

Bunbury City Council

Special Council Meeting Minutes 24 July 2013

The purpose of the meeting is to:

1. Clarify Council's position in relation to the Withers Action Plan and Urban Renewal Strategy; and
2. Consider the Draft Terms of Reference for the Withers Community Reference Group.



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Bunbury City Council Special Council Meeting Minutes

Minutes of a Special Meeting of the City of Bunbury Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street Bunbury on Wednesday 24 July 2013.

Pursuant to Clause 11.7 of the City of Bunbury Standing Orders 2012, at 8.01pm the Deputy Mayor Cr Craddock moved, Cr Leigh seconded that the meeting be adjourned until prior to the Council (Standing) Committee meeting to be held on Tuesday 30 July 2013. The Mayor put the procedural motion to the vote and was CARRIED 9 votes "for"/ 1 vote "against". It was requested that Cr Jones' vote against the adjournment be recorded. The meeting was adjourned at 8.01pm.

The Special Council meeting reconvened at 5.00pm on Tuesday, 30 July 2013. At the time of the resumption of the meeting, Cr Steck was present.

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| <h3 style="margin: 0;">Minutes</h3> <p style="margin: 0;">24 July 2013</p> |
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NOTE: Any recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the meeting.

1. Declaration of Opening by the Presiding Member

The Special Council meeting was declared open by His Worship the Mayor Mr David Smith at 5.59pm.

The Mayor made mention of the attendance at the meeting of Hon. Adele Farina MLC, Mayoress Tresslyn Smith, the partner of Cr Cook, Merv Mancer Bunbury Citizen of the Year 2012 and his wife Jo.

2. Record of Attendance, Apologies and Leave of Absence

Present:

| Council Members | |
|-------------------------|-----------------------------------|
| Presiding Member | His Worship the Mayor, Mr D Smith |
| Deputy Presiding Member | Deputy Mayor Cr S Craddock |
| Members | Councillor J Jones |
| | Councillor D Prosser |
| | Councillor A Leigh |
| | Councillor K Steele |
| | Councillor B Kelly |
| | Councillor N McNeill |
| | Councillor M Cook |
| | Councillor S Morris |

| Executive Leadership Team (Non-Voting) | |
|---|--------------------|
| Chief Executive Officer | Mr A Brien |
| Director Community and Customer Services | Ms S Addison-Brown |
| Director Corporate Services | Mr W Wright |
| Director Planning and Development Services | Mr B Karaszekwych |
| Director Works and Services | Mr P Harris |
| Council Officers (Non-Voting) | |
| Acting Media and Communications Officer | Ms L Wiseman |
| Administration Officer Corporate | Ms N Hribar |
| Others (Non-Voting) | |
| Members of the Public | 13 |
| Members of the Press | 1 |

APOLOGIES

Councillors Michelle Steck and Ross Slater were an apology for the meeting held on 24 July 2013.

Councillor Ross Slater was an apology for the reconvened Special Council meeting held 30 July 2013.

3. Disclosures of Interest - Local Government Act 1995

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| Members should fill in <i>Disclosure of Interest</i> forms for items in which they have a financial, proximity or impartiality interest and forward these to the Mayor <u>before</u> the meeting commences. |
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4. Business of the Meeting

The purpose of the meeting is to:

1. Clarify Councils position in relation to the Withers Action Plan and Urban Renewal Strategy; and
2. Consider the Draft Terms of Reference for the Withers Community Reference Group.

Public Participation at the Special Council Meeting held 24 July 2013

Public Question Time

The Mayor asked if there were any members of the public that wished to ask a question of the Council in relation to the matters being considered on the agenda.

Mr Ross Bradshaw, 30 Wilkerson Way Withers

Question: What will happen if you amalgamate the Withers Action Plan (WAP) and the Withers Urban Renewal Strategy (WURS) and take the \$300,000 per year off?

Response: Mayor: Council has adopted a plan with submissions. It did not address the submissions but those submissions would at some stage feed into the report. In the case of the South West Development Commission (SWDC) my understanding is they have adopted the report but I am not sure whether that report incorporates the submissions or not.

