

Special Council Meeting AGENDA

Dear Mayor and Councillors,

I respectfully advise that a SPECIAL COUNCIL MEETING will be held in the Civic Centre, McGregor St, Port Hedland, on **Wednesday 13 March 2024**, commencing at **5:30pm**.

The purpose of the Special Meeting is consideration of Adoption of the 2023-2024 Interim Budget Review, Partnership Agreement-Port Hedland Chamber of Commerce and Industry, Business Plan for Major Land Transaction-Lot 601 South Hedland, and a Confidential Staffing Matter.

MEETING AGENDA ATTACHED

Yours faithfully



Carl Askew
Chief Executive Officer

08/03/2024

DISCLAIMER

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DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

*Local Government Act 1995 – Section 5.65, 5.70 and 5.71
Local Government (Model Code of Conduct) Regulations 2021*

This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Model Code of Conduct) Regulations 2021

Name			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

Signature: _____ **Date:** _____

Important Note: Should you declare a **Financial or Proximity Interest**, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

"With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

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1 Opening of Meeting

The Presiding Member is to declare the meeting open at 5:30pm.

2 Acknowledgement of Traditional Owners and Dignitaries

The Presiding Member acknowledges the Kariyarra people as the Traditional Custodians of the land that we are meeting on and recognises their strength and resilience and pays respect to elders past, present and emerging.

3 Recording of Attendance

Important note:

This meeting is being live-streamed and audio recorded to facilitate community participation and for minute-taking purposes, which may be released upon request to third parties. In accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders members of the public are not permitted to use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the Presiding Member to do so. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Standing Orders Local Law mobile telephones must be switched off and not used during the meeting.

3.1 Attendance

Scheduled Present:

Mayor Peter Carter
Deputy Mayor Ash Christensen
Cr Sven Arentz
Cr Flo Bennett
Cr Camilo Blanco
Cr Lorraine Butson
Cr Ambika Rebello
Cr Tim Turner

Scheduled for Attendance:

Carl Askew (Chief Executive Officer)
Steve Leeson (Director Corporate Services)
Josephine Bianchi (Director Community Services)
Craig Watts (Director Regulatory Services)
Lee Furness (Director Infrastructure Services)
Tom Kettle (Manager Governance)
Karen Krollig (Governance Officer)
Rhiannon Smith (Governance Support Officer)
Belinda Yull (Governance Support Officer)

3.2 Attendance by Telephone / Instantaneous Communications

Nil

3.3 Apologies

Nil

3.4 Approved Leave of Absence

Nil

3.5 Disclosures Of Interest

Name	Item No	Interest	Nature

4 Public Time

4.1 Public Question Time

4.2 Public Statement Time

4.3 Petitions/Deputations/Presentations/Submissions

Ms Rebekah Worthington, CEO of Port Hedland Chamber of Commerce and Industry – on behalf of Item 8.3.1 Partnership Agreement – Port Hedland Chamber of Commerce and Industry.

5 Questions from Members without Notice

6 Declarations of All Members to have given due consideration to all matters contained in the Business Paper before the Meeting

7 Reports of Officers

7.1 Corporate Services

7.1.1	Adoption of 2023-24 Interim Budget Review
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Author: **Manager Financial Services**

Authorising Officer: **Director Corporate Services**

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That council:

- 1. Accepts the mid-year budget review report as at 31 January 2024;**
- 2. Adopts the Town of Port Hedland's revised Annual Budget 2023-2024 financial activity statement included as Attachment 1.**
- 3. Authorises the Chief Executive Officer to submit the Budget Review to the Department of Local Government, Sport and Cultural Industries.**

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for council to review and adopt the 2023/24 mid-year budget based on results for the period ending December 31, 2023. The review is an opportunity to evaluate the current budget and allocate funding for emerging community and social priorities, allowing the organisation to respond and provide the best result for the Town of Port Hedland.

DETAIL

This report was presented to the 28 February 2024 Ordinary Council Meeting at which an alternative motion:

Moved: Cr Butson

Seconded: Deputy Mayor Christensen

Carried over the report for further discussion and clarification.

A second workshop briefing was held on 6 March 2024 following the initial briefing discussions held on 20 February 2024.

Section 33A (1) of *the Local Government Regulations 1996* (Financial Management), requires a budget review to be conducted between January 1st and March 31st in each financial year. The review aims to maintain the end of year forecast budget position based upon financial performance during the first half of the financial year along with forecast service and project delivery expectations until 30 June 2024.

The 2023-2024 annual budget was prepared on the Town's new Enterprise Resource Planning (ERP) software platform, with assistance from transitioning consultancy services.

This mandatory mid-year budget review as prescribed under regulations, has taken an approach aimed to embed corporate knowledge of the new chart of accounts and improved reporting functionality of the ERP, towards benefiting the drafting of the Town's 2024-2025 annual budget.

The mid-year review has been prepared in accordance with the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

A workshop was held with Council on 20 February 2024 presenting an overview of the revised 2023-2024 annual budget forecasts and discussing;

- Material operating variances
- Capital works program
- Reserves
- Budget structure, strategy and fit, within
- Town of Port Hedland Integrated Planning and Reporting (IPR) Framework and its continuous renewal.

