



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 THE
SPECIAL MEETING OF COUNCIL**

13 OCTOBER 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
13 OCTOBER 2009**

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NOTICE OF MEETING

Dear Council Member,

Pursuant to Section 5.4 of the Local Government Act 1995, I advise that the Shire President has called a Special Meeting of Council to be held on Tuesday 13 October 2009 at 5.00pm in the Council Chambers, for the purpose of:

- Recission of Council's Resolution of 22 August 2009 – Item 9.1.1-Sister Town Relationship With Taiji
- Broome Performing Arts Venue

Regards



DARRYL BUTCHER
Acting Chief Executive Officer

2 October 2009

Eunice Yu
 Carol Tang Wei
 Cauline Masuda
 Akira Masuda
 Mary Evelyn Masuda
 Robyne Lynch
 Anthea Demin
 Rob Mailer
 Jo Condrey
 Lyn Yu-MacKay
 James Vincent Shire
 Desiree Male Male & Co Pty Ltd
 David Galwey
 Johari Bin Demin
 Pearl Hamaguchi
 Cheylon O'Connell
 Sea Catlin
 Kamisah Bin Denim
 Sally Demin
 Ahmat Bin Fadal
 Lynette Masuda
 Christine Masuda
 John McCourt
 Drasko Jankovic GWN
 Kelly Henderson Mangrove, KPAC
 Jane Cunninham
 Erina Tanaka
 Tsunehiro Tanaka
 Kwayne Hamaguchi
 Jessica Fong
 Philip Matsumoto
 Rod Hartvigsen

3. DECLARATIONS OF FINANCIAL INTEREST

Nil

4. PUBLIC QUESTION TIME

Eunice Yu submitted the following questions for the Special Council Meeting of 13 October 2009 (in relation to Item 10.1 of the Agenda):

Question 1 – Eunice Yu: “To which Community does the preamble refer? Is it the tourism, business, Asian Aboriginal Community or the one Councillor that may have received hate mail?”

Answer 1 – Shire President: “Refers to the whole of the Community. There are many Community Groups within the Shire and it is my understanding, Cr Albert, that it refers to all members of the Community?”

“Cr M L B Albert – That is correct.”

Question 2 – Eunice Yu: “The word ‘continue’ suggests that economic sanctions may have already caused harm to the Community. Can Council explain what are the sanctions and by whom?”

Answer 2 – Shire President: “You will find when the recommendation is put that those words will be withdrawn, (Cr M L B Albert – “That is correct”) as it was unclear.”

Question 3 – Eunice Yu: “What evidence does Council have of the ‘significant harm’ caused?”

Answer 3 – Shire President: “There has been anecdotal evidence received via email with over 1,000 emails received at the Shire today.”

Question 4 – Eunice Yu: “Does Council consider that this ‘significant harm’ is in any way comparable to the considerable harm already caused to Broome and Taiji’s Japanese Community and the majority of Broome’s Asian-Aboriginal Japanese Community and the majority of Broome’s Asian-Aboriginal Community who value this shared history and the sister city relationship?”

Answer 4 – Shire President: “I think this Notice of Motion address the issue and am hopeful the answer will be provided.”

* * *

John McCourt, President, Kimberley Performing Arts Council presented the following questions at the meeting of 13 October 2009, which were taken on notice by the Chairperson:

Question 1 – John McCourt: “Can Council advise the detail of stakeholder and public consultation on the subject of the future of an indoor performing arts facility following a Council workshop on 30 July 2009?”

Question 2– John McCourt: “Who was invited to the workshop, as detailed in (1) above?”

Question 3 – John McCourt: “Does Council consider an initiation for stakeholders to attend a breakfast briefing on the proposed performing arts centre for Friday 9 October 2009, sent by email on 6 October 2009, as adequate time to allow for attendance?”

Question 4 – John McCourt: “Can Council detail what facilities the town will have in the future to host performing arts events at an indoor venue with such facilities being capable to hosting same?”

* * *

Gwen Knox submitted questions for the Special Council Meeting of 13 October 2009 and a summary of questions is shown below. The Chairperson advised points would be considered when the item is discussed tonight and the questions would be taken on notice.