Question: How can you to take the \$300,000 per year off of us and put it into a project that doesn't really exist? Does the WAP still exist or has it gone away?

Response: CEO: The projects that are contained in the WURS were very closely aligned to the same projects that were identified as priorities of the Withers Action Group (WAG) such as closing of public access ways (PAWs), road connections and those sorts of issues. Where there is consistency those projects will still continue. It wouldn't be a matter of taking the money away and putting it into something that doesn't exist. The priorities that have been identified through the WURS are consistent with what is in the WAP. The same sort of projects will still be undertaken.

Question: The WURS is that a go or is that still being evolved?

Response: Mayor: Just need to highlight for you that one of the proposed motions tonight, hasn't been moved yet but if it was to be passed and it is on page 3 for those who may be interested, in particular "that Council note the decision making on implementing the strategy will be made by the project control group following input from the Withers Community Reference Group". What projects are done and how much money should be allocated to those projects will be done in effect without any involvement by Council. We are in effect, purporting to delegate the decision making in relation to what projects are done and how much money is spent to what will effectively be the project control group and there is no Councillor representation on that group and there is no community involvement in that group other than the community reference group itself. It is not on the Committee but it will be making project submissions through the project control group. That is an important element and perhaps I can seek advice from the CEO because effectively it would seem to me by 1(c) Council is delegating the decision as to how the \$1.5M will be spent over a period to the Project Control Group (PCG). I have some doubt in relation to the power of the Council to delegate as to whether we can actually do that. We can't delegate to our own committees, can we delegate to a project control group?

Hon. Adele Farina MLC, U4/31 Victoria Street Bunbury

Question: *My first question is in relation to the expenditure of the WAP funding for the year 2011/12. The City of Bunbury's Capital Works Expenditure Summary for the period ending 30 June 2012 says that the actual YTD expenditure for the WAP 2011/12 was \$227,731. This is not consistent with the CEO's statement of \$192,607 was expended in 2011/12. Clearly both statements cannot be correct. Which raises the community's concern that community and Council are being provided with incorrect information. Which of these amounts is correct?*

Response: CEO: I will go back over all the figures and provide you with a detailed response. We will break down all the costs and ensure that we provide the right figure to you. I accept that the two figures are different. I will find out the reason for it and provide yourself and the Councillors with that information.

Question: *My next question is in regards to the CEO's statement that the total cost of the Hewson Street footpath was \$52,000 and that \$15,000 was carried forward to 2012/13 and the City of Bunbury Capital Works Expenditure Summary for the period ending May 2013 which states the actual expenditure YTD to May 2013 was \$44,467. Clearly both of statements cannot be correct. It also differs from an earlier statement from the CEO. Which of these statements are correct?*

Response: CEO: I don't have all the figures in front of me at the moment. I have said that I will provide you with a response and if you have any other figures I will have to give you the same answer, I do not have that information in front of me at the moment and I will give the undertaking that I will have a formal response back to you tomorrow.

Question: *My third question is in relation to the funding commitment of the \$1.5M provided by SWDC / State Government for the WURS, was there a requirement of the City of Bunbury to match that \$1.5M in order to access the Development Commission's \$1.5M?*

Response: CEO: There is no requirement for Council to match dollar for dollar of the \$1.5M. Certainly some of the priorities that have been identified by the SWDC in the funding agreement was that Council would contribute some of those improvements upfront as well, such as the quick wins or the priority areas of Des Ugle Park. There is an understanding that Council will contribute funds to those as well. In that case some of the particular projects will be matched but it does not have to be dollar for dollar for the whole of the \$1.5M.

Mayor: *How many projects are committed to currently other than the Des Ugle Park? Is the Des Ugle Park to be dollar for dollar?*

Response: CEO: No it doesn't have to be dollar for dollar through the whole expenditure. Our aim was to spend significant money in Des Ugle Park.

Mayor: The question was, in relation to actual projects to be implemented in the short term, is the Des Ugle Park project the only that is currently committed to or are there other projects that are committed to by both the SWDC/State Government ourselves?