Review Considerations

The proposed mid-year budget review:

- Restates the prior year 2022-2023 surplus forecast of \$5.4M with actual \$4.4M
- Increases operating net revenue by \$9.8M
 - Interim rates \$1.4M
 - Interest \$7.1M
 - Grants \$1.6M
- Increases operational net expenditure by \$5.4M
 - Depreciation \$5.2M **non-cash*
 - There are multiple offsets across service area budgets to contain operating costs.*
- Reduces capital income by \$2.3M

Associated capital work grant funding expectations now 2024-2025

- Reduces capital expenditure by \$18.5M
 - Deferred infrastructure projects \$12.8M
 - Deferred waste project \$ 4.0M
 - Reduced fleet replacement \$ 1.2M
 - Net savings \$ 0.5M
 - A revised capital works schedule is included as Attachment 2.*
- Cancels loan funding for deferred waste project \$4.0M
- Decreases transfers from by \$2.3M
- Increases transfers to reserves by \$18.5M

Unfinished & Committed Works Reserve \$7.9M*

**Balance of deferred capital work project funds being prior year carry forward existing reserve balance plus 2024-2025 grant funding to be received*

Cyclone Emergency Response Reserve \$1.1M

Strategic Reserve \$6.5M

Housing Reserve \$3.0M

- Maintains the current 30 June 2024 forecast surplus position of \$0.2M

Capital Projects Program

A schedule of revised capital works is included as Attachment 2.

Review Outcomes

Windfall revenue gains of interim rating and interest earnings from investments have been transferred to reserves towards funding future capital works.

\$3M of this windfall is recommended to be transferred into the Housing Reserve to prioritise addressing Town workforce needs due to the current lack of affordable housing and growing expectation for housing to be provided for residential employees, in-line with other Hedland employer offerings.

Capital works projects unable to be delivered by 30 June 2024 have their funding transferred into the Unfinished and Committed Works reserves for future year(s) and / or will be re-budgeted in 2024-2025.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is of medium significance, because:

- because budget reviews are vital to ensure the town is forecasting expected expenditure and revenue in line with current conditions and commitments. Budget reviews are used as a tool for decision making for current and future activities and they are a key component of prudential financial management practices to mitigate financial risk exposure to council.

CONSULTATION

Internal

- The 2023-24 current budget has been reviewed by all Managers and the Executive Leadership Team. They have considered the impact of the budget amendments presented, to benefit the community and keep within the budget guidelines of a balanced budget.
- The council has been consulted on amendments prior to the ordinary council meeting.

External Agencies

- Rates Consultant

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

A local government is required to carry out a budget review between the 1 January and 31 March of each financial year in accordance with regulation 33A (1) of the *Local*

Government (Financial Management) Regulations 1996. The review must consider the financial performance between 1 July to 31 December, the financial position at the date of the review, and review the outcomes for the end of financial year forecast as stipulated in regulation 33A(2A).

Any budget review must be submitted to Council within 30 days of completion, with Council to determine whether to adopt the review by absolute majority as required by regulation 33A (2) and (3).

FINANCIAL AND RESOURCE IMPLICATIONS

As reported and per attachments.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Strategic Community Plan

The following sections of the Town's *Strategic Community Plan 2022-2032* are applicable in the consideration of this item:

Our Leadership:

4.2.1 Sound long-term financial planning is implemented.

4.2.2 Transparent and regular financial reporting and communication to the community is undertaken.

4.2.3 Transparent and regular governance reporting and communication to the community is undertaken.

Environmental

Nil

Economic

There are significant benefits to the local economy including investment in local infrastructure and the utilisation of local trades and businesses where possible, practical, and available.

Social

Significant social impacts will be achieved including investment into community infrastructure and programs and the promotion of the town as a great place to live and work.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Compliance
Cause	Council not adopting the 2023-2024 mid-year budget review
Effect (Consequence)	Reputational risk
Risk Treatment	Endorse the 2023-2024 mid-year budget review

There is a compliance risk associated with this item if the council does not accept and or adopt the 2023-2024 mid-year budget review for the period ended 31 January

2024. The risk rating is considered medium (9), determined by a likelihood of possible (3) and a result of moderate (3).

This risk will be eliminated by the Council endorsement of the 2023-2024 mid-year budget review.

Risk Type	Operational
Risk Category	Reputational
Cause	Council not adopting the 2023-2024 mid-year budget review
Effect (Consequence)	Reputational risk
Risk Treatment	Endorse the 2023-2024 mid-year budget review

There is a reputational risk associated with this item if the council does not adopt the 2023-2024 mid-year budget review for the period ended 31 January 2024. The risk rating is medium (6), determined by a likelihood of unlikely (2) and a result of moderate (3).

This risk will be eliminated by the Council endorsement of the 2023-2024 mid-year budget review.

Risk Type	Operational
Risk Category	Service Delivery
Cause	Council not adopting the 2023-2024 mid-year budget review
Effect (Consequence)	Delay or inability to perform specific operating and or capital works
Risk Treatment	Endorse the 2023-2024 mid-year budget review

There is a risk rating of medium (9) assigned to the risk that the council does not adopt the 2023-2024 mid-year budget review for the period ended 31 January 2024, resulting in the delay or inability to perform specific operating and or capital works which are essential but do not currently have an approved budget item line. This risk is possible (3) with a moderate (3) impact in relation to compliance with significant regulatory requirements imposed.

This risk will be eliminated by endorsing the 2023-2024 mid-year budget review for adoption by the Council.

OPTIONS

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

CONCLUSION

This report presents a summary of the 2023-2024 mid-year budget review for the period ended 31 January 2023.