Question 1 – Gwen Knox: “Has the Shire Council in its proposal to develop an amphitheatre in Chinatown considered the following:

- *What is the likely hood that DCA will give this proposal its blessing given that the original funding was in response to the community request for an indoor performing arts venue?*
- *That an open air entertainment venue in Chinatown will be in direct competition of other businesses already providing open air outdoor entertainment. Across the road is a nearly completed indoor complex.*
- *An open air entertainment venue in Chinatown will only be suitable for loud music events.*
- *If this venue was used to maximum facility it is likely to be closed down as it will be in direct competition with existing venues and be aurally offending people who live in and around Chinatown.*
- *How this proposed facility will cover the needs of :*
 - *Our large emerging dance community*
 - *A developing theatre performance community requiring reasonable access to site lines and sound.*
 - *The occupational health and safety of performers.*
- *What is the likelihood that the proposed site will, in a few years time or sooner, become:*
 - *An all weather sleeping and toilet place for the itinerant drinkers,*
 - *A vandalised concrete bunker that will be shut down because it is an unsuitable and undesirable for place to work and enjoy.*
- *We only ever wanted a venue that had the capacity seating of 350 -375. A venue any bigger would rarely be filled or affordable."*

Question 2 – Gwen Knox: *"While I appreciate that some of the Shire members have had a workshop with James Christou and Partners architects in order to reach their decision on the subsequent proposed split of funds between the redevelopment of the civic centre and the Chinatown outdoor entertainment area. I would question the split and ask that the \$4,550,000 be spent on the civic centre redevelopment as the start of a staged development of a functional arts facility (that can still be used as a community centre). The \$1,890,000 to be used to develop an outdoor entertainment facility in another location than Chinatown such as the Town Beach precinct. This would help provide some infrastructural support to flailing arts industry upon which a lot of income has been made with relatively little financial input especially when it is compared to the financial and infrastructural support provided to the sports industry."*

* * *

Sandi Woo submitted the following questions in relation to the new performing arts venue for the Special Council Meeting of 13 October 2009:

Question 1A- Sandi Woo: *" Given Country Arts WA has just wrapped up an initiative that allowed for regional venues across WA to be audited by a theatre consultant, has the Shire of Broome used any of the findings and suggestions from that initiative to feed into their decision for the music shell and civic centre venue upgrade?"*

Answer 1A – Shire Present: "If we haven't we will avail ourselves of this information from the Minister and consider that."

Question 1B – Sandi Woo: *"If so, will the Shire be upgrading the specifications in the Civic Centre to allow for performing arts to better use the venue as per those findings? (ie lighting, staging, seating and other technical specifications)?"*

Answer 1B- Shire President: "Generally yes. It is part of the Architect and Consultant's brief."

Question 2 – Sandi Woo: "Will the Shire be considering allocating any of its annual budget to programming events and shows in the newly built and renovated venue/s?"

Answer – Shire President: "Budgets are completed each year and are subject to budgetary constraints and Council's consideration. Council will do all it can to ensure it is viable."

* * *

David Dureau asked the following questions at the Special Council Meeting on 13 October 2009:

Question 1 - David Dureau: "To ensure transparency will Council ensure the minutes and recommendations of the meeting held between the Broome Shire President and the Japanese Consul General in August 2009 where discussions took place regarding the annual dolphin slaughter and impact on its ongoing Taiji Sister City relationship, are available?"

Answer 1 – Shire President: "Mr Sato was coming to Broome for the Shinju Matsuri Festival and I called him to discuss the matter with him, indicating there was a recommendation pending for Council's consideration that he would be interested in. No discussion of dolphin harvesting or whaling occurred at that meeting."

Question 2 – David Dureau: "Are you able to table the Minutes of the Shire President's report and recommendations?"

Answer 2 - Shire President: "I am not aware of the formal meeting you refer? If you are referring to a workshop, there are no minutes taken of workshop proceedings."

Question 3 – David Dureau: The Chairperson ruled this next question out of order.

Question 4 – David Dureau: "Has the Chief Executive Officer received any communication or response from Taiji representatives or Japanese Diplomats regarding the Sister City dolphin issues?"

Answer 4 – Chief Executive Officer: "There was a response with Council's previous decision of 17 December 2008 requesting the Chief Executive Officer to write to the Taiji Chief Executive Officer."

Question 5 – David Dureau: "Can you confirm Council previously considered a motion to install electronic surveillance at Japanese Cemetery?"

