



## 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."*

# MINUTES

FOR A

SPECIAL MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS AT 8.00AM

**24 APRIL 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.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Broome expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

These minutes are unconfirmed.

**SHIRE OF BROOME**

**SPECIAL MEETING OF COUNCIL  
24 APRIL 2009**

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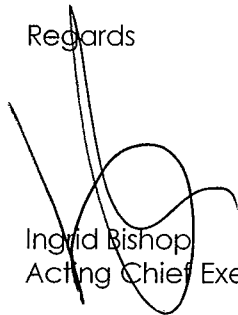
## NOTICE OF MEETING

Dear Council Member,

The next Special Meeting of the Shire of Broome Council will be held on Friday 24 April 2009 at 8.00am in the Council Chambers, for the purpose of considering:

- Broome Performing Arts Centre

Regards



Ingrid Bishop  
Acting Chief Executive Officer

President: ..... Date: .....

**1. OFFICIAL OPENING**

The Chairperson welcomed members and the public gallery and declared the meeting open at 8.03am.

**2. ATTENDANCE AND APOLOGIES**

Attendance Cr G T Campbell  
 Cr V L Wevers  
 Cr C R Mitchell  
 Cr C M Maher  
 Cr R J Lander

Leave of Absence Nil

Apologies Cr S E Eaton  
 Cr M L B Albert  
 Cr E R M Foy  
 Cr P D Matsumoto

Amended Ordinary Council Meeting 14 May 2009

Officers Ms Ingrid Bishop  
 Mr Neville Lavey  
 Mr Darryl Butcher  
 Ms Denisa Konecny  
 Ms Cally Hoskin

Public Gallery Suzie Haselhurst  
 Gwen Knox  
 David Dureau  
 Elizabeth Ellis

**3. DECLARATIONS OF FINANCIAL INTEREST**

Nil

**4. PUBLIC QUESTION TIME**

*Question 1 - Ms Gwen Knox: "Why are we choosing the preferred tenderer over the second preferred tenderer due to financial reasons as there are concerns in relation to value for money, whether the preferred tenderer's details will include sufficient engineering for the building's prime functions - spoken words and occupational health and safety issues?"*

*Answer - Acting Chief Executive Officer: "The preferred supplier's sub contractors have been confirmed and we are satisfied with their experience and key personnel that have been recommended. As well as there being approximately \$150 000.00 difference in cost between the second preferred tenderer, other considerations such as project management, contract management and operational matters were analysed which also contributed to the final decision."*

*It is important to understand the function of the sub-contractors and the role that they will play. Although there is a minimum of \$150,000 between tenderers, the decision is not based on financials alone.*

*Question 2 - Ms Suzie Haslehurst: Can you please advise who the preferred Architectural Services Provider is and give an update that gives the uninformed more information?*

*Answer – Shire President: Unfortunately the Local Government Act 1995 prohibits this information being made available to the public.*

*Question 3 - Mr David Dureau: Will the current Civic Centre be demolished and is the Council satisfied with the planning expansion required for the future use of this site?*

*Answer – Shire President: As part of the tender there are four options the successful architect is required to look at, it has not been confirmed whether the current building will be demolished however it is one of the possible options. This will be confirmed after Stage 1 work is complete.*

*In response to the strategic management of the site including the Administration Building and Library and Shire offices, this has been discussed and is acknowledged by Council as a very important part of the future planning of the area, and a plan will be forthcoming.*

**5. CONFIRMATION OF MINUTES**

N/A

**6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION**

**7. PETITIONS**

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

*Item 9.2.1 Broome Performing Arts Centre*

*Moved: Cr C R Mitchell*

*Seconded: Cr C M Maher*

*In accordance with Section 5.23(2)(c) of the Local Government Act 1995, that the meeting be discussed behind closed doors at 8.22am*