Several variations are proposed as part of this review to meet community and organisational requirements. The review's outcome maintains the forecast 30 June year-end budget position whilst transferring windfall gains on increased interest earnings and additional rating to reserves towards funding future capital projects. Town capacity and economic constraints reduce the ability to deliver all planned capital works projects by 30 June 2024. It is increasingly common that capital works projects require multiple years. The funding for these projects has been transferred to the Unfinished and Committed Works reserves for future year(s).

ATTACHMENTS

1. Attachment 1 Statement of Budget Review 31.01.24 [**7.1.1.1** - 1 page]
2. Attachment 2 Capital Budgeted Projects and adjustment Q 2 2023.24 [**7.1.1.2** - 5 pages]

7.2 Community Services

Nil

7.3 Regulatory Services

7.3.1

Partnership Agreement - Port Hedland Chamber of Commerce and Industry

Author: Senior Economic Development Officer

Authorising Officer: Director Regulatory Services

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council:

1. Endorse the deliverables under the Partnership Agreement between the Town of Port Hedland and the Port Hedland Chamber of Commerce and Industry (per Confidential Attachment 1).
2. Authorise the CEO or his delegate to enter into a three and a half (3.5) year contract with the Port Hedland Chamber of Commerce and Industry backdated to commence on 1 January 2024, under terms agreed to by both parties.
3. Allocate funds to the operational budgets below to resource the Town's financial contributions to the Chamber:
 - FY 2024/25 - \$73,750
 - FY 2025/26 - \$77,438
 - FY 2026/27 - \$81,310
4. Request the CEO or his delegate to provide an annual (per financial year) report to Council on the outcomes of the Partnership Agreement.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to endorse a three and half (3.5) year partnership agreement with the Port Hedland Chamber of Commerce and Industry (PHCCI) and to allocate the necessary funds to resource the agreement to future operational budgets.

DETAIL

The Town has a long history of sponsoring the PHCCI through traditional sponsorship agreements. These agreements have supported:

- The PHCCI operational activity and delivery on strategic priorities
- Increased business engagement

- Positive branding and awareness of the Town of Port Hedland
- Engagement in Town of Port Hedland news, events and updates by distributing information to PHCCI networks.

Overview of the 2023 Sponsorship Agreement

The Town's 2023 sponsorship agreement with the PHCCI encompassed three core elements:

- Events – Town of Port Hedland supporting PHCCI events through funding and other support.
- Advocacy – PHCCI advocacy partner with State and Federal Government and disseminating information to local business community during member visits.
- Marketing – distribution of Town marketing collateral to membership base through communications channels and supporting brand awareness through sponsor recognition.

Sponsorship benefits

- 8 x complimentary all-day passes to the Hedland Economic Forum
- 2 x complimentary tickets to the Business Excellence Awards
- 4 x days of complimentary all-day room hire at the Web Business Hub
- Standard benefits included in a PHCCI membership.

Financial contribution

The value of the 2023 Sponsorship Agreement is \$50,000 (ex GST), paid in one lump sum.

Achievements of the 2023 Sponsorship Agreement

- Delivery of the 2023 Hedland Economic Forum
- Town-hosted Business Breakfast (with guest speaker from Cheeditha Energy)
- Town-sponsored Business Luncheon (with guest speaker from RE:Group)
- Town-hosted end-of-year Sundowner (11 December)
- Sponsorship of Business Leader of the Year Award at 2023 Business Excellence Awards
- Delivery of a Procurement information session and workshop
- Communication and marketing of Town of Port Hedland projects through PHCCI membership base
- Increased Town of Port Hedland brand awareness through partner acknowledgement.

The 2023 agreement, like others that have proceeded it have been one-year calendar year agreements.

Overview of 2024 – 2026/27 Partnership Agreement

The Town has worked with the PHCCI to elevate the agreement to a partnership basis, introducing further detailed KPIs to create an agreement which is focused on shared objectives.

The previous Sponsorship Agreements were focused on the Town providing funding to support the PHCCI in its activities. As a result, the Town received marketing and brand awareness benefits, as well as support in delivering information to the business community.

The 2024-2026/27 Partnership Agreement has been developed to support delivery of the Town's objectives committed to in the Economic Development and Tourism Strategy. Therefore, the PHCCI becomes a partner of the Town. In addition, the PHCCI will be required to provide quarterly and annual reports on its activities.

The agreement covers activities that fit within the strategic outcomes:

- Events
- Advocacy
- Marketing
- Business Engagement
- Business Support
- Workshops
- Economic Development Working Group

The new agreement proposes to:

- increase the length of the agreement from one (1) year to three and a half (3.5) years. This is proposed to provide the PHCCI with funding certainty to deliver the actions outlined in the agreement. It also increases operational efficiencies for the Town by reducing the frequency in which officers are required to negotiate new agreements with PHCCI. The additional half year realigns the partnership period from calendar year to financial year to align with the Town's budget processes.
- increase the scope of the agreement to incorporate business engagement and business support actions. This primarily supports the Town's ambitions to improve engagement between the Town and local businesses.
- increase in the reporting (quarterly and annual) requirements for greater transparency and improved oversight on outcomes delivered through the actions outlined in the agreement. The agreement is to be measured based on successful progress against agreed KPIs.
- clarified responsibility for the delivery of key actions and responsibilities.