Answer 5 – Shire President: "There is a camera installed at the Cemetery."

* * *

5. CONFIRMATION OF MINUTES

N/A

10. NOTICES OF MOTION

10.1 REVOCATION OF COUNCIL RESOLUTION

The following Notice of Motion has been submitted by Cr M L B Albert.

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

- Cr M L B Albert
- Cr V L Wevers
- Cr C R Mitchell

supports the revocation of Council Resolution for Item 9.1.1-Sister Town Relationship With Taiji, contained in the Special Council Minutes of 22 August 2009:

“That Council:

1. *Respectfully advises the Council of Taiji that it will be unable to fulfil its pledge as a Sister Town with the Town of Taiji while the practice of harvesting dolphins exists.*
2. *The Council of the Shire of Broome acknowledges the following in relation to the Sister Town relationship with Taiji:*
 - *The Shire of Broome has always recognised the relationship with Taiji and Japan that extends beyond the Sister Town pledge of 1981 to the foundation of Broome in the 19th century and the assistance in the development of Broome through the many hundreds of persons who sacrificed so much in developing the pearling industry, and whose spirits remain in our care.*
 - *Significant local, international and national pressure has been placed on the Shire and community of Broome through social and economic sanctions that may continue to cause significant harm to the community including the continued harrying of Broome persons with Japanese descent by advocates against Taiji.*
 - *The Shire of Broome would like to support Taiji by offering to facilitate alternative economic opportunities similar to those that have seen Broome flourish through tourism and promotion of its natural marine resources and landscape beauty to the people of Taiji.*
 - *That the Australian Commonwealth (Department of Foreign Affairs and Trade); State government departments (Department of Premier and Cabinet) and Japan Local Government Centre (Clair), be requested to offer assistance to Taiji in developing other economic development opportunities in lieu of dolphin harvesting.*
 - *The above recommendation is conveyed with utmost urgency to the Consul-General of Japan with a request that he advise the town of Taiji of Council’s resolution.*

- *That this Council looks forward to fulfilling its pledge of Sister Town relationship with Taiji at the earliest possible time."*

COUNCIL RESOLUTION

REVOCATION MOTION

Moved: Cr M L B Albert

Seconded: Cr V L Wevers

That the Council Resolution of item 9.1.1-Sister Town Relationship With Taiji, contained in the Special Council Minutes of 22 August 2009 being:

"That Council:

1. *Respectfully advises the Council of Taiji that it will be unable to fulfil its pledge as a Sister Town with the Town of Taiji while the practice of harvesting dolphins exists.*
2. *The Council of the Shire of Broome acknowledges the following in relation to the Sister Town relationship with Taiji:*
 - *The Shire of Broome has always recognised the relationship with Taiji and Japan that extends beyond the Sister Town pledge of 1981 to the foundation of Broome in the 19th century and the assistance in the development of Broome through the many hundreds of persons who sacrificed so much in developing the pearling industry, and whose spirits remain in our care.*
 - *Significant local, international and national pressure has been placed on the Shire and community of Broome through social and economic sanctions that may continue to cause significant harm to the community including the continued harring of Broome persons with Japanese descent by advocates against Taiji.*
 - *The Shire of Broome would like to support Taiji by offering to facilitate alternative economic opportunities similar to those that have seen Broome flourish through tourism and promotion of its natural marine resources and landscape beauty to the people of Taiji.*
 - *That the Australian Commonwealth (Department of Foreign Affairs and Trade); State government departments (Department of Premier and Cabinet) and Japan Local Government Centre (Clair), be requested to offer assistance to Taiji in developing other economic development opportunities in lieu of dolphin harvesting.*
 - *The above recommendation is conveyed with utmost urgency to the Consul-General of Japan with a request that he advise the town of Taiji of Council's resolution.*
 - *That this Council looks forward to fulfilling its pledge of Sister Town relationship with Taiji at the earliest possible time."*

be revoked.

