



ITEMS FOR DEBATE – COUNCIL MEETING 10 MARCH 2021

ADOPTION BY EXCEPTION RESOLUTION

RECOMMENDATION

That the Committee Recommendations for items 12.2 and 12.3, and the Officer Recommendations for items 13.1, 16.2 and 17.1 be adopted en bloc:

- 12.2 Policy and Legislation Committee - 24/2/2021 - REVIEW OF COUNCIL POLICY: AASB 124 RELATED PARTY DISCLOSURES
- 12.3 Policy and Legislation Committee - 24/2/2021 - REVIEW OF COUNCIL POLICIES: BUSHFIRE POLICIES
- 13.1 DRAFT BUSSELTON FORESHORE STRUCTURE PLAN - ADOPTION FOR FINAL APPROVAL
- 16.2 SALE OF LOTS 58 & 59 CHAPMAN HILL ROAD AND LOT 60 QUEEN ELIZABETH AVENUE, AMBERGATE
- 17.1 COUNCILLORS' INFORMATION BULLETIN

ITEMS TO BE DEALT WITH BY SEPARATE RESOLUTION (WITHOUT DEBATE)

Item No.	Item Title	Reason
12.1	Audit Committee - 24/2/2021 - 2020 ANNUAL COMPLIANCE AUDIT RETURN	Absolute Majority Required

ITEMS FOR DEBATE

Item No. 16.1	RESPONSE TO MOTION - GENERAL MEETING OF ELECTORS 8 FEBRUARY 2021 - CALL FOR REFERENDUM	Pulled by Cr Barrett-Lennard	Page 143
<p><u>ALTERNATIVE RECOMMENDATION</u></p> <p>That the Council:</p> <ol style="list-style-type: none">1. Resolves not to proceed with a referendum in relation to the performing arts and convention centre project, noting the consultation and work undertaken to date in relation to the project; and2. Confirms it will further consider and decide whether to proceed with the project on the receipt of construction tenders and in conjunction with considering those tenders.			
<p><u>REASONS FOR ALTERNATIVE</u></p> <p>Since 2008, the City of Busselton has developed the plan for the Busselton Performing Arts Centre as a significant and long term strategic planning project. Since this time, there has been documented community consultation, considerable research and extensive budget planning, which brings the Performing Arts Centre to the detailed planning stage ready for tender that it is today.</p> <p>As a Council, we are elected to make strategic decisions for and on behalf of our community. Approximately 25% of the population of the City of Busselton is under the age of 18, who are ineligible to vote in a referendum, yet make up a large group of key users of the Performing Arts Centre.</p> <p>A referendum within local government is neither compulsory nor binding.</p> <p>Progressing to the tender stage of any infrastructure project is not a referendum issue, but a strategic decision to be made by council.</p> <p>Point 2 of the motion has created a hold point where the Performing Arts Centre can be re-evaluated. There has been significant consideration regarding the Performing Arts Centre, as well as consideration, due diligence and budget assessment, and this will continue with receipt of the construction tenders.</p>			
<p><u>OFFICER COMMENT</u></p> <p>The alternative recommendation reflects Option E presented by officers. Officers confirm the alternative is a valid option.</p>			
<p><u>LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT</u></p> <p>Pursuant to regulation 11(da) of the <i>Local Government (Administration) Regulations</i> 1996, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.</p>			

Item No. 16.1	RESPONSE TO MOTION - GENERAL MEETING OF ELECTORS 8 FEBRUARY 2021 - CALL FOR REFERENDUM	Pulled by Cr Riccelli	Page 143
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ALTERNATIVE RECOMMENDATION

That the Council:

1. In accordance with the motion moved at the General Meeting of Electors 8 February 2021, conducts a referendum using the combined electoral roll as soon as possible in relation to the performing arts and conference centre project as per Resolution C2006/066 of Council resolved 24 June 2020;
2. Does not support the holding a workshop with community groups or interested individuals in relation to the question;
3. Resolves on the following question to be asked:

“Do you support the current proposal, as it is stipulated in the attached information sheet, by the City of Busselton to build a performing arts and convention centre for the District.”

with an information sheet to clearly set out factual information as to the project scope, location, concept design, estimated construction costs, estimated operating forecast and costs, with a link to the current business case for further information; and
4. Engage the Western Australian Electoral Commission to run the referendum in accordance with Section 4.99(3) of the *Local Government Act 1995*, and Regulation 89 of the *Local Government (Election) Regulations 1996*.

REASONS FOR ALTERNATIVE

1. The BPACC is a significant project worth \$28.5M, of which 2/3 funding required will include City loan borrowings of \$15M.
2. There has been significant community controversy and differing opinions regarding the proposed BPACC.
3. At the recent General Electors Meeting, a motion was passed for a referendum on the matter.

Due to the above, it is reasonable and justifiable to outlay the expense required for the provision of a referendum, that will allow for due democratic process and the community to be heard, whether for or against.

Considering the risk of losing federal funds due to time constraints, the referendum should be initiated as soon as possible. Holding a community workshop to determine the wording will cause further delay. I am satisfied with the proposed wording to Option B if it includes my suggested amendments to point 3 as highlighted above.

OFFICER COMMENT

The alternative recommendation reflects Option B presented by officers, with amendments to the proposed question to confirm the question relates to the current proposal and to expand on what details will be set out in the information sheet. Officers have no concerns with respect to the amendments. 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.