Partnership benefits

- Recognition of Town of Port Hedland as Diamond Sponsor of the PHCCI
- Recognition of Town of Port Hedland as Event Sponsor of the Hedland Economic Forum
- Recognition of Town of Port Hedland as Award Sponsor of the Business Leader of the Year Award at Business Excellence Awards
- 8 x complimentary all-day passes to the Hedland Economic Forum
- 4 x complimentary tickets to the Business Excellence Awards
- Standard benefits included in a Platinum PHCCI membership.

Financial contribution

The value of the three and a half year (2024-2026/27) Partnership Agreement is \$269,373 (ex GST) over the 3.5-year duration. An upfront payment of \$20,000 has been made to the Chamber to confirm Diamond Sponsorship for the Town of Port Hedland. Each subsequent payment will be paid upon receipt of quarterly report outlining successful progress against agreed KPIs.

The full details of the agreement can be found in confidential attachment 1.

Contract management

The proposed agreement (per confidential attachment 1) will sit as an attachment to a standard Town of Port Hedland partnership agreement contract (as amended by mutual agreement of both parties). The contract outlines the responsibilities of both parties and will allow the Town to manage the deliverables under the partnership agreement, including the ability for the Town to withhold payment, amend or cancel the agreement in the event of unsatisfactory progress against agreed KPIs.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because:

- Exception - The proposal or decision is not of a nature or significance that requires engagement.

CONSULTATION

Internal

- Councillor Confidential Briefing – 14 February 2024
- Executive Leadership Team – 23 January 2024
- Manager Public Affairs
- Manager Planning and Economic Development

External Agencies

- Port Hedland Chamber of Commerce and Industry

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

- Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Financial implications

The total financial cost of the agreement is \$269,373 (approximately \$76,964 per year). This cost is spread over four financial years:

- FY 2023/24 - \$36,875
 - Quarter 3 - \$20,000 (paid)
 - Quarter 4 - \$16,875
- FY 2024/25 - \$73,750
 - Quarter 1 - \$36,875
 - Quarter 3 - \$36,875
- FY 2025/26 - \$77,438
 - Quarter 1 - \$38,719
 - Quarter 3 - \$38,719
- FY 2026/27 - \$81,310
 - Quarter 1 - \$40,655
 - Quarter 3 - \$40,655

All figures above exclude GST.

Financial Year 2023/24

The 2023/24 Operational Budget for the Office of the CEO includes a budget allocation of \$50,000 for a partnership agreement with the PHCCI. This figure has been based on the value of previous partnership agreements between the Town and the PHCCI.

An initial payment of \$20,000 was paid to the PHCCI in January 2024 to secure Diamond Sponsorship recognition for the 2024 Calendar year.

The remainder (\$16,875) is conditional on Council endorsement of the strategy.

Financial Year 2024/25

- The proposed financial contribution from the Town to the PHCCI in Financial Year 2024/25 is \$73,750.
- Funding will be released by the Town once the PHCCI has met agreed reporting requirements.

Financial Year 2025/26

- The proposed financial contribution from the Town to the PHCCI in Financial Year 2025/26 is \$77,438.
- 5% indexing has been applied based on the financial contribution of the previous financial year.
- Funding will be released by the Town once the PHCCI has met agreed reporting requirements.

Financial year 2026/27

- The proposed financial contribution from the Town to the PHCCI in Financial Year 2026/27 is \$81,310.
- 5% indexing has been applied based on the financial contribution of the previous financial year.
- Funding will be released by the Town once the PHCCI has met agreed reporting requirements.

Comparison to previous agreement

The proposed increase in funding (2023 - \$50,000 vs. 2024 – approximately \$76,964) to the Chamber incorporates:

- An increase in scope of partnership agreement. **Additional** activity areas that have been incorporated into the agreement include:
 - Increase in collaboration between the Town and PHCCI on business engagement activities, to enhance the Town’s relationships and reputation with the business community.
 - Increase in collaboration between the Town and PHCCI on business support activities, to enhance support available to local businesses.
 - Increase in collaboration between the Town and PHCCI on the Town’s strategic projects.

These areas aim to increase the Town’s support local business and in turn, increase local employment and economic prosperity.

- The Chamber taking financial and event management responsibility for the joint Town/Chamber events that were previously the financial and event management responsibility of the Town.
- An increase in (and expected future increases in) the cost of goods and services

The full breakdown of the proposed actions and KPIs, is attached as Confidential Attachment 1. A breakdown of which actions have been retained and which actions have been revised or are new has also been included in the same attachment.

Resource implications

The proposed agreement is expected to improve the productivity of Town officer’s by reducing workload in areas such as event management. The agreement will also assist the Town with increasing its support to small and medium sized enterprises.

STRATEGIC SUSTAINABILITY IMPLICATIONS**Strategic Community Plan**

The following sections of the Town’s Strategic Community Plan 2022-2032 are applicable in the consideration of this item:

Our Economy:

2.1.4 Regularly engage local businesses, government agencies and other relevant stakeholders to:

- Identify strategic employment and economic development opportunities and priorities

- Assess and address market failures affecting the cost of living
- Assess and address cost of doing business challenges.

2.2.2 Maintain strong partnerships with the private sector and government to fund projects and pursue job creation.

2.3.3 Prioritise, encourage and promote local procurement.

2.4.1 Market and promote Hedland for business investment opportunities.

2.4.2 Market and promote Hedland for tourism.

2.4.3 Grow and promote existing and new local events that champion local culture and community.

2.5.6 Support regional growth initiatives.

Our Leadership:

4.1.1 Town of Port Hedland is represented and is an active contributor in international, national, state and regional forums and policy development.

