



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 THE COUNCIL CHAMBERS AT 4.30PM

22 December 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
22 DECEMBER 2009

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NOTICE OF MEETING

Dear Council Member,

Pursuant to Section 5.4(a)(ii) of the Local Government Act 1995, I advise that three Councillors (Cr J Bloom, Cr D M Male and Cr E Yu) have given notice of a Special Meeting of Council to be held on Tuesday 22 December 2009 at 4.30pm in the Council Chambers, for the purpose of:

- Refurbishment of the Broome Civic Centre for a Multipurpose Operational Performing Arts Facility

Regards



K R DONOHOE
Chief Executive Officer

17 December 2009

1. OFFICIAL OPENING

The Chairperson welcomed members and declared the meeting open at 4.30pm.

2. ATTENDANCE AND APOLOGIES

Attendance:	Cr G T Campbell Cr C R Mitchell Cr D M Male Cr R J Lander Cr J Bloom Cr E Yu Cr E R M Foy	Chairperson, Shire President Deputy Shire President
Leave of Absence:	Cr R De Wit	
Apologies:	Cr P D Matsumoto	
Officers:	Kenn Donohoe Darryl Butcher Denisa Konecny Neville Lavey Jo Durbridge Sally Reynolds	Chief Executive Officer Director Development Services Director Community Services Director Engineering Services Medial & Promotions Officer A/Council Secretary
Public Gallery:	Tony Proctor Stephen Graham	Broome Chamber of Commerce Shire of Broome

3. DECLARATIONS OF FINANCIAL INTEREST

Nil

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

N/A

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

Nil

7. PETITIONS

Nil

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

9. REPORTS OF OFFICERS

N/A

10. REPORTS OF COMMITTEES

N/A

11. NOTICES OF MOTION

Further attachments were tabled at the meeting and form part of these minutes.

11.1 REFURBISHMENT OF THE BROOME CIVIC CENTRE FOR A MULTIPURPOSE OPERATIONAL PERFORMING ARTS FACILITY

The following Notice of Motion has been submitted by Cr J Bloom.

This Notice of Motion, signed by the following Councillors (See attachment):

Cr J Bloom
Cr E Yu
Cr D M Male

We the undersigned put forth a notice of a motion to revoke or change the following decision made at Special Meeting of Council on 13 October 2009, item 9.2.1:

COUNCIL RESOLUTION

"That Council:

1. *Adopts the changes to project description and brief.*
2. *Authorises the Shire President and Chief Executive Officer to liaise with the Department of Culture and the Arts in relation to the proposed changes to the project brief and funding agreement.*
3. *Commits, subject to the Department of Culture and the Arts funding agreement variation approval, to proceed with Stage 2 of the tender process, subject to Community consultation being first held regarding the evolved project brief."*

REVOCATION MOTION

COUNCIL RESOLUTION

Moved: Cr J Bloom

Seconded: Cr D M Male

That the Council Resolution, Item 9.2.1-Broome Performing Arts Venue, contained in the Special Council Minutes of 13 October 2009 being:

That Council:

1. **Adopts the changes to project description and brief.**
2. **Authorises the Shire President and Chief Executive Officer to liaise with the Department of Culture and the Arts in relation to the proposed changes to the project brief and funding agreement.**

3. Commits, subject to the Department of Culture and the Arts funding agreement variation approval, to proceed with Stage 2 of the tender process, subject to Community consultation being first held regarding the evolved project brief.

be revoked.

**FOR: 7
AGAINST: 0
CARRIED BY ABSOLUTE MAJORITY**

(Absolute Majority required)

COUNCILLOR COMMENT

The State Government of Western Australia in it's policies for Regional Arts and culture recognises regional arts development as a priority. The current policy of "Cultural Signposts" is the guide for government's regional arts and culture activities in regional areas of the State. The policy clearly identifies Broome as a priority.

The Government's vision is that Western Australian regional communities will be creative and enjoyable places to live and work, where arts and culture are understood to be integral to sustainable development and are used by communities to develop a sense of place, express identity, promote understanding of cultural differences and celebrate diversity. All Western Australians living in regional, rural and remote communities will be encouraged to develop their creative skills and participate fully in a range of cultural actions and expressions associated with their heritage, their relationship with the natural and constructed world, their social conditions and concerns and their contemporary lifestyle.

