



## **MISSION AND VALUES OF COUNCIL**

*"A Sustainable Community that is inclusive, attractive, healthy and pleasant to live in, that uses our land so as to preserve our history and environment, respects the rights and equality of our citizens and manages our future growth wisely."*

# **AGENDA**

**FOR A**

**SPECIAL MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS AT 5.00PM**

**23 February 2009**

## **OUR MISSION**

***"To provide a quality range of affordable and sustainable services to our community with a strong commitment to customer focus so that our citizens and visitors enjoy a quality lifestyle."***

## **CORE VALUES OF THE SHIRE**

***The core values that underpin the achievement of the mission will be based on a strong customer service focus and a positive attitude:***

**Communication**

**Respect**

**Integrity**

**Transparency**

**Courtesy**

### **DISCLAIMER**

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

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**SHIRE OF BROOME**

**SPECIAL MEETING OF COUNCIL  
23 FEBRUARY 2009**

**INDEX – AGENDA**

1.	OFFICIAL OPENING .....	5
2.	ATTENDANCE AND APOLOGIES .....	5
3.	DECLARATIONS OF FINANCIAL INTEREST .....	5
4.	PUBLIC QUESTION TIME .....	5
5.	CONFIRMATION OF MINUTES .....	5
6.	ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION .....	5
7.	PETITIONS .....	5
8.	MATTERS FOR WHICH MEETING MAY BE CLOSED .....	5
9.	REPORTS OF OFFICERS .....	6
9.2	COMMUNITY SERVICES .....	7
	9.2.1 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM (RLCIP) ...	8
	STRATEGIC PROJECTS.....	8
	9.2.3 BROOME PERFORMING ARTS CENTRE.....	12
10.	MEETING CLOSURE.....	16

## NOTICE OF MEETING

Dear Council Member,

The next Special Meeting of the Shire of Broome Council will be held on Monday 23 February 2009 in the Council Chambers, for the purpose of considering:

- The Regional and Local Community Infrastructure Program (RLCIP) Strategic Projects
- Broome Performing Arts Centre

Regards



KR Donohoe  
Chief Executive Officer

**1. OFFICIAL OPENING**

**2. ATTENDANCE AND APOLOGIES**

Attendance

Leave of Absence      Cr S E Eaton

Apologies              Cr V L Wevers

Officers

Public Gallery

**3. DECLARATIONS OF FINANCIAL INTEREST**

Councillor	Item No	Page	Item	Nature of Interest

**4. PUBLIC QUESTION TIME**

**5. CONFIRMATION OF MINUTES**

N/A

**6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION**

**7. PETITIONS**

**8. MATTERS FOR WHICH MEETING MAY BE CLOSED**

**9.**

**REPORTS**

**OF**

**OFFICERS**

## 9.2

### COMMUNITY

### SERVICES



### OUTCOME

***To facilitate the social wellbeing and development  
of the community.***

## 9.2.1 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM (RLCIP) STRATEGIC PROJECTS

<b>LOCATION/ ADDRESS:</b>	N/A
<b>APPLICANT:</b>	Director Community Services
<b>FILE:</b>	CSP001
<b>AUTHOR(s):</b>	Project Officer, Broome Performing Arts Centre
<b>CONTRIBUTOR/S:</b>	Director Community Services
<b>RESPONSIBLE OFFICER:</b>	Director Community Services
<b>DISCLOSURE OF ANY INTEREST:</b>	N/A
<b>DATE OF REPORT:</b>	18 FEBRUARY 2009

**SUMMARY:** Confirmation is sought from Council to accept Staff recommendation to change the application made to the RLCIP Strategic Project funding program in favour of an application for the Broome Performing Arts Centre.

### BACKGROUND

#### Previous Considerations

#### **OCM 14 January 2008**

On 14 January 2008 Council adopted to appoint a dedicated project officer to the Broome Performing Arts Centre project. A key task required of staff from the resolution states:

*"1A The attraction of additional funds for the development of a new 300 plus seat Broome Performing Arts Centre on the site of the existing Civic Centre site ..."*

Dedicated staff have been working towards sourcing and attracting the significant funds needed to finalise this project for 12 months. During this time there have been major changes in State Government causing delays that have directly impacted the notification on retention of funding and the availability of further funding.