4.1.2 Hedland is positively marketed and promoted locally, state-wide, nationally and internationally to tourists, investors and new residents.

Environmental

- Nil

Economic

- A long-term partnership agreement between the Local Government Authority (Town of Port Hedland) and local association of businesses (Port Hedland Chamber of Commerce and Industry) demonstrates the Town's ambitions to play a key role in supporting business Port Hedland and the Town's active role in supporting and facilitating new investment into the area.

Social

- Nil

Access and Inclusion

The following outcomes of the Town's Access and Inclusion Plan 2023-2026 apply in relation to this item:

- Outcome 1 – Events and Services
- Outcome 4 – Quality of Service

Corporate Business Plan

The following services of the Town's Corporate Business Plan 2023-2027 apply in relation to this item:

Our Regulatory Services:

Business and Economic Development - Lead an integrated and collaborative approach to achieve the community's vision of 'building prosperity for all – enabling sustained economic growth'

Planning and Development - Strategic land use planning and regulation to ensure the best development and land use outcomes

Public Affairs and Communication - Enhancing and protecting the Town's reputation

Providing advice and support to the Council, Executive Leadership Team and business units

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Reputational
Cause	Council not endorsing the agreement
Effect (Consequence)	The Town's reputation may be impacted as other organisations may feel uncertain about negotiating agreements with the Town that are rejected by Council.
Risk Treatment	Accepting the Officer's recommendation
<p>There is a reputational risk associated with this item caused by the potential for Council to not endorse the agreement, leading to reputational risk for the Town. The risk rating is considered to be Medium (9) which is determined by a likelihood of Possible (3) and a consequence of Moderate (3).</p> <p>This risk will be eliminated by accepting the officer's recommendation.</p>	

OPTIONS

- Option 1 – Adopt officer's recommendation
- Option 2 – Amend officer's recommendation
- Option 3 – Do not adopt officer's recommendation

CONCLUSION

A long-term agreement between the Town of Port Hedland and the Port Hedland Chamber of Commerce and Industry will strengthen the relationship between both organisations and provide greater certainty over the financial and operational aspects on the working relationship.

ATTACHMENTS

1. CONFIDENTIAL REDACTED - PHCCI/ToPH - Agreement Deliverables [7.3.1.1 - 5 pages]

7.3.2	Business Plan for Major Land Transaction - Lot 601 South Hedland
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Author: Senior Economic Development Officer

Authorising Officer: Manager Planning & Economic Development

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council:

- 1. Notes that the Town intends to enter into an agreement with the proposed Developer per Council Decision CM202324/198.**
- 2. Endorses the detailed designs submitted by the Developer, per confidential attachment 1.**
- 3. Notes that the Business Case prepared for, and submitted to, the State Government per confidential attachment 2.**
- 4. Notes that the Business Plan for Major Land Transaction – Lot 601 Parola Court, South Hedland, has been advertised in accordance with section 3.59 of the Local Government Act 1995.**
- 5. Notes that since the conclusion of public advertising, adjustments to update the expected financial impact of the proposal have been made to the Business Plan and confirms that these changes are not considered significantly different to what had been advertised nor do these changes substantially alter the intent of the business plan that was publicly advertised.**
- 6. Adopts the Business Plan for a Major Land Transaction – Lot 601 Parola Court, South Hedland (as modified), and proceeds to implement the Business Plan, subject to the State Government's endorsement of the Business Case.**
- 7. Endorses the allocation of \$700,000 to purchase the subject site in the 2023/24 financial year budget from the Strategic Reserve.**

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider adopting the advertised Business Plan for Major Land Transaction – Lot 601, Parola Court, South Hedland and to proceed to implement the business plan, subject to final approvals from relevant State Government agencies.

DETAIL

Background

14 December 2022 Ordinary Council Meeting

At the December 2022 Ordinary Council Meeting, Council authorised the CEO or his delegate to enter into negotiations with the State Government to acquire Lot 601 (per its current boundaries) in freehold in response to the State not allowing commercial leasing under the existing management order.

30 August 2023 Ordinary Council Meeting

At the 30 August 2023 Ordinary Council Meeting, Council voted to acquire Lot 601 (per its proposed boundaries), Parola Court, South Hedland from the Government of Western Australia with the intention to lease the land to Pacific Partnerships to develop a workforce and short-stay accommodation complex.

At the same meeting, Council authorised the CEO to enter into exclusive negotiations with Pacific Partnerships Pty Ltd and for any agreement to be brought back to Council as a Major Land Transaction Business Plan for endorsement.

28 November 2023 Ordinary Council Meeting

At the 28 November Ordinary Council Meeting, Council voted to support the creation of Crown land parcels/realignment of Crown land boundaries, dedication of land as future road reserve and closure of existing road reserves to support the creation of development-ready land parcels around the South Hedland Integrated Sports Hub site. This included amending the boundaries of Lot 601 to accommodate future development needs, such as a future ring road.

13 December 2023 Ordinary Council Meeting

At the 13 December 2023 Ordinary Council Meeting, Council voted to endorse the draft Major Land Transaction Business Plan – Lot 601 Parola Court, South Hedland and to endorse the public advertising of the Business Plan in accordance with section 3.59 (3) and (4) of the Local Government Act 1995.

At the same meeting, the Council authorised the CEO to enter an agreement with the proposed developer requiring them to lease the amalgamated land and develop the subject lot, subject to various conditions precedent.