CARRIED 5/0 BY ABSOLUTE MAJORITY

COUNCILLOR RECOMMENDATION

A. *That Council firstly:*

1. *Unreservedly apologises to the Japanese community in Broome and Taiji, their families and friends for any disrespect caused by Council's resolution of 22 August 2009, the haste with which the decision was made and the lack of consultation with the Broome community.*
2. *Expresses its sorrow for the public distress caused to the Japanese community by the offensive material left at the Japanese cemetery and will actively assist the WA Police Service to bring those responsible to account, and will pursue that CCTV is installed at the Japanese Cemetery.*
3. *Invites the Western Australian Japanese Consul General to Broome to meet with Council and the Japanese community.*
4. *Invites the Japanese community to assist in planning a delegation to Taiji to reinforce the relationship with the Taiji Town Council and pursues a partnership with the Commonwealth Government to fund the delegation.*
5. *Reviews its process of Community consultation and that the Community consultation policy is reviewed to include protection of any Cultural groups' history and heritage in Broome, a suitable framework for engagement and allowing time for a formal process to do this.*
6. *Investigates and considers possible exchanges between the two Towns in 2011 for the 30th Anniversary of the Agreement to formally reaffirm the Sister Town relationship between Broome and Taiji.*

B. *That Council secondly, in response to the significant local, international and national pressure that has been placed on the Shire and community of Broome through social and economic sanctions that may continue to cause significant harm to the community:*

1. *Reiterates that it does not condone the current practice of harvesting dolphins in Taiji and other parts of the prefecture.*
2. *Invites the Western Australian Japanese Consul General and the Australian Minister for Foreign Affairs to Broome to advise contents of petitions and to assist Council in having its concerns expressed to the Taiji Town Council and the Japanese Government.*
3. *Assists the Japanese Government and Taiji Town Council to explore all possible ways to stop the slaughter practices.*
4. *Conveys this message to Taiji Town, its citizens and the Japanese Government.*

COUNCIL RESOLUTION

Moved: Cr M L B Albert

Seconded: Cr V L Wevers

A. That Council firstly:

- 1. Unreservedly apologises to the Japanese community in Broome and Taiji, their families and friends for any disrespect caused by Council's resolution of 22 August 2009, the haste with which the decision was made and the lack of consultation with the Broome community.*
- 2. Expresses its sorrow for the public distress caused to the Japanese community by the offensive material left at the Japanese cemetery and will actively assist the WA Police Service to bring those responsible to account, and will pursue that CCTV is installed at the Japanese Cemetery.*
- 3. Invites the Western Australian Japanese Consul General to Broome to meet with Council and the Japanese community.*
- 4. Invites the Japanese community to assist in planning a delegation to Taiji to reinforce the relationship with the Taiji Town Council and pursues a partnership with the Commonwealth Government to fund the delegation.*
- 5. Reviews its community consultation policy, in particular, its process of consultation in a way that includes protection of any cultural group's history and heritage in Broome by providing a suitable framework for engagement and by allowing time for a formal process of consultation.*
- 6. Investigates and considers possible exchanges between the two Towns in 2011 for the 30th Anniversary of the Agreement to formally reaffirm the Sister Town relationship between Broome and Taiji.*
- 7. That Council respects that the purpose of its Sister-City relationship with Taiji is for cultural, social and economic exchange and that Council resiles from imposing sanctions of any kind of economic activity in Taiji.*

B. That Council secondly, in response to the significant local, international and national pressure that has been placed on the Shire of Broome:

- 1. Reiterates that it does not condone the current practice of harvesting dolphins in Taiji and other parts of the prefecture.*
- 2. Invites the Western Australian Japanese Consul General and the Australian Minister for Foreign Affairs to Broome to advise contents of petitions and to assist Council in having its concerns expressed to the Taiji Town Council and the Japanese Government.*
- 3. The Shire of Broome would like to support Taiji by offering to facilitate alternative economic opportunities similar to those that have seen Broome flourish through tourism and promotion of its natural marine resources and landscape beauty to the people of Taiji.*

C. The Chief Executive Officer inform Taiji Town, its citizens and the Japanese Government of this decision.

AMENDMENT TO MOTION:

Moved: Cr G T Campbell

Seconded: Cr C R Mitchell

That a further Point D be added to the resolution as follows:

- D. To ensure that the intent of this resolution is clear and to avoid any media ambiguity that the media contacts in relation to this matter shall be through written form.*

That Council invites representatives of the Japanese Community of Broome to assist Council to compose and distribute a media release to articulate the history and importance of the Sister City relationship and its unique place in Australian social and cultural history.

