



## **ITEMS FOR DEBATE – COUNCIL MEETING 8 SEPTEMBER 2021**

### **ADOPTION BY EXCEPTION RESOLUTION**

#### **RECOMMENDATION**

That the Committee Recommendations for items 12.1 and 12.3 and the Officer Recommendations for items 14.1 and 17.1 be adopted en bloc:

- 12.1 Airport Advisory Committee - 18/8/2021 - BUSSELTON MARGARET RIVER AIRPORT - AIRPORT UPDATE
- 12.3 Policy and Legislation Committee - 24/8/2021 - REVIEW OF COUNCIL POLICY: RISK MANAGEMENT
- 14.1 RFT 07/21 - STREET AND DRAIN CLEANING SERVICES
- 17.1 COUNCILLORS' INFORMATION BULLETIN

## ITEMS FOR DEBATE

<p><b>Item No.</b> <b>12.2</b></p>	<p>Policy and Legislation Committee - 24/8/2021 - REALIGNMENT OF KING STREET AND BROWN STREET BEACH DOG MANAGEMENT AREAS</p>	<p><b>Pulled by</b> <b>Cr Miles</b></p>	<p><b>Page 16</b> <b><i>Absolute Majority required</i></b> <b><i>Disclosure of Interest – Cr Miles (impartiality)</i></b></p>
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### ALTERNATIVE RECOMMENDATION

#### That the Council:

1. Resolves to adopt and implement after the giving of 28 days public notice, the following dog management areas:
  - (a) Pursuant to section 31(3A) of the *Dog Act 1976*, the beach area from the westernmost beach access steps between West and Gale Streets to the beach access point at the eastern end of the King Street car park (segment 9), as a dog exercise area; and
  - (b) Pursuant to section 31(2B) of the *Dog Act 1976*, the beach area from the beach access point at the eastern end of the King Street car park to the beach access from the Margaret Street car park (segment 10), as a seasonal dog exercise area.
  
2. Resolves to adopt the following with regard to the specified dog management areas in recommendation 1:
  - (a) Beach areas, including the beach only (i.e. from the limit of ephemeral vegetation or the toe of the seawall to the low water marks only, and not including vegetated foreshore areas, beach access paths or car parks) to be categorized as 'Dog Exercise' or 'Seasonal Dog Exercise' with those areas being defined as follows:
    - (i) 'Dog Exercise' area pursuant to s.31(2) of the *Dog Act 1976* and means that dogs are permitted, including off-leash, at all times except when approved, organised events are taking place, wherein dogs are to be prohibited unless specifically permitted by the City (except assistance dogs as defined in s.8 of the *Dog Act 1976*); and
    - (ii) 'Seasonal Dog Exercise' area pursuant to s.31(2B)(b) of the *Dog Act 1976* and means dogs are prohibited between 9am and 5pm during the period 1 December to 28 February inclusive (except assistance dogs as defined in s.8 of the *Dog Act 1976*) but are otherwise permitted as per 'Dog Exercise' area as defined above.
  
3. Notes that, following concerns raised by the Busselton Surf Life Saving Club that the proposed realignment of the boundary between the seasonal dog exercise beach (segment 6) and dog prohibited area (segment 7) approximately 143 metres east of the existing location, would adversely impact club and public events, the boundary between segments 6 and 7 will remain as adopted by the Council on 22 April 2015 (C1504/100).

### REASONS FOR ALTERNATIVE

- The Surf Life Saving cadets are on the beach from 7.00am on Sunday mornings and nippers are playing on the beach from about 8.30am ready for 9.00am start.
- Even though most dog owners do the right thing, as a parent I would not like to risk my child running through or diving into dog excrement that has not been picked up.
- There are a number of major and small local events that use this area for entering and exiting the water, e.g. Ironman, Jetty Swim, local Triathlon club races.

- There is a local volleyball competition held over summer and players warm up in this area.
- There would be confusion from signs at the top of the beach that say dogs are permitted but then temporary signage saying they are not permitted. This could create unnecessary tension between beach users.

**OFFICER COMMENT**

Officers have no significant objections to the alternative recommendation, principally as there would continue to be extensive areas where dogs would be permitted on the beach most of the time, in the general area. It is also acknowledged that the proposed change to the boundary between Segments 6 (seasonal dog exercise) and 7 (dogs prohibited) could, if not appropriately managed, adversely impact on public events, and Busselton Surf Life Saving Club events. Officers do, however, remain of the view that the issues could be appropriately managed through controls that would apply prohibiting dogs from the area when an event is underway. Such controls have worked effectively in beach and other areas, such as ovals, since at least 2015.

**LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT**

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations 1996*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

<b>Item No.</b> <b>16.1</b>	2021 REVIEW OF COMMITTEES, WORKING GROUPS AND TERMS OF REFERENCE	<b>Pulled by Officers</b>	<b>Page 41</b> <i><b>Absolute Majority required</b></i>
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**AMENDED OFFICER RECOMMENDATION**

**OFFICER RECOMMENDATION ONE (ABSOLUTE MAJORITY)**

That the Council, pursuant to s. 5.8 of the *Local Government Act 1995*:

1. Retains the following Committees:
  - (a) Audit Committee, and endorses its change of name to Audit and Risk Committee;
  - (b) Finance Committee;
  - (c) Policy and Legislation Committee;
  - (d) Airport Advisory Committee;
  - (e) Bush Fires Advisory Committee;
  - (f) Local Emergency Management Committee;
  - (g) Meelup Regional Park Committee.
  
2. Endorses the amended Committee Terms of Reference for the following Committees at Attachments A, B, C, D and E
  - (a) Audit and Risk Committee (Attachment A);
  - (b) Finance Committee (Attachment B);
  - (c) Policy and Legislation Committee (Attachment C);
  - (d) Airport Advisory Committee (Attachment D);
  - (e) Bush Fires Advisory Committee (Attachment E), **subject to the following modifications –**
    - i. Delete clauses 3.4 and 3.6, and adjust numbering accordingly; and**
    - ii. Amend existing clause 3.5 to insert the words ‘and the Bushfire Ready Action Group’ before the words ‘will be advisory members’;**
  - (f) Local Emergency Management Committee (Attachment F);
  - (g) Meelup Regional Park Committee (Attachment G).

**OFFICER RECOMMENDATION TWO (SIMPLE MAJORITY)**

That the Council:

1. Retains the following Reference/Working Groups/Panels of elected and non-elected members with elected membership as outlined in this report:
  - (a) Sustainability and Energy Working Group
  - (b) Economic Development Taskforce
  - (c) Economic Development Working Group
  - (d) Busselton Jetty Reference Group
  - (e) Disability Access and Inclusion Plan Reference Group
  - (f) Marketing and Events Reference Group

- (g) **BPACC Councillor Working Group (renamed from 'BEACH Working Group')**
  - (h) **Lower Vasse River Advisory Group**
  - (i) **CEO Performance Review Panel**
2. **Endorses the establishment of a Community Assistance Advisory Panel.**
  3. **Endorses the appointment of a Councillor as an ex-officio board member to the Busselton Jetty Inc. board upon invitation from Busselton Jetty Inc.**
  4. **Endorses the appointment of a Councillor as an ex-officio board member to the Busselton Senior Citizens Centre, as necessary by their constitution.**
  5. **Endorses the continued delegation of elected members to the following external groups:**
    - (a) **Peron-Naturaliste Partnership**
    - (b) **Busselton and Sugito Cities Association**
    - (c) **Regional Roads Group and Convention**
  6. **Endorses the continued attendance of an elected member at the Australian Coastal Councils annual conference / Annual General Meeting.**
  7. **Endorses the continued appointment of the Mayor to the following external groups:**
    - (a) **Regional Capitals Australia Alliance (subject to appointment by the Regional Capitals Australia Alliance Board)**
    - (b) **Regional Capitals Western Australia Alliance**
    - (c) **South West Zone Local Government Association**
  8. **Endorses the nomination of elected members as required to the following Ministerial Committees subject to approval of the relevant Minister:**
    - (a) **Yallingup Land Conservation District Committee**
    - (b) **Development Assessment Panel**
    - (c) **Vasse Ministerial Taskforce**
    - (d) **GeoCatch (the Mayor or delegate as appointed by the Minister)**
  9. **Agrees that the following Consultative/Working Groups are no longer required:**
    - (a) **Busselton Margaret River Airport Consultative Group**
    - (b) **Smart Cities Digital Strategies Working Group**
    - (c) **Vasse Recreational Facilities Working Group**
    - (d) **Geographe Bay Regional RoadWise Road Safety Working Group**

**REASONS FOR ALTERNATIVE**

The reference to the Community Emergency Services Manager (CESM) as a voting member is not considered to be appropriate and as such is proposed to be removed. Relevant City staff, including the CESM, will continue to attend, provide advice and administrative support to the BFAC, and the CESM does not need to be a member to support that continuing.

The broadening of the scope of the BFAC to include Bushfire Ready Action Group (BRAG) is viewed appropriate, but as with DFES and DBCA representatives, it is considered that should be in an advisory capacity, rather than voting members only. In particular it would be inappropriate for Bushfire Ready to vote on disciplinary matters that may need to be determined by the BFAC.

**OFFICER COMMENT**

As per officer comment above.

**LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT**

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations 1996*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

<b>Item No.</b> <b>16.2</b>	BUSSELTON PERFORMING ARTS AND CONVENTION CENTRE - CONSULTATION OUTCOMES	<b>Pulled by</b> <b>Cr Cronin</b>	<b>Page 3</b> <b>Supplementary Agenda</b> <i>Absolute Majority          required</i>
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**ALTERNATIVE RECOMMENDATION**

**That the Council:**

1. **Receives and notes the outcomes of the survey in relation to the Busselton Performing Arts and Convention Centre (BPACC); and**
2. **Resolves to proceed with construction of the BPACC on the basis of the current and previously tendered design subject to value engineering options that do not materially affect functionality or performance of the centre; and**
3. **Delegates power and authority to the CEO to accept a tender and enter into a construction contract not exceeding the value of \$38 million, either through the public invitation of tenders or through utilisation of Regulation 11(2)(c)(i) of the *Local Government (Function and General) Regulations 1996* ; and**
4. **Acknowledges the community sentiment raised by some residents in relation to potential future rate increases and the City's debt levels; and**
5. **Requests that the CEO review funding options for the BPACC which may assist to mitigate concerns around rate increases and debt, including continuing to pursue State and Federal Government funding contributions, reviewing the use of City Reserves to potentially reduce Treasury borrowings, and reviewing Fees and Charges; and present funding scenarios as part of the next review of the City's Long Term Financial Plan.**

**REASONS FOR ALTERNATIVE**

- The Performing Art Centre (PAC) was first investigated and put out to initial consultation 17 years ago and was added to the first Strategic Community Plan 11 years ago. Since then, there has been much consultation and, over the last three years, since receiving a \$10.35M Federal grant towards the project, the City has moved forward on this promise and invested a lot of time and money into developing the best facility for the future of this City.
- We currently have catered for a \$28M PAC in the Long Term Financial Plan (LTFP) with rate rises remaining below 3% for the next 10 years. The City is in a strong financial position to more than cover the full debt required to complete the build. Currently the interest rates are the lowest they have ever been, since the start of the RBA in 1959, meaning that this is one of the best times ever to borrow money, resulting in substantial savings through locking in the interest rate over the next 10 to 20 years.
- This full design offers a multi-functional facility that will not compromise its offering to the local community and surrounding districts, and this design will increase the desirability to commercial operators, thereby creating a positive revenue stream that that will reduce the operating cost to the rate payers.

- In contrast, option B will negatively affect the desirability of this facility to commercial operators, thereby limiting the type of events that can be held, reducing the revenue stream towards the running cost of the facility.
- The Catalyse survey has shown a very high demand that the Council should vote Yes to building this facility, acknowledging that not everyone voted this way, but that would be true of any facility.

**OFFICER COMMENT**

The alternative recommendation reflects Option A presented by officers, with some minor amendment to part 5. Officers confirm the alternative is a valid option and that the amendment to part 5 – to reflect that the use of City reserves be reviewed to “potentially reduce the amount of treasury borrowings” as opposed to being “in lieu of treasury borrowings” – is in line with the officer intent. Officers did not intend that City reserves be looked at in lieu of any treasury borrowings, but as an alternative to potentially reduce the amount of treasury borrowings.

**LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT**

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations 1996*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.



<b>Item No.</b> <b>16.2</b>	<b>BUSSELTON PERFORMING ARTS AND CONVENTION CENTRE - CONSULTATION OUTCOMES</b>	<b>Pulled by</b> <b>Cr Henley</b>	<b>Page 3</b> <b>Supplementary Agenda</b> <i><b>Absolute Majority required</b></i>
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**ALTERNATIVE RECOMMENDATION**

**That the Council:**

- 1. Receives and notes the outcomes of the survey in relation to the Busselton Performing Arts and Convention Centre (BPACC); and**
- 2. Resolves to proceed with construction of the BPACC on the basis of a modified design including an option to stage the development;**
- 3. Authorises the CEO to:**
  - (a) instruct Kerry Hill Architects Pty Ltd to prepare revised detailed designs including an option to construct in 2 stages, with Stage 2 incorporating the Conference and Gallery components being subject to securing further funding; and**
  - (b) publicly invite tenders for the construction of stage 1 of the BPACC on the basis of the revised designs; and**
- 4. Acknowledges the community sentiment raised by some residents in relation to potential future rate increases and the City's debt servicing levels; and**
- 5. Requests that the CEO review funding options for the BPACC which may assist to mitigate concerns around rate increases and debt, including continuing to pursue State and Federal Government funding contributions, reviewing the use of City Reserves to potentially reduce Treasury borrowings, and reviewing Fees and Charges; and present funding scenarios as part of the next review of the City's Long Term Financial Plan.**