7 February 2024 Ordinary Council Meeting

At the 7 February 2024 Ordinary Council Meeting, Council voted to adopt the proposed Scheme Amendment No.5 for referral to the Environmental Protection Authority (EPA) and public advertising. The proposed scheme amendment addresses minor zoning amendments to facilitate the proposed development on Lot 601 and surrounding land parcels.

Proposed transaction

The Town of Port Hedland (Town) is proposing to acquire and dispose (via lease) the land comprising:

- Portion of Lot 601 of Deposited Plan 71984 Crown Land Certificate of Title Volume LR3161 Folio 581;
- Lot 300 on Deposited Plan 71522 Crown Land Certificate of Title Volume LR3160 Folio 875;
- Portion of Crown Land comprising P Road Land ID No. 3468025; and

- Portion of Lot 604 on Deposited Plan 75090 Crown Land Certificate of Title Volume LR3162 Folio 901, as depicted by the boundaries of Site 6 in the survey attached per Attachment 3.

Under the proposal, the Town intends to lease the Site to a private developer seeking to develop high-quality accommodation in a form that is consistent with the amenity and built form of the South Hedland Town Centre and surrounding South Hedland Integrated Sports Hub masterplan.

The Development, as it is currently proposed, is expected to set a new standard of future workforce accommodation proposed for Port Hedland and across the Pilbara.

The Site has been deemed suitable given its size and proximity to existing accommodation and the economic and social benefits that are likely to result from being located close to the South Hedland Town Centre.

Further details are contained within the business case (Confidential Attachment 2).

Major Land Transaction

Before undertaking a Major Land Transaction, the Town of Port Hedland under Section 3.59 of the Local Government Act 1995 is to prepare a business plan. The business plan is required to include an overall assessment of the major land transaction and is to include details of:

- a. its expected effect on the provision of facilities and services by the local government; and
- b. its expected effect on other persons providing facilities and services in the district; and
- c. its expected financial effect on the local government; and
- d. its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and
- e. the ability of the local government to manage the undertaking or the performance of the transaction; and
- f. any other matter prescribed for the purposes of this subsection. The business plan presented to Council as Attachment 4 complies with these requirements.

Public Advertising

The Major Land Transaction Business Plan was advertised for public comment on 20 December 2023. The public were invited to make submissions regarding the proposal up until Wednesday 14 February 2024.

The business plan was made available for public inspection at the Town of Port Hedland Civic Centre, Port Hedland Library, South Hedland Library and for download on the Town of Port Hedland website.

Submissions received

No submissions were received in relation to this proposal.

Modifications

Modifications have been made to the business plan that change the expected financial impacts to the Town. These changes are not believed to be significantly different to what had been advertised nor is it believed that these changes substantially alter the intent of the business plan.

Recommendation

In light of there being no submissions, it is recommended that the business plan be adopted (as modified) and implemented accordingly.

Agreement to Lease

The Town has agreed in principle with the Developer on an Agreement to Lease. The Agreement to Lease outlines a number of conditions precedent that must be satisfied prior to the Town granting a lease over the site to the Developer. The Agreement to Lease has been drafted in a way that a lease is granted once all of the conditions are met by both the Town and the Developer.

These conditions precedent include:

- the Town entering into a Contract of Sale or other agreement with the State for the transfer of the land (**in progress**)
- the whole of land being transferred to the Town by the State (**in progress**)
- the Town providing confirmation from the State that the developer is not liable for native title compensation (**complete**)
- the Town's compliance with the *Local Government Act 1995* (**this report**)
- the Town's final approval (as the landowner) of detail design plans (**complete**)
- the developer being satisfied as to any preliminary geotechnical or other survey or investigations relating to the Land (**in progress**)
- the developer obtaining Development Approval (**in progress**)
- the developer obtaining finance (**in progress**).

Failure to adopt the Business Plan

If Council were to vote to not adopt the Major Land Transaction Business Plan, the Town would be unable to meet the condition precedent related to compliance with the *Local Government Act 1995*, thus no lease would be granted to the developer. The practical implication of failing to adopt is such that the development would not go ahead.

The Town would lose income of approximately \$1 million per year that could be used to support infrastructure development such as service worker housing. Furthermore, the community stands to forgo the substantial economic advantages associated with a development project valued of this size.

Implementation

Should Council adopt the business plan, the implementation of the business plan would involve the Town and the Developer continuing progress against the conditions precedent outlined in the Agreement to Lease, with the intention of the Town granting a lease to the Developer by 1 July 2024.

Detailed Concept Design

At present Pacific Partnerships are in the design concept phase and still refining their design. The refined detailed concept design (elevation and floor plans) details were lodged in early December 2023 and considered consistent with the original concept master plan presented to the Council in August 2023.

Subject to review through the Town's Design Review Panel on 14 December 2023, the design of the hotel component will be refined but remains a key and important part to the development, presenting to the street frontage and SHISH. The plans now show non-residential uses for shared public private domain for the building front along Parola Court.

Further amended plans were lodged on 25 January 2024 and referred to the Design Review Panel for a second time on 7 February 2024 and further refinement of plans is expected over the two weeks, prior to lodgement of the formal application. The Town Planning team continues to work closely with the proponent to ensure the built form and development layout meets a new standard for workforce accommodation in Port Hedland/Pilbara.

The design represents an exemplar design standard for a workforce/short-stay accommodation complex for the Town and is expected to set the standard for any future accommodation developments proposed for Port Hedland.