#### **OCM 25 September 2008**

On 25 September 2008 Council adopted that a feasibility study (design brief) be developed for Option 1A with a staged feasibility study (design brief) for Option 1A to 1C. The budget required for option 1A is \$6M (plus GST). The budget required to complete the concept through to 1C is \$14M (plus GST).

A budget commitment to 1A of \$6M has been confirmed in relation to money held with the Department of Culture and the Arts (DCA) Financial Services (original grant \$5M less expenses to date – approx. \$4.8M), plus a commitment from the Shire of Broome of approximately \$1.2M and a community grant from Lotterywest in the sum of \$241,000. However, the minimum funding needed to complete the adopted concept through to 1C requires a further \$8M.

This is a longstanding and significant project that requires top priority for funding attention. The guidelines of the RLCIP Strategic Project clearly states *"the Government is keen to see projects undertaken with the least possible delay. Construction must commence within 6 months of the Funding Agreement (contract) being signed."* Further, the target projects

should require significant financial support (more than \$2M) and have the greatest proponent and project viability in the community.

### OCM 17 DECEMBER 2008

On 17 December 2008 Council adopted the Frederick Street Trunk Drain and Retention Basin project as its single priority project under the RLCIP Strategic Projects 2008/09 submission in the sum of \$2,965,000.00.

Staff advised the acting Director, Community Services in December (when asked for the purpose of the Special Projects grant list going to Council in December 2008) that the Broome Performing Arts Centre was a top priority with a longstanding commitment from Council and must be considered for the OCM list.

The advice given to the Department of Infrastructure, Transport, Regional Development and Local Government from this resolution naming the favoured submissions for Strategic Projects prior to 23 December 2008 did not list the Broome Performing Arts Centre, and it was not listed in the Item at all.

### COMMENT

On Monday, 16 February 2009 staff received correspondence forwarded by the CEO, from the Deputy Secretary, Department of Infrastructure, Transport, Regional Development and Local Government (dated 13 February 2009). The purpose of the correspondence was to advise that the funding for Strategic Projects had been significantly increased from \$50million to \$550million "*for community infrastructure ... like community centres and town halls*".

The Department advised "*..applications for the now \$550million Strategic Projects program, are to be reopened for three weeks to provide an opportunity to local councils who were unable to submit an application in the first round or **were unable to submit their preferred application.***"

*"Applications close at 4pm AEDT 6 March 2009. Extensions of time cannot be considered given the Government's priority of delivering an immediate economic stimulus."*

*"All original applicants have three options. They can:*

- reconsider their application and submit an updated version;*
- submit a new application for a new project; or*
- retain their original application within the process. If a new or updated application is not received, their original application will still be considered."*

*"The Department of Infrastructure, Transport, Regional Development and Local Government will accept ONE application per council and one application per group of councils."*

The Broome Performing Arts Centre is a top priority and therefore demands consideration as the preferred applicant for the RLCIP Special Projects funding. This project is "ready to go" - the WALGA tender for architectural services (design brief) (if approved by Council) will be published immediately.

The RLCIP Strategic Projects guidelines stipulates one application only per Council. The project must be able to provide documentation such as a feasibility study, project plan, project cash flow projections, cost estimates and business plan with the application. All of

these components are currently in progress as specific tasks in the Project Plan (to be considered separately by Council). Furthermore, the moneys held by DCA Financial Services are now limited to the 09/10 financial year.

This project is urgent and immediate simply based on the merits of its current funding limitations.

This is an unprecedented opportunity for the Broome Performing Arts Centre to achieve its target budget under a one-off funding proposal.

A reasonable portion of funding for the Frederick Street Trunk Drain and Retention Basin project could be attained through the recently announced Royalties for Regions Funding (closing on 25 March 2009). The Kimberley Development Commission are in support of an application by Council for this project.