**CARRIED UNANIMOUSLY**

**9.**

**REPORTS**

**OF**

**OFFICERS**

# 9.1

## LEADERSHIP / GOVERNANCE

AND

## ORGANISATION



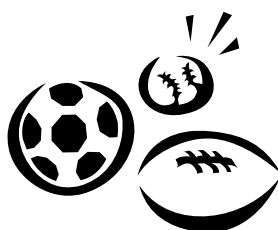
### **OUTCOME**

*To provide open, transparent and good governance  
to the community.*

# 9.2

## COMMUNITY

### SERVICES



### OUTCOME

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

*Officer Elizabeth Ellis declared an interest in Item 9.2.1 due to her being the Shire's Contracted Project Officer for the Art Centre Project and remained in the Chambers.*

**9.2.1 BROOME PERFORMING ARTS CENTRE**

**LOCATION/ ADDRESS:** N/A  
**APPLICANT:** Director Community Services  
**FILE:** CSP001  
**AUTHOR(s):** Director Community Services  
**CONTRIBUTOR/S:** Project Officer, Broome Performing Arts Centre  
**RESPONSIBLE OFFICER:** Director Community Services  
**DISCLOSURE OF ANY INTEREST:** N/A  
**DATE OF REPORT:** 30 April 2009

**SUMMARY:** This report recommends that Council endorse the WALGA Tender Bureau's decision in relation to preferred Architectural Services provider for the Broome Performing Arts Centre as detailed in Recommendation Report.

**BACKGROUND**

Previous Considerations

OCM 25 September 2008 Item 9.21

At the OCM on 25 September 2008, Council included the following resolutions:

2. *Three written quotes (fee proposal) are obtained due to the amount of the feasibility study as per Purchasing Policy 2.3.7.*
3. *That the Advisory Group is advised of the additional quotes (fee proposal) and prepares a recommendation for Council consideration regarding the next stage.*
4. *The BPAC project officer continues to liaise closely with the Department of Culture and the Arts project manager and project team.*

Three quotes were obtained in relation to the provision of preliminary architectural services. As all were in excess of \$100,000.00, it was determined that a public tender process was required to be undertaken as prescribed by Local Government Act.

WALGA advised that a relevant preferred supplier list was not available at this time – this further confirmed the need to proceed with the tender process. WALGA tender bureau was subsequently appointed by the CEO to undertake the tender process on behalf of the Shire.

Special Meeting of Council 23 February 2009, Item 9.2.2

At the Special Meeting of Council held on 23 February 2009, Council included the following resolution:

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.*

President: ..... Date: .....

Following the engagement of WALGA and the adoption of the Tender Specification document by Council, the tender details were advertised in the West Australian, The Australian, the Broome Advertiser and online at Tenderlink. The tender release date was Saturday, 28 February 2009 and closed promptly at 2pm on Tuesday, 31 March 2009. Local and previously preferred architectural firms were given notice of the tender, as permitted by WALGA, under cover of a separate email by WALGA.

Staff have continued to inform officers at the Department of Culture and the Arts of progress to date in order to maintain the Department's participation in decision making opportunities as a major stakeholder and as specified in the draft Grant Agreement (yet to be endorsed by all parties).

## COMMENT

WALGA received over 300 visits to the Tenderlink portal for the Broome Performing Arts Centre, more than 80 registrations to download the application documents, 4 attendees at the non-mandatory site visit on Friday, 13 March 2009 and 7 actual tender applications. Six applications were received as at 2pm on 31/3/09. One application was unacceptable due to late receipt at 2.13pm on 31/3/09.

WALGA's tender bureau recommendations are based on assessment against specific tender compliance and qualitative criteria and, secondly, the pricing submitted by each tenderer was assessed together with the qualitative criteria (currently the brief is limited by a budget of \$6m).

WALGA tender bureau Recommendation Report (Architectural Services – Broome Performing Arts Centre – RFT Number TPS0904) is attached. In accordance with the WALGA tender process as adopted by Council, the Tender Panel consisted of three WALGA Tender Officers and one Shire of Broome staff member.

