

**BUSSELTON PERFORMING ARTS AND CONVENTION CENTRE – COUNCIL DECISIONS**

Date	Council Resolution	Council Decision
9 June 2010	<a href="#">C1006/200</a>  <i>Carried 9/0</i>	<b>16.1 DRAFT STRATEGIC PLAN AND ACTION PLAN 2010-2020</b> Council adopts the Strategic Action Plan 2010 - 2020 Strategic Priority No. 1 <ul style="list-style-type: none"> <li>• Busselton Foreshore revitalisation</li> <li>• Dunsborough Foreshore revitalisation</li> <li>• Complete Busselton to Dunsborough cycleway</li> <li>• Completion of an integrated Dual Use Path in Busselton</li> <li>• Community Resource Centre and Library expansion</li> <li>• A modern children's playground/fund park facility</li> <li>• <b>Performing Arts/Convention Centre</b></li> </ul>
13 April 2011	<a href="#">C1104/115</a>  <i>Carried 9/0</i>	<b>17.1 REQUEST TO INVESTIGATE THE ACQUISITION OF LOT 450, IN THE CULTURAL PRECINCT, FROM THE DEPARTMENT OF ENVIRONMENT AND CONSERVATION AND CONSIDERATION OF THE SITE AS A LOCATION FOR BUSSELTON'S PERFORMING ARTS CENTRE</b> That the Council: <ol style="list-style-type: none"> <li>1. Confirm Lot 450 Queen Street as being the preferred site for a future performing arts and conference venue, subject to its suitability being established.</li> <li>2. Endorse the CEO to investigate the acquisition of Lot 450 Queen Street from the State Government of Western Australia;</li> <li>3. Endorse the CEO to pursue the potential for a land swap with the WA State Government, Department of Environment and Conservation by identifying land available for such a purpose;</li> <li>4. Prepare a report relating to re housing the Department of Environment and Conservation through investigation of the potential to develop a new State government dedicated office building in which to co locate the local offices of State agencies; and</li> <li>5. Present a report on the range of procurement mechanisms, including: <ul style="list-style-type: none"> <li>* Options for a joint venture partnerships with the private sector; and</li> <li>* Development of the building by the Shire of Busselton on the basis that the State Government commits as the lead tenant.</li> </ul> </li> </ol> CARRIED 9/0
22 August 2012	<a href="#">C1208/246</a>  <i>Carried 8/0</i>	<b>13.1 CAPES REGIONAL ARTS AND CULTURAL FACILITIES NEEDS ASSESSMENT</b> That the Capes Regional Arts and Cultural Facilities Needs Assessment Report be advertised for community comment for a period of 21 days and the result be reported to Council.
24 October 2012	<a href="#">C1210/297</a>  <i>Carried 9/0</i>	<b>13.1 CAPES REGIONAL ARTS AND CULTURAL FACILITIES NEEDS ASSESSMENT REPORT</b> That the Council adopts the Capes Regional Arts and Cultural Facilities Needs Assessment Report as a guide to future planning.

		<p>The Capes Regional Arts and Cultural Facilities Needs Assessment Report will be made available to the public on the City’s website within one week of the Council resolution and an implementation plan will then be developed.</p> <p>Key Points within the Report</p> <p>[pg 60] “The Needs Analysis undertaken during the course of this Project indicated that the likely demand is more for a performing arts centre of the order of 300 seats (pg. 11 estimated cost of \$20-\$22 million for capital) preferably in black box style.....In recommending this sort of facility, it is important to take account of the findings and community response that came out of this Project – and also the work undertaken by Pegasus [2008 Feasibility Study] which was also a comprehensive survey workshop forum.”</p> <p>[pg. 61] “On the basis of research and on findings and benchmarking in relation to facilities design, capacity, utilisation, subsidies, and associated research undertaken across a wide cross section of the community and other documentation/research the concept of a performing arts centre located in Busselton is supported and recommended”.</p> <p>“In summary, it is seen that his facility would be welcomed in the local community as a long overdue. The need is becoming more critical as the City develops further. It would be a valuable focus point for all parts of the community and the development of the potential of that community, as evidenced in the research for this Project, and other referred to elsewhere [in the report].</p> <p>This facility in its proposed location would encompass both performing and some visual arts capacity in terms of gallery space. It would also be in proximity to cross art form work through other cultural facilities and arts organisations located in the Cultural Precinct, involving both professional and non-professional artists who are resident in and touring the region. It is also important to note the capacity for conferences and trade shows and the importance this raises for the operational and budgetary framework for this centre.”</p>