### **STATUTORY ENVIRONMENT**

Local Government Act 1995

### **POLICY IMPLICATIONS**

N/A

### **FINANCIAL IMPLICATIONS**

08/09 budget commitment is \$6M as identified in the Project Plan milestones and endorsed by the DCA Financial Services (\$4.88M less Shire of Broome's 2008/09 expenses to date secured through to 09/10 only). Council has committed to a loan in support of the difference based on the adopted 1A to 1C concept produced by Ashton Raggatt McDougall. A further \$8M is the minimum required to complete the project through to Option 1C.

### **STRATEGIC IMPLICATIONS**

#### **People**

Actively contribute to well-being and safety and support community initiative.

#### **Place**

Ensure the Shire's infrastructure and assets are strategically planned and managed.

#### **Prosperity**

Partner with other agencies to ensure affordable and equitable services and infrastructure.

### **VOTING REQUIREMENTS**

Absolute Majority

REPORT RECOMMENDATION

SUPPORT TO CHANGE MOTION

Councillors ..... (Name), ..... (name) and ..... (name) support a motion to change Point 3 of the Resolution of Item 9.1.8 of 17 December 2008 Ordinary Council Meeting, "That Council adopts the Frederick Street Trunk Drain and Retention Basin Project for the Regional and Local Community Infrastructure Program – Strategic Projects 2008/09 submission for \$2,965,000."

CHANGE MOTION

**Moved:**

**Seconded:**

**That Point 3 of the Resolution of Item 9.1.8- Regional and Local Community Infrastructure Program (RLCIP) adopted at the Ordinary Council Meeting 17 December 2008:**

***"That Council adopts the Frederick Street Trunk Drain and Retention Basin Project for the Regional and Local Community Infrastructure Program – Strategic Projects 2008/09 submission for \$2,965,000."***

**be changed in accordance with the Local Government (Administration) Regulations 1996, Section 10 to read:**

**That Council:**

- 1. Adopts the Broome Performing Arts Centre as its number one priority project for the Regional and Local Community Infrastructure Program – Strategic Projects 2008/09 submission for \$11million, to be prepared under the supervision of the Chief Executive Officer or delegate.**
- 2. Advises the Department of Infrastructure, Transport, Regional Development and Local Government of the change to the Shire's submission, from the Frederick Street Trunk Drain and Retention Basin Project to the Broome Performing Arts Centre Project.**

**FOR:  
AGAINST:**

**(Absolute Majority required)**

**Reason:**

**9.2.2 BROOME PERFORMING ARTS CENTRE**

<b>LOCATION/ ADDRESS:</b>	N/A
<b>APPLICANT:</b>	Director Community Services
<b>FILE:</b>	CSP001
<b>AUTHOR(s):</b>	Project Officer, Broome Performing Arts Centre
<b>CONTRIBUTOR/S:</b>	Director Community Services
<b>RESPONSIBLE OFFICER:</b>	Director Community Services
<b>DISCLOSURE OF ANY INTEREST:</b>	N/A
<b>DATE OF REPORT:</b>	20 January 2009

**SUMMARY:** Approval is sought from Council to accept the report recommendations endorsed by the Advisory Group.

**BACKGROUND**

Previous Considerations

**OCM 25 September 2008 Item 9.21**

On 25 September 2008 Council resolved that a feasibility study and design concept be developed. In keeping with the Act, Regulations and Policy, the majority of works required to be undertaken according to the resolution must be put to public tender and supported by strategic project documents - namely a project plan and scope of works.

The above resolution also directed staff to liaise closely with the Department Culture and the Arts and that a letter be sought from the Minister seeking surety of the moneys held by the Department for this project.

**OCM 20 November 2008 Item 12.1**

On 20 November 2008 Council resolved that the Civic Centre closure be planned and undertaken. Further, that a trust fund be established with WACF in the sum of \$40,000.00 to benefit the Broome Performing Arts Centre project.

**COMMENT****OCM 25 September 2008 Item 9.21**

In working towards the tendering process the essential strategic documents required as a minimum for underpinning best practice are the Project Plan and the Scope of Works. A major risk of this project to date has been the lack of strategic planning tools, such as the Project Plan.

Staff have consulted regularly with the Department Culture and the Arts. The DCA requested that the Project Plan include budget milestones relating to the moneys held by DCA Financial Services. The DCA will pre-approve the budget milestones.

The preliminary Project Plan was produced by Pegasus Theatre Consultants in consultation with staff (attached).