Response: CEO: The projects that have been identified in the first round or the first component of the funding from the SWDC is the Des Ugle Park, Moriarty Park, Ashrose Reserve, CCTV and some of the Community Safety and Crime Prevention issues. There is some bus stop work and pathways to be considered and the Place Manager to assist with the community development overall. They're the areas that have been identified as the initial priorities from the SWDC that they want Council to work on.

Mayor: Is the project control group to be the deciding agency in relation to what projects are to be implemented or have all those projects been agreed upon by the SWDC and Council? What kind of money are we talking and over what period?

Response: CEO: That's the priorities identified by the SWDC and the \$300,000 that they have put into those projects. The conditions that were imposed through the SWDC in providing that amount, was that the work had to commence within nine (9) weeks. Des Ugle Park was the major priority. We have to report back to them on the projects. All the other components of those projects are within Council's budget that Council has yet to adopt so if Council doesn't adopt the priority projects that are in the budget then we will have to go back to SWDC for a review. They are the priorities that have previously been identified.

Cr Steele: Have we had an email regarding the SWDC priorities? Is that what is on here the primary linkage to the WURS? When did an email come through from them that if we are going to be doing upgrades to certain areas that we are going to be putting money in as well? When did that get decided?

Response: CEO: There was a briefing that was done by Thor Farnsworth back in May I think it was from memory, where the projects were identified. There was a spreadsheet, which I don't have with me at the moment, which had SWDC funding and Council funding on that one spreadsheet. The figures weren't final at that point in time but it certainly an issue that we've been working through. It was in the Council report back on that date.

Mayor: Are you saying that it was reported on at a briefing? Has it been to Council for a decision?

Response: CEO: On the 21st May Council meeting the recommendations were adopted in relation to the WURS and as part of that process we identified within that report the table of issues; categories – the primary issues, the secondary issues raised as well as a list of priority projects, project outcomes with a new project budget and Council budget against that.

Mr Bernard Kemps, 44 Wilkerson Way Withers

Question: The agenda was brought to our attention two (2) hours prior to the meeting which then gave us two (2) hours to prepare ourselves and sort out the questions we were going to ask. Do you as Councillors believe that two (2) hours' notice is enough time to prepare?

Response: Mayor: Special meetings when they're called don't require the normal notice but I agree with you that you only got the agenda two (2) hours before and we recognise the difficulty that creates for you.

Unknown resident of Withers (did not identify himself)

Question: Is it correct that the PCG oversee the implementing of Council funds for the projects in Withers?

Response: CEO: No they don't. The PCG is primarily setup between Council and SWDC. The PCG oversees the implementation of WURS. The report that is before Council tonight recommends that the two (2) reports become one. Basically the same projects appeared in both. They are not responsible for implementing Council's budget, they're responsible for overseeing the progress of the WURS which Council is a party to.

Question: How can you have people on the PCG that do not live in the area? Why is there no member from WAG on the project control group?

Response: CEO: The decision in relation to the project control group, the information that comes out of the PCG is at the state planning level, and is between state government and Council. That's Department of Housing, Department of Planning; it's about the high level strategic development and implementation of the WURS. The on the ground improvements and prioritisation of some of the projects is through the Community Reference Group (CRG) of which we do have the community members. It's on the ground out there, which can help drive those priorities and feed that up to the PCG. It's about getting the on-the-ground information through to that group who can then do the planning at the local government / state government level. The decision Council made in adopting that process back in May was based on some advice at the time that the State Government agencies – Police, Department of Housing, Department of Planning, Health and Council are all involved in that group to do the higher level type issue; put the strategies in place and take the input from the community itself through the CRG to help drive that from the bottom up. The two (2) groups will work together on the implementation.

Mrs Lorene Kemps, 44 Wilkerson Way Withers

Question: What you are here tonight for, is that to keep spending the \$300,000 per year as promised over the five years or are you going to take that away and we are not going to have any money spent on us?