The concept design presently consists of the following:

- A 7-storey hotel – 516 rooms connected to a reception and other non-residential uses on the ground floor. The hotel does have some residential rooms on the ground floor near the eastern edge of the lot.
- 30 two storey workforce accommodation modules/buildings behind the hotel and non-residential uses of approximately 894 rooms.
- Provides a high quality and consistent built form to Parola Court and SHISH. Note, that the work force accommodation will not present to the street.
- Car parking is provided at a ratio of approx. 0.2 bays per room. It's provided in 2 central locations and at the perimeter of the site.
- Wheelchair accessible accommodation rooms as per the building code.
- A small component of sports facilities to the rear of the hotel including gymnasium, wellness centre, village green and sports courts.
- Single food and drinks amenity building, incorporating a café, restaurant, tavern and office / business centre.
- On-site solar energy generation with battery storage.
- Electrical vehicles charging stations.
- Water saving and smart waste management initiatives.
- Maintenance workshop.
- Waste handling and linen.
- Baggage store and lockers.
- Dining rooms.

The above key components of the design will not change significantly. Pacific Partnerships will be presenting to the Council's Confidential Briefing Meeting on 14 February 2024 with an overview of the design.

Economic development

The design includes retail and office space which will provide opportunities for local business development, local employment and enhanced amenity for Hedland residents.

Compared to locations removed from the Town Centre, locating non-resident accommodation close to the Town Centre allows non-resident workers to access local services and amenities, likely enhancing patronage to local retail businesses, providing an opportunity to increased retail spend and the overall service offering. The development also promotes mental and physical health and wellbeing by encouraging the integration of non-resident workers into the local community.

Design life

The hotel-style buildings are expected to have a design life of approximately 40+ years. The smaller modular pods are expected to have a design life of approximately 25 years.

Lease term

Pacific Partnerships Pty Ltd is seeking a 20+20-year lease term over Lot 601, which has been agreed to in principle by the Town.

Future use

The Developer has acknowledged that elements of the accommodation can be reconfigured to provide alternative accommodation depending on market conditions. For example, accommodation could be reconfigured to accommodate service workers.

Strategic need for land-use planning for accommodation facilities

A number of large-scale projects intended for development at the Boodarie require land to house workers during their construction and operational phases. These projects include:

- Alkemy Capital Lithium Sulphate Refinery
- Australian Renewable Energy Hub (AREH)
- POSCO HBI Plant
- Various smaller construction projects requiring accommodation

Operational expansions planned by existing resource sector companies have also required new accommodation to be built to accommodate an increase in their workforces.

There is currently insufficient land allocated around Port Hedland to accommodate the large-scale industrial projects expected to commence construction in the coming years. This has resulted in new or expanded facilities being built in areas that do not maximise the economic and social impacts of non-resident workers.

The development of non-resident accommodation on land owned/controlled by the Town allows the Town to influence the design of the developments to ensure outcomes aligned with the community's expectations. It also allows the Town to reinvest lease income to fund community assets such as the SHISH.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because:

- Significant - Any transfer of ownership or control or the constructions, replacement or abandonment of a strategic asset.
- Significant - The matter will have implications for the present and future social, economic, environmental, and cultural well-being of Port Hedland

CONSULTATION

Internal

- Confidential Briefing – 14 February 2024
- Confidential Briefing – 9 August 2023
- Director Regulatory Services
- Manager Planning and Economic Development
- Senior Urban Planner
- Senior Strategic Planner
- Coordinator Property Management

External Agencies

- APP Corporation Pty Ltd
- Pacific Partnerships Pty Ltd (Developer)
- McLeods Lawyers
- Design Review Panel
- Department of Planning, Land and Heritage

Community

- Proposal was advertised per legislative requirements.

LEGISLATION AND POLICY CONSIDERATIONS

Sections 3.59 of the *Local Government Act 1995* and regulation 8A of the *Local Government (Functions and General) Regulations 1996*.

Decision by absolute majority applies to this decision as it relates to the adoption of a Major Land Transaction Business Plan and the allocation of expenditure not included in the annual budget.

FINANCIAL AND RESOURCE IMPLICATIONS

Expenditure

Expenses relating to the development of the business case have been included in the Town's annual budget.

Advertising expenses for the Major Land Transaction Business Plan have been included in the Town's annual budget.

Legal expenses for negotiating the Agreement to Lease and Lease have been included in the Town's annual budget.

Land acquisition expenses are expected to be approximately \$663,780. This is to be confirmed by the State, if the State agrees to sell the Land to the Town. Additional funds have been requested to provide for any other expenses or legal fees associated with the transaction.

Income

If, the Town successfully acquires freehold tenure over the land from the Government of Western Australia without conditions; and Council votes to adopt the Business Plan; and the Town enters into an agreement to lease and lease with the developer, the Town should expect to receive income of approximately \$33,364,406, which translates into a net present value (at 5%) of \$18,621,872 over the first twenty (20) years of the lease.

The lease has a further term of twenty (20) years. If this option were to be exercised by the developer at the conclusion of their first further term, the Town should expect to receive additional lease income which will be dependent on a rent review at the commencement of the further term.

The value of the full lease term (40 years) is estimated at \$124,609,208, which translates into a net present value (at 5%) of approximately \$37,895,280. Income generated from this arrangement is intended to be directed towards the Strategic Reserve to support the Town's future capital works projects.

These figures do not include rate income. Details of expected rate income is included in the Major Land Transaction Business Plan (Attachment 4).