Key area 3 of the "Cultural Signposts" Policy is "Buildings People and Technology". The prime objective of this key area is to expand and improve the infrastructure that underpins participation in arts and culture in regional, rural and remote Western Australia. One of the desired outcomes within this key area is that Western Australians living in regional areas have greater access to quality cultural facilities. To this end, Broome is identified in the Government's strategic initiatives where the Government is committed to "support the development of a multipurpose arts and cultural centre in Broome".

The Government subsequently committed \$5 million to support the efforts of the Broome Shire Council and the local community to establish a multipurpose arts and cultural centre in Broome.

The funding that has been made available from the State combined with the identified contribution from the Shire of Broome for a multipurpose arts and culture centre in Broome limits the options for the development of the centre to refurbishing the existing Broome Civic Centre. Many options have been considered since the funding was first made available and the Shire and the community have exhausted all other avenues within the bounds of the funds available.

Item 9.2.1 of the Special Meeting of Council on 13 October 2009 sought to significantly vary the purpose of the funding being provided by the State. New Councillors subsequently elected to the Shire of Broome Council have reviewed this decision in light of community feedback, the unlikelihood of agreement to the variation by the Minister and the potential loss of the funding. New Councillors submit that this project should revert to the recommendations that the Civic Centre be refurbished to provide a multipurpose arts and culture facility. By progressing these recommendations, work could

commence in 2010 enabling the residents of Broome to have access to this much needed facility.

OFFICER COMMENT (Director Community Services)

The proposed motion will essentially return the project to the original brief – the refurbishment of the existing Civic Centre building to a multipurpose performing arts facility. This project description is already contained in the draft funding agreement prepared in May 2009 by Shire of Broome and Department of Culture and the Arts (DCA) officers. As such, no variation would need to be sought from the Minister and the draft agreement could be readily finalised to enable the project to proceed in early 2010. Given the tight timelines, the proposed motion would therefore be advantageous.

Furthermore, community and stakeholder feedback received since the October Special Council Meeting in relation to the previously proposed outdoor venue has been mixed, with several key stakeholders reiterating the need for an indoor, air-conditioned venue as a priority. The need for adequate community consultation underpinning any significant change to the original scope has been highlighted. Advice received from the A/Minister for Culture and the Arts in February 2009 that there is no guarantee funding will remain available beyond 2009/10 necessitates prompt project progression and this would constrain the feasibility of revisiting the consultation process previously undertaken.

During his visit to Broome on 9 December 2009, Council met with Minister for Planning; Culture and the Arts, Hon John Day. During discussions pertaining to the funding for the Performing Arts Centre, the Minister broadly confirmed that the adherence to the indoor venue concept for which the funding was originally allocated eight years ago would be preferred. As such, his agreement to the previously proposed variation involving an outdoor venue appeared doubtful, and this was echoed in recent discussions with relevant DCA staff.

The outcomes from the 30 July 2009 Briefing Workshop with Council facilitated by Murray Johns, James Christou + Partners Architects (JC+PA; appointed as contract architects in May 2009) included the view that a conventional Performing Arts Centre of the capacity and quality previously envisaged cannot be delivered for the approximate \$6.08M available given combined State and Shire funding. In terms of operational costs, feasibility advice received also raised doubts about the Shire's capacity to sustain the costs of a major Performing Arts Centre.

Given this information, it is envisaged that the way forward will require a compromise of sorts in relation to the original scope (ie: scaling down) to deliver a feasible outcome in terms of both capital and operating costs. Alternatively, a staged approach to construction may be considered, with a view to minimising compromise at each stage.

COUNCILLOR RECOMMENDATION

COUNCIL RESOLUTION

Moved: Cr J Bloom

Seconded: Cr E Yu

That Council:

- 1. Refurbish the existing Civic Centre in accordance with previous community**

consultation and funding concepts to achieve a multipurpose operational performing arts facility with air conditioning and community rooms.

- 2. Investigates new opportunities that have been advised by Broome Senior High School and other existing venues that may meet the current population rate and affordability and new sources of funding identified by the Department of Education.**
- 3. Authorises previously appointed James Christou and Partners Architects to commence stage 2 of the tender process – final concept design – including a start-up workshop with Council.**

**FOR: 7
AGAINST: 0
CARRIED BY ABSOLUTE MAJORITY**

(Absolute Majority required)

[Attachment: 2 pages](#)

10. MEETING CLOSURE

There being no further business the Chairperson declared the meeting closed at 4.39pm.