AMENDMENT PUT:

FOR: 3

AGAINST: 2

MOTION CARRIED

MOTION PUT:

FOR: 5

AGAINST: 0

MOTION CARRIED 5/0 BY ABSOLUTE MAJORITY

[Attachment: 1 page](#)

9.

REPORTS

OF

OFFICERS

9.2

COMMUNITY

SERVICES



OUTCOME

To facilitate the social wellbeing and development of the community.

9.2.1 BROOME PERFORMING ARTS VENUE

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: CSP001.13
AUTHOR: Director Community Services
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Community Services
DISCLOSURE OF ANY INTEREST: N/A
DATE OF REPORT: 7 October 2009

SUMMARY: This report summarises outcomes of stage 1 of the tender process and recommends that Council endorses the evolved project brief, secure a funding agreement variation to reflect this and proceeds with Stage 2 of the tender process including community consultation.

BACKGROUND

Previous Considerations

- OCM 25 September 2008 - Item 9.2.1
- SMC 23 February 2009 – Item 9.2.2
- SMC 24 April 2009 – Item 9.2.1

At Special Meeting of Council held on 23 February 2009, Council endorsed the tender specifications prepared by WALGA Tender Services and agreed that the management of the tender process will be carried out by WALGA and overseen by the Chief Executive Officer or delegate.

WALGA Tender Bureau’s Recommendation Report was endorsed at Special Meeting of Council on 24 April 2009. Subsequently, James Christou + Partners Architects (JCPA) were awarded the contract for the engagement of Architectural Services on 15 May 2009 to undertake Stage 1 of the Tender process – Structural Engineering Assessment - to determine the viability of refurbishing the Civic Centre.

COMMENT

The Structural Report prepared for JCPA by AECOM Australia Pty Ltd was completed on 29 June 2009 and found that:

“The building, which is about 35 years old, was found to be in good structural condition. However, because of the structural framework of this building and the cyclonic wind load requirements it would be very difficult and expensive to be structurally altered. This is especially the case for the main longitudinal trusses each side of the main hall where removal would require extensive and radical redesign and would not be cost effective. Interior redesign of walls would be feasible but any new heavy internal structures would require removal of floors and new foundations.”

Furthermore, the Shire received notification in May 2009 that the \$5M funding application submitted through the Community Infrastructure Program–Strategic Projects was unsuccessful. This information, coupled with previous advice received in February 2009

Chairperson.....Date.....

from the Department of Culture and the Arts (DCA) - that the DCA funding of \$4.88M would lapse if not committed to the project before the end of 2009/10 financial year – called for urgent review of the project's scope of work and overall project objectives. The Shire of Broome has previously indicated a commitment of approximately 1.2M to the project.

To consider the implications of the Structural Report findings, finite budget/existing funding time constraints and determine the way forward prior to the commencement of Stage 2 (Final Design Concept) of the Tender process, a Briefing Workshop with Council was held and facilitated by Murray Johns, JCPA Director on 30 July 2009.

The Workshop was informed by the previous studies carried out for the Shire of Broome to investigate options for the vision for a Performing Arts Centre. These studies being:

- The Broome Arts Centre Concept Plan and Needs Analysis (Penny Kordyl, April 2003).
- Broome Performing Arts Centre Study (Woodhead International, November 2005).
- Broome Performing Arts Centre Site Options Study (Ashton Raggatt McDougall Architects, September, 2008).
- Broome Performing Arts Centre Business Plan – Feasibility prepared by Pegasus Performing Arts Consultants (2009)

The preceding site options study in 2008 by ARM had identified a range of redevelopment options for the BPAC using the existing Civic Centre building with only one option being reported as within the range of the available funding (Option 1A). The consensus view of the Workshop participants was that due to the funding available this Option 1A had limitations and compromises that were not acceptable given the expenditure required to achieve that option. As noted in ARM's report Option 1A:

".....does not offer flexibility to accommodate large audiences for a range of performances or significant architectural identity".

The recent Structural Inspection Report advises that whilst the Civic Centre is generally structurally sound there are a number of structural limitations for redevelopment that will require further design consideration and expenditure. For example, the existing suspended timber floor is structurally insufficient to support the retractable audience seating and would require substantial floor strengthening as proposed by Option 1A. The proposals to 'open up' the sides of the building with new stage additions would also require substantial structural works to maintain the wind loading integrity of the building.