**REASONS FOR ALTERNATIVE**

- The delivery of a performing arts space is I believe the most important element of this proposal with the support of the majority of the community. The delivery of the entire project, although sensible at the originally estimated valuation is now, reflected in survey outcomes, perhaps beyond what many in the community perceive as reasonable and value for money. I acknowledge the broad support for a one stage development as well.
- While I am a supporter of having a quality convention and event space, it can be delivered in time with a contribution from the State; as is entirely reasonable given contributions to performing arts in other areas, and/or Federal government.
- The performing arts space can deliver a mixture of seated and, with seating retracted, flat floor concerts and events, as required by Federal funding, and catering etc. can be provided in outsourced mobile facilities. Conventions can use breakout spaces in other venues as an interim and the gallery can remain in situ until the delivery of stage 2 in the near future.
- This staging will deliver a first class performance facility to the people of Busselton that we can be united in our enjoyment of and enable future development to leverage off its success.

**OFFICER COMMENT**

The alternative recommendation reflects Option B presented by officers, however with amendments to part 3(a) to incorporate a staged design and construction build. The removal of the conference and gallery spaces from stage 1 will impact visitation and revenue generating activities and as such will adversely impact the projected cost to operate the BPACC. Notwithstanding, officers confirm the alternative is a valid option and that the amendment to part 5 – to reflect that the use of City reserves be reviewed to “potentially reduce the amount of treasury borrowings” as opposed to being “in lieu of treasury borrowings” – is in line with the officer intent. Officers did not intend that City reserves be looked at in lieu of any treasury borrowings, but as an alternative to potentially reduce the amount of treasury borrowings.

**LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT**

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<b>Item No.</b> <b>16.2</b>	BUSSELTON PERFORMING ARTS AND CONVENTION CENTRE - CONSULTATION OUTCOMES	<b>Pulled by</b> <b>Cr Riccelli</b>	<b>Page 3</b> <b>Supplementary Agenda</b> <i>Absolute Majority          required</i>
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**ALTERNATIVE RECOMMENDATION**

1. **Receives and notes the outcomes of the survey in relation to the Busselton Performing Arts and Convention Centre (BPACC) and acknowledges the community sentiment raised by residents in relation to financial concerns; and**
2. **Authorises the CEO to write to the Federal Government to request a further 6 to 12 month extension due to escalating costs; and**
3. **Requests that the CEO continues to pursue State and Federal Government funding contributions, alongside reviewing the use of City Reserves to potentially reduce Treasury borrowings; and**
4. **If an extension is granted and/or significant further funding is obtained within the next 3 months, further consider our options using a reduced scale design and staged approach agreed upon by a formal Council Resolution; and**
5. **If an extension is not granted and/or significant further funding is not obtained, authorise the CEO to write to the Federal Government thanking them for their grant funding commitment of \$10.35m and advising them that the City cannot accept the grant; and**
6. **Request the CEO to consider the future of the BPACC project as part of the next review of the City's Long Term Financial Plan.**

**REASONS FOR ALTERNATIVE**

- The receipt of the construction tenders, which came in \$13 million over budget, provided a holding point, whereby a Council resolution determined that we would continue to pursue further funding and seek community input via a community survey.
- The survey went out, the results came in, with Option C being the preferred option, primarily due to financial concerns, rather than not wanting the PAC at all. Our decision should be based and informed by the results of this survey.
- Due to the time constraints of the Federal Government funding, which requires construction of the BPACC to be close to completion by July 2023, a further extension should be sought.
- Further significant funding must be acquired before considering this project. To borrow \$26 million, which equates to approximately 2/3 of the overall cost, does not demonstrate strong financial management, minimalise rate increases, or improve our debt ratio.
- If we proceed with Cr Cronin's motion, this rules out any chance of acquiring further State/Federal funding towards the BPACC as they will not fund a project that has already been approved to commence with the stated costs and borrowings.
- A reduced scale design and staged approach will significantly reduce construction costs and borrowings and allow time to seek additional funding along the way.

**OFFICER COMMENT**

The alternative recommendation proposes that the City seek an extension to the Federal Government funding agreement and that it continue to pursue State and Federal Government funding. Further, that if successful with additional funding the Council consider its options including the potential for a reduced scale design and staged approach. In the event that the City is not granted an extension to the Federal funding agreement and / or does not receive further significant funding, it proposes as per Option C presented by officers. A staged approach, dependant on the final staging decisions, could impact visitation and revenue generating activities and as such will adversely impact the projected cost to operate the BPACC. Notwithstanding, officers confirm the alternative is a valid option.

**LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT**

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations 1996*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.