27 February 2013	<p><a href="#">C1302/047</a></p> <p><i>Carried</i> 9/0</p>	<p><b>14.1 ADOPTION OF THE STRATEGIC COMMUNITY PLAN (2013)</b></p> <p>Council adopts the City of Busselton’s Strategic Community Plan (2013) There were many valuable ideas recorded by the community through the consultation and within that there were a number of clear priorities identified. These included (but are not limited to):</p> <ul style="list-style-type: none"> <li>• airport expansion;</li> <li>• improved facilities and services for youth and the aged;</li> <li>• foreshore development and the development of shared open spaces enabling a range of activities and social interaction;</li> <li>• improvements to public transport both within and to the district;</li> <li>• higher education provision;</li> <li>• a strong diverse economy that supports local business; and</li> <li>• a performing arts centre for the district.</li> </ul>
12 March 2014	<p><a href="#">C1403/056</a></p> <p><i>Carried</i> 5/4</p>	<p><b>15.1 PROPOSAL TO ADVERTISE FOR COMMUNITY CONSULTATION: THE POTENTIAL INCLUSION OF A MULTI-FUNCTIONAL CIVIC CENTRE AND PERFORMING ARTS SPACE IN THE DETAILED DESIGNS FOR A REDEVELOPED ADMINISTRATION FACILITY</b></p> <p>That the Council:</p> <p>1. Commits to a civic administration project and indicates its intention to include a multi-functional civic centre/performing arts space as a component of the design and building process of that project.</p>

		<p>2. As soon as possible the Council, invites – over a period of 28 days -, public comment in relation to the concept plans shown to Council on 5th March, and also in relation to the funding model that relates to this project. The council will be fully informed of the results of this consultation when making any final decisions.</p>
23 July 2014	<p><a href="#">C1407/187</a></p> <p><i>Carried 9/0</i></p>	<p><b>15.1 PLANS FOR THE CONSTRUCTION OF A CITY CIVIC AND ADMINISTRATION FACILITY AND CONSIDERATION OF INCLUSION OF A MULTI-FUNCTIONAL CIVIC CENTRE</b></p> <p>That the Council: .....</p> <p>3. reconfirms its commitment to Lot 450 Queen Street, Busselton in the Cultural Precinct being its preferred site for a Performing Arts Centre based on a Proscenium Theatre design concept and continues land negotiations with the Department of Parks and Wildlife to secure the site;</p> <p>4. endorses the concept of the proposed Performing Arts Centre located in the Cultural Precinct and it being elevated as a City of Busselton local priority project;</p> <p>5. requires the Corporate Business Plan action for the development of a business case for the design and development of a performing arts space / convention centre to be for a Performing Arts Centre in the Cultural Precinct;</p> <p>6. includes indicative funding for a Performing Arts Centre in the Long-Term Financial Plan from 2017/18 financial year onwards with design costs, construction over two years and operational costs, and that grant funding be actively sought for this project;</p> <p>7. earmarks the proposed Performing Arts Centre project as a beneficiary of the proceeds of the sale of land surplus to the City's requirements in accordance with the Strategic Land Audit in recognition of its District-wide benefits.</p>
25 May 2016	<p><a href="#">C1605/127</a></p> <p><i>Carried 9/0</i></p>	<p><b>13.1 BUSSELTON PERFORMING ARTS AND CONVENTION CENTRE - ALTERNATIVE SITE</b></p> <p>That Council</p> <p>1. Reconfirms its commitment for the development of a Performing Arts and Convention Centre</p> <p>2. Endorses Lots 43 and 44 Queen Street as the preferred site for the PACC; and</p> <p>3. Endorses continue liaison with the Department of Parks and Wildlife for the acquisition of Lot 450 Queen Street for future needs and completion of the Cultural Precinct.</p>
31 July 2019	<p><a href="#">C1907/131</a></p> <p><a href="#">Link to released agenda item</a></p> <p><i>Carried 8/0</i></p>	<p><b>20.1 FUNDING AGREEMENT - CONFIDENTIAL</b></p> <p>That the Council endorses the recommendation outlined in the report.</p>
29 January 2020	<p><a href="#">C2001/017</a></p> <p><i>Carried 9/0</i></p>	<p><b>14.5 RFT14-19 DESIGN AND TECHNICAL SERVICES – BUSSELTON ENTERTAINMENT ARTS AND CULTURAL HUB</b></p> <p>That the Council:</p> <p>1. Pursuant to RFT 14-19 Design and Technical Services - Busselton Entertainment, Arts and Cultural Hub, accept the tender from Kerry Hill Architects Pty Ltd as the most advantageous tenderer (Successful Tenderer) ), subject to minor variations to be negotiated in accordance</p>