Consequently, the Workshop participants were advised by JCPA that their conclusions drawn from the AECOM structural report were that the project costs of ARM Option 1A could be significantly higher than as reported in late 2008 (ie possibly beyond the available funding). The alternative Option 1C was reported at \$14M.

The Workshop identified key project background issues and concerns. The following points were raised and identified as the general view of workshop participants:

- The view that a conventional Performing Arts Centre of the capacity and quality required cannot be delivered for the approximate \$6.08M available given combined State and Shire funding.
- That there are serious doubts regarding the merits and potential end cost of a redevelopment proposal of the Civic Centre as the BPAC venue.

- The design options for the Civic Centre developed in the ARM Report never had the capacity to facilitate large school events, large concerts or major community events. (The options delivered a modest theatre capacity of up to 350 seats).
- There are also doubts about the financial sustainability of a major Performing Arts Centre for the Shire’s ongoing funding capacity at this point in time (given the recently received feasibility advice on the anticipated operational costs, the income stream and anticipated deficit).
- The Shire needed to be innovative in order to provide the community with a performance venue and deliver the opportunity within the available funding.
- DCA would need to be fully informed of the Shire’s requirement to alter the direction for the project and approve any change for the use of grant monies and this needed to be actioned by the Shire as a priority. (The timeframe of this requirement to be actioned was fixed by the Minister’s letter of advice).
- There had been a substantial amount of community consultation over the project dating back to 1996. The consultation had been captured and documented extensively in the investigation reports conducted. The Shire was well informed of community needs and aspirations and this information was sufficient background on which to proceed with investigation of an alternative performance option. Consultation to pursue an alternative solution was not considered to be required given the information available. The community would need to have the opportunity to review the alternative design proposal of any solution when prepared and consultation with key stakeholder groups be undertaken.
- The Civic Centre status was poor as a community venue. Noting that it has had a lot of money spent on it over the years with community contributions in addition to the Shire’s ongoing expenditure. However, the current state of the building was degraded and well below acceptable standards with physical, aesthetic and function limitations.
- The Civic Centre could still provide a valued amenity for the community and that Broome needed a “Town Hall” venue for civic events, functions and private parties as well as a facility for smaller scale performing arts productions. The essential issues constraining the use of the Civic Centre for these activities was the quality of the acoustics, environmental comfort, adequate functionality of kitchen and provision of toilets. Currently the venue did not meet community expectations and was difficult to generate an income stream as a result.
- If the Civic Centre could be upgraded to the extent that it provided users with a reasonable quality and met reasonable community expectations then it would be a useful amenity for the Shire to retain. It could generate an income stream as a focus for community activities and private functions and events within the limitations of the venue.
- The Shire’s focus on revitalising Chinatown gives rise to the need to promote activities and events within the Chinatown Precinct. A focus on whole of community and regional events and festivals was identified as key objectives to be facilitated with improved event venue facilities.
- Male Oval offers the ideal location for a whole of community event and performance venue given its proximity to Chinatown, ease of accessibility, prominent location and the surrounding supporting food and beverage venues. Ideally, this whole of community venue would be a well conceived purpose designed outdoor venue.
- The concept for an outdoor performance venue was considered to be intrinsically linked to the lifestyle enjoyed by the residents of Broome and would reflect the unique and informal character for which Broome is recognised.
- It was considered that such a venue would offer a special and memorable experience for visitors and significantly assist the Broome community to promote

event based tourism opportunities with expansion of existing cultural festivals, music festivals and large production performances. (A scale of performing arts beyond the scope of the capability of a traditional regional performing arts theatre).

- The discussion resolved with the consensus view that the project needed to be focused on the development of a whole of community performance venue with supporting event facilities to be sited on Male Oval. It should be an outdoor event venue which has the functionality and capacity to attract regional events and touring acts as well as supporting current and future festival events.
- The grant funding should be re-directed toward achievement of this outdoor performance facility.
- The discussion also resolved a consensus view that the Shire should look to upgrade the Civic Centre to 'A Community Standard" which provided an acceptable level of quality for the building's acoustics, air-conditioning, toilets, kitchen and general quality and functionality.
- The long term objective of a major Performing Arts Centre project would not be diminished by the proposed alternative project. The Participants saw merit in the Consultant team investigating the master planning options for locating a Performing Arts Centre on Male Oval as a future development project opportunity to be available if sufficient funding was made available at some point in time.
- Workshop Participants considered on balance that the proposed alternative direction was considered to be the only option which will satisfactorily address the community's large performance event venue needs in Broome within the available funding.
- It was acknowledged that whilst Cable Beach Amphitheatre does provide Broome with a large event option which has been successfully used for many events over the years and will continue to be a venue, a greater use of the Cable Beach space is limited by its public use, the Cable Beach Club Resort facilities adjacent and the lack of permanent infrastructure to support events.