Following receipt of WALGA's Recommendation Report on 28 April 2009, the Report was scrutinised by:

1. Shire's Technical Advisory Group (TAG) consisting of four Executive staff); and
2. The Broome Arts Centre Advisory Group

The TAG recommendation was consistent with that of the Broome Arts Centre Advisory Group tabled on Tuesday, 14 April 2009 and minuted as follows:

*"The Advisory Group supports the recommendation of the WALGA Tender Bureau Evaluation Panel as outlined in the WALGA Tender Recommendation Report Dated 21 April 2009; point 10 on page 63 under the heading 'Decision'".*

## STATUTORY ENVIRONMENT

*Local Government Act 1995*

*3.57 Tenders for providing goods or services*

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*

President: ..... Date: .....

**POLICY IMPLICATIONS**

Purchasing Policy, 2.3.7

**FINANCIAL IMPLICATIONS**

The Project comprises of 4 stages as detailed in the Tender Document. Once the Grant Agreement between the Shire of Broome and the Department of Culture and the Arts is signed, instalment payments will commence totalling \$4,851,000.00.

LotteryWest funding has been extended to February 2010 totalling approx \$220,000.00.

The Shire is still awaiting response from Department of Infrastructure, Transport, Regional Development and Local Government (now renamed) for the \$5,000,000.00 grant through the Community Infrastructure Program – Strategic Projects.

Once confirmation of final grant proceeds are known and final design concept is confirmed, a detailed financial analysis of project administration, construction and lifecycle costs will be presented to Council.

**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

*Moved: Cr C M Maher*

*Seconded: Cr C R Mitchell*

*That Standing Orders be suspended under Clause 18.1 of the Shire of Broome Standing Orders Local Law 2003, at 8.23pm.*

**CARRIED UNANIMOUSLY**

*Moved: Cr C R Mitchell*

*Seconded: Cr C M Maher*

*That Standing Orders be reinstated at 8.42am.*

**CARRIED UNANIMOUSLY**

REPORT RECOMMENDATION

*That Council*

- *endorses the WALGA Tender Bureau Panel's recommendation to appoint the preferred Architectural Services Provider subject to the signing of the Department of Culture and the Arts Grant Agreement.*
- *authorises the Chief Executive Officer to continue negotiations with the Department of Culture and the Arts to finalise the Grant Agreement and advise the WALGA Tender Bureau Panel of Council's decision*
- *acknowledges the work undertaken by the Broome Arts Centre Advisory Group.*

*Moved: Cr V L Wevers*

*Seconded: Cr C M Maher*

*That Council*

- *endorses the WALGA Tender Bureau Panel's recommendation to appoint the preferred Architectural Services Provider including their recommendation for the novation of the Subcontractor to the construction contractor, subject to the signing of the Department of Culture and the Arts Grant Agreement.*
- *authorises the Chief Executive Officer to continue negotiations with the Department of Culture and the Arts to finalise the Grant Agreement and advise the WALGA Tender Bureau Panel of Council's decision*
- *acknowledges the work undertaken by the Broome Arts Centre Advisory Group.*
- *invites Robyn Archer to be involved in the two day start up workshop.*
- *approaches the Department of Culture and the Arts to include a contribution to the cost of project management for stages 2, 3 and 4 out of the grant funds available.*
- *that a commitment to a project management position to be included in Council's draft budget 2009/10.*

**CARRIED UNANIMOUSLY**

Attachment: 78 pages (Confidential – to Councillors and Directors only)

*Moved: Cr C R Mitchell*

*Seconded: Cr C M Maher*

*In accordance with Section 5.23 of the Local Government Act 1995, that the meeting be re-opened to the public at 8.42am.*

*CARRIED UNANIMOUSLY*

Item 9.2.2 - APPLICATION FOR TRADING LICENCE TO CONDUCT ACTIVITIES OTHER THAN CAMEL TOURS ON CABLE BEACH has been deferred pending receipt of legal advice.

**10. MEETING CLOSURE**

There being no further business the Chairperson declared the meeting closed at 8.52am.