Response: Mayor: I think that is what the crux of the meeting is tonight. To determine whether the old plan and the commitment of funds is to be incorporated into the new Urban Renewal or whether it stays as a separate project of Council and the funds stay as they were originally approved.

Question: When will the thirty three (33) items from the WAP and the WURS be completed? Currently it says 2016.

Response: Mayor: That will be a decision for the PCG and the State Government as well which will be involved in that decision making.

Question: The number one thing that everyone in Withers has been asking for is the laneways to be closed. It is always at the top of the list of priorities. Why has the Council not done anything about closing the laneways? Could the Council please do something as a priority?

Response: CEO: The issue of the laneways is one that is being considered at the moment through the PCG. One of the issues that we have is that the laneways were originally created to provide pedestrian access through the suburb. That creates its own series of issues. Closing off some laneways without opening some other thoroughfares may create some additional problems. The Department of Planning, Department of Housing, Council and the SWDC are currently looking at the best way to do that. We've identified funding subject to the adoption of Council's budget but also other funding from SWDC to look at some of the roads in year one which is the current financial year 2013/14, which will also include lighting in the laneways and will include potentially closing some of those laneways and opening up the roadways between some of the parks areas. We are looking at that at the moment but it has to go through the planning process before we can do some of those issues and then it will have to go back subject to Council's budget as well which is next week.

Mr Glen Willetts, 40 Wilkerson Way Withers

Question: Surely the 270 submissions to the WURS which you have adopted showing alternative road and laneways closure would assist in the closure of the roads and laneways?

Response: CEO: The priorities that have come through and whilst the public or the community want sometimes don't necessarily align with Planning and every other outcome so we have to make sure it is all done. We have taken on board all the comments, especially the submissions that were provided and that is incorporated into the longer term planning that we have undertaking at the moment to make sure that we don't create other issues as I have mentioned before. We have taken on board the priorities and have been forwarded to the PCG recently.

Question: So the actual submission that was put in is being seriously looked at?

Response: CEO: Yes it is.

Addresses to the Council

The Mayor invited members of the public present to make an address to the Council in regards to the matters listed on the agenda.

Hon. Adele Farina MLC, U4/31 Victoria Street Bunbury addressed the Council and the following is a summary of her statement: *I urge Council to consider deferring the meeting and seek legal advice. The agenda paper was not available until 3.55pm and therefore did not provide the community with enough time to consider the information contained in the agenda item. The agenda paper does not deal with any of issues that I have raised in the media over the recent weeks and I am disappointed that the CEO has not come to this meeting prepared. The funding for the list of projects for 2012/13 included \$221,460 for the Withers Library extension and refurbishment, \$44,460 for the Hewson Way footpath. A substantial amount of the funding was met in 2011/12 and only \$15,000 was in 2012/13. The WAG have not been able to get an itemised list of projects completed in 2011/12. There is a big difference between the statements that have been made and the figures shown in the Capital Works Summaries. The community need clarification of what was funded in 2011/12 and what was not. Council decision (128/11) has not been implemented. I would like to ask the Councillors to remember Council decision 128/11, remember the commitment made to the Withers community.*

Mr Glen Willets, 40 Wilkerson Way Withers addressed the Council and the following is a summary of his statement: *how can the community believe that the WAP and the WURS will be amalgamated? How do we assume that the WAP won't be lost in the amalgamation of the two? Currently there is no funding commitment for the WURS from the State Government. The only commitment has been to the \$1.5M and the \$300,000. WAG came to Council to endorse a WURS worried that the WAP will cease to exist and believed that the unspent funds will roll over from one year to the next. We would like to see the unspent funds from 2011/12 and 2012/13 be rolled into 2013/14. The community feels as if they have been wronged and request an apology for the funds not being expended correctly. How do you see this going forward? The WAG held eight (8) community meetings to lock in the WAP. The WURS was for all the big ticket items that the Council couldn't fund i.e. underground power, land rationalisation. Council gave a commitment that the submissions would be included into the WURS but how do we know this has occurred? Information on the projects has not been forthcoming. The PCG responsible for funding allocations may be at odds with priorities of the WAP. I have a list of all the projects still to be implemented. It seems to us that the items in the WAP will not be funded via the WURS.*