At the conclusion of the Workshop, it was therefore agreed by participants that the following evolved project scope was required to progress the project given the abovementioned constraints, with JCPA Consultants subsequently providing preliminary Quantity Surveyor costing as follows:

1. **Civic Centre upgrade - preliminary QS estimate = \$1,890,000**
2. **Community Performance Venue, Male Oval - preliminary QS estimate = \$4,550,000**

At this stage, minimal briefing documents have been used to prepare the briefing estimates and project contingencies will thus be required. It is intended that Stage 2 of the Tender process, Final Concept Design, will further develop the revised brief.

To progress the evolved scope, approval from Department of Culture and the Arts will be required to enable the Shire of Broome to redirect the grant funding towards the project delivery of an outdoor whole of community performance venue in the form of a purpose designed stage and performance shell with supporting facilities to be sited on Male Oval.

In addition, it is proposed that the Shire commit to expending its own funds to upgrade the existing Civic Centre to meet a reasonable standard for continued use of a function and performance venue. The upgrade will address the quality of acoustics, air-conditioning, toilets, kitchen and functionality within the constraints of available Shire funding.

CONSULTATION

Broome Shire Council
James Christou + Partners Architects (Project Consultants)

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Relevant policy will be developed upon project implementation.

FINANCIAL IMPLICATIONS

Borrowings

The Shire has already committed to \$1.2M in borrowing towards the project cost in the 2009/10 budget. The preliminary Civic Centre Upgrade proposal cost estimate of \$1.89M indicates the prospect of an additional \$700K which is well within borrowing parameters and would consume less than 10% of the Shire’s current preferred borrowing capacity. Adding \$700K to the existing loan budget of \$1.2M would increase debt repayment by \$100K per annum over 10 years or \$40K per annum if the loan was extended to 15 years.

Future grant applications or appropriations can be targeted to offset borrowing.

Operating Costs

The Civic Centre has an existing operating budget of \$33,200 covering cleaning, maintenance, security, insurance, electricity and water for surrounding lawns & gardens. The upgrade is estimated to increase the budget of cleaning, maintenance, insurance and electricity by \$30K per annum less annual venue hire estimated at \$10K, giving a net operating cost increase of \$20K.

The BPAC based on a 350 seat indoor venue with staffing had preliminary net cost estimates in excess of \$400K per annum with all the risks of operation. An outdoor venue is estimated to require a budget of \$80K to cover cleaning, maintenance, security, insurance and electricity, less a very conservative estimated venue hire of \$20k, giving a net operating cost of \$60K.

Renewal Costs

There will also be a significant reduction in future renewal demand and future consequential maintenance demand by reducing new capital building expenditure from the \$10.8M sought for the indoor BPAC to the \$6.45M revised Civic Centre and outdoor performing arts projects.

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

Simple Majority

<i>Moved: Cr V L Wevers</i>	<i>Seconded: Cr C M Maher</i>
<i>That Standing Orders be suspended under Clause 18.1 of the Shire of Broome Standing Orders Local Law 2003, at 5.54pm to allow the public gallery to clear.</i>	
<i>CARRIED UNANIMOUSLY</i>	
<i>Moved: Cr V L Wevers</i>	<i>Seconded: Cr M L B Albert</i>
<i>That Standing Orders be reinstated at 5.55pm.</i>	
<i>CARRIED UNANIMOUSLY</i>	

REPORT RECOMMENDATION

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, including consultation with community and relevant stakeholders regarding the evolved project brief.*

COUNCIL RESOLUTION

Moved: Cr C M Maher

Seconded: Cr C R Mitchell

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.*

CARRIED UNANIMOUSLY

(Attachment: 12 pages – Confidential – To Councillors & Directors only)

11. MEETING CLOSURE

There being no further business the Chairperson declared the meeting closed at 6.13pm.