For the purpose of clarity - project management is defined as follows:

"Project Management is the application of knowledge, skills, tools and techniques of project activities to meet project requirements and is accomplished through the use of the processes such as: initiating, planning, executing, controlling and closing. The project team manages the work of the project and the work typically involves:

- Competing demands for: scope, time, risk and quality
- Stakeholders with differing needs and expectations
- Identified requirements.

Project management relies on the existence of and the necessity for progressive elaboration throughout the project life cycle, ie the more you know about your project the better you are able to manage it."(Project Management Body of Knowledge (PMBOK Guide 2000 Edition).

In response to Council's request, a letter (attached) dated 5 February 2009 from the Hon GM (John) Castrilli MLA Acting Minister for Culture and the Arts advises that the allocated funding remains quarantined for the purposes of the planning and building of the Performing Arts Centre. However, the funding is not guaranteed beyond 2009/2010. There is currently \$4.88million in the account less expenses for the current 2008-2009 financial year.

The Scope of Works has been produced by staff and Pegasus Theatre Consultants in preparation for WALGA. The tendering process for architectural design specifications will be managed by WALGA. WALGA's quote was accepted by purchase order No 31081 on 4 February 2009. WALGA's tender documentation is attached for Council's consideration. (Yet to be received – to be tabled at Ordinary council Meeting)

### **OCM 20 November 2008 Item 12.1**

The Civic Centre is now officially closed. A media release was issued on 9 February 2009. Customer service staff have been issued with a script and list of alternate venues.

Staff are researching the most suitable trust fund option and will report back to Council as soon as possible. The funds have been moved aside by Finance according to policy and the Act.

### **STATUTORY ENVIRONMENT**

#### *Local Government Act 1995*

#### 14. *Requirements for publicly inviting tenders*

- (1) *When regulation 11(1), 12 or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.*
- (2) *If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.*
- (2a) *If a local government —*
  - (a) *is required to invite a tender; or*
  - (b) *not being required to invite a tender, decides to invite a tender, the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.*
- (3) *The notice, whether under subregulation (1) or (2), is required to include —*
  - (a) *a brief description of the goods or services required;*

- (b) particulars identifying a person from whom more detailed information as to tendering may be obtained;*
  - (c) information as to where and how tenders may be submitted; and*
  - (d) the date and time after which tenders cannot be submitted.*
- (4) In subregulation (3)(b) a reference to detailed information includes a reference to —*
  - (a) such information as the local government decides should be disclosed to those interested in submitting a tender;*
  - (b) detailed specifications of the goods or services required;*
  - (c) the criteria for deciding which tender should be accepted;*
  - (d) whether or not the local government has decided to submit a tender; and*
  - (e) whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.*
- (5) After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.*

*[Regulation 14 amended in Gazette 29 Jun 2001 p. 3130.]*

## **POLICY IMPLICATIONS**

- 2.1.2 Corporate Services – Finance – Investment of Surplus Funds
- 2.3.7 Corporate Services – Administration – Purchasing Policy
- 1.2.9 CEO & Governance – CEO – Local Price Preference Policy

## **FINANCIAL IMPLICATIONS**

Letter confirming availability to funds has been received. Project Plan milestones have been endorsed for release by the DCA Financial Services.

## **STRATEGIC IMPLICATIONS**

### **People**

Actively contribute to well-being and safety and support community initiative.

### **Place**

Ensure the Shire's infrastructure and assets are strategically planned and managed.

### **Prosperity**

Partner with other agencies to ensure affordable and equitable services and infrastructure.

## **VOTING REQUIREMENTS**

Absolute Majority

REPORT RECOMMENDATION

That Council adopts the endorsed items of the Advisory Group as follows:

1. Accepts the Project Plan and approves the Chief Executive Officer or delegate to oversee its maintenance and implementation.
2. Accepts the design tender specifications prepared by WALGA Tender Services and agrees that the management of the tender process with WALGA will be overseen by the CEO or delegate

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**(Absolute Majority required)**

Confidential Attachments to Councillors & Directors only ([59 Pages](#); 41 Confidential)

<b>10. MEETING CLOSURE</b>
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