Mr Bernard Kemps, 44 Wilkerson Way Withers addressed the Council and the following is a summary of his statement: *the Council are the representatives for the community. It is their responsibility to present relevant and factual information. It is also their responsibility to consult with the community.*

4.1 Position on Withers Action Plan and Withers Urban Renewal Strategy

| | |
|-----------------------------|---------------------------------------|
| Applicant/Proponent: | Internal |
| Author: | Andrew Brien, Chief Executive Officer |
| Executive: | Andrew Brien, Chief Executive officer |
| Attachments: | Appendix 1 – Schedule 1 |

Summary

In recent years, the Council adopted a number of strategies and reports in relation to the Withers community.

Whilst the majority of reports, strategies and recommendations have been consistent there are a few areas of overlap where inconsistency is apparent and needs to be addressed by Council. In recent months, there has been increasing criticism surrounding the implementation of the Withers Action Plan, in particular the level of funding that has applied to the priority areas identified.

This report provides an outline of the 33 priority areas agreed to by the community, including the Withers Action Group in 2011, the current status of each and a proposed recommendation in relation to moving forward.

Executive Recommendation

That Council:

1. Note and accept the report;
2. Ensures the Withers Action Plan (WAP) priorities will be appropriately incorporated into the Withers Urban Renewal Strategy (WURS) accordingly superseding the WAP, in consultation with the Withers Community Reference Group
3. Adopt the recommendations as outlined in Schedule One to this report.

Alternative Executive Recommendation

That Council:

1. Note and accept the report;
- 2(a) Ensures the Withers Action Plan (WAP) priorities will be appropriately incorporated into the Withers Urban Renewal Strategy (WURS) accordingly superseding the WAP, in consultation with the Withers Community Reference Group
- (b) Reiterates its commitment to fund the program to the level previously agreed (\$1.5M over 5 years) by means of “catch up” amounts in the 2013/14, 2014/15 and 2015/16 financial years.

- (c) Note that the decision making on implementing the Strategy will be made by the Project Control Group, following input from the Withers Community Reference Group.
3. Adopt the recommendations as outlined in Schedule One to this report.

Background

In 2010/11 the Withers Action Group (WAG) commenced a process of identification of issues they felt needed to be addressed to combat anti-social behaviour and to improve the overall appearance of the suburb.

Council was asked to assist in the process of the development of the Withers Action Plan which was subsequently adopted by Council, as the way forward. To assist in the implementation of the Withers Action Plan (WAP) strategies Council resolved, as part of the 2011/12 budget, to commit \$300,000 per annum to commence work on the agreed priority areas. This funding was to be above and beyond what was planned for Withers over the five year implementation period.

The WAG, represented by Mr Willetts, lobbied the State Government to try and obtain additional funding to assist in the implementation of the WAP strategies. The State Government through the South West Development Commission (SWDC) identified an opportunity to take a whole of government approach to the project and in conjunction with the City of Bunbury engaged consultants to draft the Withers Urban Renewal Strategy (WURS).

The WURS was jointly funded by the SWDC and the City and costs were in the order of \$160,000 of which each party was to contribute up to \$80,000. Council endorsed the development of the WURS with a restriction on the funding that it was not to come out of the \$300,000 allocated to the implementation of the WAP. Funding was identified within the Planning and Development Services budget and the WURS process commenced.

Given the whole of government approach being undertaken it was considered appropriate to defer some of the research and design work in relation to the closure of laneways, and extensions of roads to ensure that there was no duplication of efforts or costs.