		<p>with Regulation 20 of the Local Government (Functions and General) Regulations 1996 (FG Regs);</p> <p>2. Delegates power and authority to the Chief Executive Officer to negotiate and agree with the Successful Tenderer minor variations in accordance with Regulation 20 of the FG Regs, subject to such variations and the final terms not exceeding a lump sum contract price of \$1,979,440;</p> <p>3. Subject to resolutions 1 and 2, acknowledges that the CEO is authorised to enter into a contract with the Successful Tenderer for supply of the relevant goods and services;</p> <p>4. Endorse the removal of Stage 2 from the overall project scope of works to allow further investigation into the viability of other potential sites for the establishment of a creative industries hub component in proximity to the Cultural Precinct; and</p> <p>5. Endorse the project to progress through to detailed design and contract documentation noting the next hold point will be the recommendation for award of the project builder.</p>
24 June 2020	<p><a href="#">C2006/066</a></p> <p><i>Carried 8/1</i></p>	<p><b>15.1 PROGRESSION OF THE BUSSELTON ENTERTAINMENT ARTS AND CREATIVE HUB</b></p> <p>That Council</p> <p>1. Confirms its commitment to the Busselton Entertainment Arts and Creative Hub (BEACH) project (the Project), as per the optimised designs developed by Kerry Hill Architects (June 2020) and at a budget of between \$28.5M and \$30.3M, dependent on a final decision with regards to the inclusion of a Creative Industries Hub;</p> <p>2. Will consider the inclusion of a Creative Industries Hub within the Project based on additional external funding being secured and on the outcomes of the tendering process and final pricing;</p> <p>3. Continues to seek additional external funding for the project, to reduce the quantum of loan borrowings required for the Project; and</p> <p>4. Endorses as a funding strategy entering into a loan borrowings / debt financing of up to \$17M over a 20 year term (to be reduced by any additional external funding that is secured and / or the inclusion of the Creative Industries Hub component).</p>
27 July 2020 (Special Council Meeting)	<p><a href="#">C2007/069</a></p> <p><i>Carried 8/1</i></p>	<p><b>6.1 ADOPTION OF 2020/21 ANNUAL BUDGET</b></p> <p>That Council:</p> <p>1. Notes that the loan facility for the Busselton Performing Arts and Convention Centre as indicated in Note 6 on page 30 of the 2020/21 budget documentation is in accordance with Council resolution #C2006/066 (borrowing up to \$17 million) and it is estimated to draw down up to \$7.5 million in the 2020/21 financial year.</p> <p>2. Notes that the raising of this loan will be subject to a further decision of Council after it has considered the tenders for construction at a future ordinary Council meeting.</p>
23 June 2021	<p><a href="#">C2106/136</a></p> <p><i>Carried 8/1</i></p>	<p><b>14.2 RFT 06/21 CONSTRUCTION OF THE BUSSELTON PERFORMING ARTS AND CONVENTION CENTRE (BPACC)</b></p> <p>That the Council:</p> <p>1. Acknowledges receipt of the tender submissions for RFT 06/21 Construction of the Busselton Performing Arts and Convention Centre; and</p> <p>2. Declines to accept any tender; and</p> <p>3. Continues to pursue additional funding from State and Federal Governments; and</p>

		<p>4. If a commitment for further funding is not obtained within one month that would maintain or not significantly increase the current financial contribution by the City, reviews design options and associated impacts and undertakes a community survey to help inform decisions on the future of the project.</p>
26 July 2021 (Special Council Meeting)	<p><a href="#">C2107/139</a></p> <p><i>Carried</i> 8/0</p>	<p><b>6.1 ADOPTION OF 2021/22 ANNUAL BUDGET</b></p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>1. Notes that the loan facility for the Busselton Performing Arts and Convention Centre as indicated in Note 6 on page 31 of the 2021/22 budget documentation is in accordance with Council resolution #C2006/066 and it is estimated to draw down up to \$10 million in the 2021/22 financial year; and</li> <li>2. Notes that the raising of this loan will be subject to a further decision of Council.</li> </ol>
