTER FOR PLANNING _____

ADOPTION

Adopted by resolution of the Council of the Town of Port Hedland at the Meeting of the Council held on the 28th day of November 2012.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the Town of Port Hedland at the Meeting of the Council held on theday of201..... and the Common Seal of the Town of Port Hedland was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

.....
DELEGATED UNDER S16 OF PD ACT 2005

DATE.....

Final Approval Granted

.....
MINISTER FOR PLANNING

DATE.....