STRATEGIC SUSTAINABILITY IMPLICATIONS

Strategic Community Plan

The following sections of the Town's *Strategic Community Plan 2022-2032* are applicable in the consideration of this item:

Our Community:

1.3.3 Partnerships with industry and government to support events and activities are enhanced.

Our Economy:

2.1.4 Regularly engage local businesses, government agencies and other relevant stakeholders to:

- Identify strategic employment and economic development opportunities and priorities

- Assess and address market failures affecting the cost of living

- Assess and address cost of doing business challenges.

2.2.1 Engage and coordinate local training providers, business, industry, services, agencies, social sector and infrastructure providers in the development of training and employment opportunities.

2.3.4 Ensure business approval processes are transparent, and pathways streamlined.

2.5.1 Pursue investment in key infrastructure development such as the port, airport, service industry and logistics.

2.5.2 Ensure future supply of housing and serviced land for development.

2.5.3 Invest and develop key community and recreation infrastructure.

2.5.5 Support tourism infrastructure development

2.5.6 Support regional growth initiatives.

Our Built and Natural Environment:

3.3.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry

3.3.2 The community has access to attractive natural habitats, built form, parks and amenities.

Environmental

The developer will be required to undertake necessary studies and mitigate any environmental impacts/concerns.

Economic

The development is expected to significantly contribute to the supply of workforce and short-stay accommodation that is anticipated to be required based on the major project pipeline for the Port Hedland region.

This development will ensure Port Hedland remains the powerhouse of the Australian economy.

Social

The proposed development has indicated that some facilities would be accessible to the public.

Access and Inclusion

The following outcomes of the Town's *Access and Inclusion Plan 2023-2026* apply in relation to this item:

- Outcome 2 – Buildings and Facilities
- Outcome 5 – Opportunities for Feedback
- Outcome 6 – Public Consultation

Corporate Business Plan

The following services of the Town's *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Community Services:

Recreation Leisure Facilities and Programs - Provide and promote, with key stakeholders recreation and sporting activities for healthy lifestyles

Our Infrastructure Services:

Property Management and Maintenance - Ensure facilities are well maintained in line

with the Town's asset management program

Our Regulatory Services:

Business and Economic Development - Lead an integrated and collaborative approach to achieve the community's vision of 'building prosperity for all – enabling sustained economic growth'

Planning and Development - Strategic land use planning and regulation to ensure the best development and land use outcomes

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Reputational
Cause	Failure to adopt Business Plan
Effect (Consequence)	<p>Council adoption of the Major Land Transaction Business Plan is a condition precedent under the Agreement to Lease between the Town and the Developer.</p> <p>Failure to adopt the Business Plan would most likely see the development cease to progress.</p> <p>Given the progress made to date and the four Council decisions supporting the development, failure to adopt the Business Plan would likely result in severe reputational damage to the Town.</p> <p>The developer has undertaken a series of works to prepare their development application, including detailed designs of the proposed development, relevant studies over the site and procurement of various specialist consultants given the signal that Council has sent that it is supportive of this development.</p>
Risk Treatment	Adopting the Officer's recommendation.
<p>There is a reputational risk associated with this item as failure to adopt the Business Plan would likely result in the project ceasing. Future developers would be extremely apprehensive about working collaboratively with the Town due to the risk of Council indicating initial support for a development and then ultimately deciding to retract support.</p> <p>The risk rating is considered to be High (16) which is determined by a likelihood of Likely (4) and a consequence of Major (4).</p> <p>This risk will be mitigated by adopting the officer's recommendation</p>	

Risk Type	Strategic
Risk Category	Service interruption
Cause	State Government not agreeing to sell/lease the land to the Town.

Effect (Consequence)	The project would be unlikely to continue. The loss to the Town would be the time and financial investment undertaken to date by the Town.
Risk Treatment	Acceptance of risk
<p>There is a strategic risk associated with this item as the Town does not currently have the ability to dispose of the land, as it does not have tenure over the land to lease. The risk rating is considered to be Medium (8) which is determined by a likelihood of Unlikely (2) and a consequence of Major (4).</p> <p>This risk is recommended to be accepted by the Council.</p>	

OPTIONS

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

CONCLUSION

The adoption of the Business Plan and its implementation will ultimately facilitate the development of high-quality accommodation opposite the South Hedland Integrated Sports Hub. The development will lead to a substantial improvement to the surrounding area and will facilitate economic development in South Hedland by providing additional amenity to residents.

ATTACHMENTS

1. CONFIDENTIAL REDACTED - Attachment 1 - Detailed Designs [**7.3.2.1** - 21 pages]
2. CONFIDENTIAL REDACTED - Attachment 2 - Business Case [**7.3.2.2** - 45 pages]
3. Attachment 3 - Plan of Land [**7.3.2.3** - 1 page]
4. Attachment 4 - MLT Business Plan - Lot 601, Parola Court, South Hedland [**7.3.2.4** - 17 pages]

7.4 Infrastructure Services

Nil

7.5 Executive Services

Nil

8 Matters for Which Meeting May be Closed (Confidential Matters)

8.1	Confidential Staff Matter
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This report has been deemed confidential pursuant to Section 5.23(2) of the Local Government Act 1995, as the information to be received, discussed or considered in relation to the agenda item is in relation to clause (a) a matter affecting an employee or employees.

9 Closure

9.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday, 27 March 2024 commencing at 5:30pm.

9.2 Closure

There being no further business, the Presiding Member declared the meeting closed.