8 September 2021	<p><a href="#">C2109/194</a></p> <p><i>Carried</i> 7/2</p>	<p><b>16.2 BUSSELTON PERFORMING ARTS AND CONVENTION CENTRE - CONSULTATION OUTCOMES</b></p> <p>That the Council:</p> <ol style="list-style-type: none"> <li>1. Receives and notes the outcomes of the survey in relation to the Busselton Performing Arts and Convention Centre (BPACC); and</li> <li>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</li> <li>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</li> <li>4. Acknowledges the community sentiment raised by some residents in relation to potential future rate increases and the City's debt levels; and</li> <li>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.</li> </ol>
24 November 2021	<p><a href="#">C2111/093</a></p> <p><i>Carried</i> 5/4</p>	<p><b>14.2 RFT 22/21 CONSTRUCTION OF THE BUSSELTON PERFORMING ARTS AND CONVENTION CENTRE (BPACC)</b></p> <p>That the Council accepts the tender from Broad Construction Pty Ltd for RFT 22/21 Construction of the Busselton Performing Arts and Convention Centre subject to minor variations being negotiated in accordance with Regulation 20 of the Local Government (Functions and General) Regulations and subject to the building construction contract value not exceeding \$38,000,000 (excluding GST).</p>
23 February 2022	<p><a href="#">C2202/035</a></p> <p><i>Carried</i> 8/1</p>	<p><b>16.1 BUDGET AMENDMENT - ADDITIONAL LOAN FACILITY</b></p> <p>That the Council agrees to:</p> <ol style="list-style-type: none"> <li>1. Amend the 2021/21 Annual Budget to borrow a further \$10 million over a period of up to 20 years for the purposes of funding the construction of the Busselton Performing Arts and Convention Centre; and</li> <li>2. Authorise the CEO to advertise Council's intent to borrow \$10 million in the 2021/22 financial year to fund the Busselton Performing Arts and Convention Centre over a period of up to 20 years in accordance with Section 6.20(2) of the Local Government Act 1995.</li> </ol>

19 October 2022	<a href="#">C2210/260</a>  <i>Carried</i> 7/0	<b>15.2 NAMING OF THE BUSSELTON PERFORMING ARTS AND CONVENTION CENTRE</b> That the Council endorses the naming of the Busselton Performing Arts and Convention Centre as Saltwater Busselton.
15 November 2023	C2311/181  <i>Carried</i> 7/0	<b>18.1 SALTWATER PROJECT UPDATE - CONFIDENTIAL</b> That Council adopt the alternative recommendation as outlined in confidential Attachment 1.
13 December 2023	C2312/214  <i>Carried</i> 4/2	<b>18.1. AUDIT AND RISK COMMITTEE - 29 NOVEMBER 2023 - SALTWATER PROJECT - CONFIDENTIAL</b> That the Council endorse the alternative recommendation contained in confidential attachment 2.
19 June 2024	<a href="#">C2406/178</a>  <a href="#">Link to released agenda item</a>  <i>Carried</i> 4/2	<b>18.1 AUDIT AND RISK COMMITTEE – 9 MAY 2024 – LEGAL ADVICE</b> That the ARC recommend the following motion to the Council: 1. The CEO source external alternative legal advice (to that provided in December 2020 by McLeods) to provide a second opinion on the statutory requirement to advertise the BPACC (now Saltwater) business plan pursuant to s3.59 (Major Land Transaction) Local Government Act 1995. 2. The brief for the external alternative legal advice to provide all of the information that was provided to McLeods causing its initial advice (to Dec 15, 2020 inclusive), and the new information causing subsequent advice (post 15 Dec, 2020) along with the Council’s most up to date position for purposes of seeking advice in relation to: a) The appropriateness (or otherwise) of including contracts including but not limited to; construction, management and leases together for a common overall purpose being that of contributing/combining to the implementation of the BEACH then BPACC (later to be described as Saltwater) project proposal for the purposes of forming a Major Land Transaction (s3.59 LG Act); and b) The triggering of the need to re-advertise a business plan (under s3.59) when planned State funding of \$9.5m <sup>^</sup> did not eventuate (causing this amount to be replaced via further debt funding contributed by City ratepayers).  If the balance of the advice in the interests of transparency is to support public advertising under s3.59 at any time now or in the past then what options exist to ameliorate this situation from this point forward to mitigate risk (in a broad sense). Specific advice is required pursuant to LG Act s3.59(9).  <sup>^</sup> \$9.5m exceeded the Reg 8 threshold of approx. \$7.7m at the time.
31 July 2024	C2406/196  <i>Carried</i> 7/0	<b>18.1 SALTWATER PROJECT REVIEW - CONFIDENTIAL</b> That Council postpone receipt of the report until the next practical Ordinary Council meeting, pending further information.
16 October 2024	C2410/310  <i>Lost</i> 4/5	<b>18.1 SALTWATER PROJECT REVIEW – CONFIDENTIAL</b> That the Council receives the Saltwater Project Review Report as per confidential attachments 1, 2, 3 and 4.
20 November 2024	<a href="#">C2411/337</a>  <i>Carried</i> 6/2	<b>18.1 SALTWATER BUDGET AMENDMENT AND COMMUNICATION PLAN</b> That the Council:

	<p>1. For the reasons outlined in this report, endorses a change to the forecast total Saltwater project cost from \$44,550,000 at tender award to \$51,550,000; and</p> <p>2. Endorses the following amendments to the 2024/25 budget:</p> <p>a. movement of \$5,380,978 already allocated as part of the original forecast cost of \$44,550,000, from the following reserves and restricted accounts on to the budget to be spent as originally planned:</p> <ul style="list-style-type: none"> <li>• Capital grants (\$144,709)</li> <li>• Loan funds (\$1,778,418)</li> <li>• Saltwater Reserve (\$2,656,297)</li> <li>• Parks and Gardens Reserve (\$144,413)</li> <li>• Furniture and Equipment Reserve (\$229,519)</li> <li>• Corporate IT Reserve (\$54,683) • New Infrastructure Development Reserve (\$300,389)</li> <li>• Community Facilities – City District Restricted Account (\$72,550)</li> </ul> <p>b. a new amount of \$7,000,000 to enable the project to reach completion, funded from the following reserves and through New Loan Borrowings of \$5,264,952 over a loan term of 10 years:</p> <ul style="list-style-type: none"> <li>• New Infrastructure Development Reserve (\$1,278,295)</li> <li>• Legal Expenses Reserve (\$340,000)</li> <li>• Community Facilities – City District Restricted Account (\$116,753)</li> </ul> <p>c. Loan repayments and associated fee expenditure of \$360,000 to be added to the budget under project 10022Saltwater.</p> <p>d. To offset c. above, the budgeted interest earnings revenue that will be derived to be increased by \$360,000</p> <p>3. Authorises the CEO to give local public notice under Section 6.20 of the Local Government Act 1995 of the proposed New Loan Borrowings.</p> <p>4. Requests the CEO to make provision in the Long-Term Financial Plan and the 2025/2026 Budget for an additional 1% rate increase for the purpose of funding additional loan repayments, with the revenue from the extra 1% to be structured so as not to be absorbed into general revenue (given it is a short term extra-ordinary item until the additional debt is paid off), for example by transferring it to a reserve for purposes of making loan repayments.</p> <p>5. Requests the CEO to undertake for future budgets a review of costs to identify savings associated with the provision of arts and culture services and for these savings to be directed to paying off the new Saltwater loan borrowings. This will take priority in the service review and for this service, will be completed in time for the 2025/26 budget.</p> <p>6. Endorses for release the 'Project Costs' sub-section of the Saltwater Busselton Project Update public statement at Attachment 4 with changes to reflect the loan funding as per this alternative motion.</p> <p>7. Endorses for release the 'Advertising of a Saltwater Business Plan' sub-section of the Saltwater Busselton Project Update public statement at Attachment 4, to occur after the workshop required by point 9.</p> <p>8. Endorses for release the Council decision history of the project as at Attachment 3 inclusive of links to the relevant minutes (inclusive of decision and where publicly available agenda item) of each council decision, and including making public the agenda item and decision of the Council made 31 July 2019 regarding the funding agreement (C1907/131) and the agenda item (excluding the attachment) regarding the Audit and Risk Committee recommendation for a second piece of legal advice re s3.59 (C2406/178).</p> <p>9. Requests the CEO to convene a workshop with Elected Members to review the Saltwater Communications Plan and the remaining aspects of</p>
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		the public statement to ensure that further communications regarding the construction of the Saltwater venue include a purely factual narrative detailing all aspects relating to the background of the Saltwater project, separate from promotional communications in relation to the operations of Saltwater.
11 December 2024	C2412/368  <i>Carried 6/3</i>	<b>17.1 REVOCATION / CHANGE MOTION</b> That the Council, with respect to Council Decision C2411/337: 1. Change point 2b to amend the budget to fund \$5,264,952 (of the \$7,000,000 additional funding) from the Building Reserve instead of through New Loan Borrowings; 2. Revoke point 2c, 2d and point 5; 3. Change point 4 to remove reference to the 2025/2026 Budget; and 4. Request the CEO to update and bring back for consideration an amended LTFP, incorporating the changes from this decision.