The following table provides an overview of the prioritised areas (as agreed by the Withers community in 2011).

| Priority | Issue |
|-----------------|--|
| 1 | Get rid of laneways |
| 2 | More pathways/repairs to pathways (pathways/walkway plan) |
| 3 | Des Ugle park Upgrade - public lock up toilets, install BBQ, shade sail over playground, accessible power for community groups, lighting, bollards to replace untidy post and rail fencing |
| 4 | Ease of access stop dead (connectivity) |
| 5 | Whole area needs improvement, currently run down. Make at least one park attractive to use for events |
| 6 | Lighting required in and near the park - Des Ugle |
| 7 | Redesign Hester Plan reserve |
| 8 | Skate park: Ideas include (develop Lions Park) near Lions Park (shaded). Playground, BBQ, Lighting, CCTV, hold functions, skate park at PCYC and |

| Priority | Issue |
|-----------------|--|
| | a Maze, youth skate parks (monitored), get youth involved in design and skate park between PCYC and road - PCYC - Police to maintain and supervise |
| 9 | Traffic calming devices install in Jacaranda Crescent opposite Moriarty park |
| 10 | Mow and tidy verges and parks |
| 11 | More attention to maintenance - water more |
| 12 | Improve parks to make like Big Swamp - e.g CCTV, lighting etc |
| 13 | Crossing required at Hudson Road to shops and Knight Street to high school |
| 14 | Road speed design, assessment and signage |
| 15 | Appearance - underground power, develop parks, new housing to change culture |
| 16 | Senior citizens near library - Senior Citizens club |
| 17 | No stop signs and white lines on side roads to Parade Road (bad at night) |
| 18 | Beautify bushland - homeless living there (Knight St - Hudson Road) |
| 19 | Have more community /Council meetings - consultation |
| 20 | More after school "stuff "for kids |
| 21 | Do not want traffic lights at the intersection of Parade Road and Washington Avenue |
| 22 | Councillors - support outcomes of workshops |
| 23 | Cleaning up (rubbish) of Bunbury (not just Withers) |
| 24 | Councillors - Council requires ideas from the community. Acknowledgement of what Council does provide |
| 25 | Public Art Works on parade Road are dangerous and obstruct view |
| 26 | Firebreaks on reserves with houses nearby |
| 27 | Name change from Withers e.g to Maidens Reserve |
| 28 | Community Garden to be developed within a park |
| 29 | Replace unsuitable, culturally inappropriate art in Des Ugle park with new indigenous art works |
| 30 | Another meeting to be held to fully address ideas brought up in the workshops |
| 31 | Accident black spot on Ocean Drive - Ashmore - make Minnimup Rd out right through (2 houses) extend onto Ashmore Drive, traffic control measures |
| 32 | Maze installed (graffiti program) |
| 33 | Too many trees cut down. |

It has been identified that several of the above priority areas overlap with each other. There are also a number of distinct variances between them. The subsequent development of the WURS has identified all of the same issues. Given the higher level emphasis of many of the projects it is considered appropriate that there ought to be only one strategy to progress. Whilst this may not be considered appropriate by some, in order to gain the most benefit in terms of leveraged funding, it is considered the better option. This does not mean that any of the projects are lost, in fact the opposite is true with many actually brought forward and the scope increased.

In order to progress this, there is a need for the Council to reconsider previous decisions in relation to both the WAP and the WURS to ensure that a clear direction is provided for all future decision making.

The table **attached** at Appendix 1 (titled Schedule 1) provides a high level overview of the proposed linkages between the two documents.

Officer Report

As has been identified in the background to the report, there has been a long history with the projects and associated outcomes contained within the Withers Action Plan. The various levels of involvement from community, staff and elected officials at various levels has meant that there is a different level of understanding of what was expected and the timeframes for the delivery.

This was further complicated through the development of the Withers Urban Renewal Strategy during which time it was identified that some projects contained in the Withers Action Plan would be deferred pending the outcomes. This decision came as a result of the first rounds of consultation with the community where it was identified that some of the projects contained in the WAP were not supported by all of the community.

It has always been the position that the Withers Action Plan would be considered as an **informing strategy** for the Withers Urban Renewal Strategy (where consistent) to assist in leveraging funding.

The issues that have been raised in recent times in relation to the expenditure of funds has been questioned and information has been provided previously in various forms and to whoever has requested it. The key issue in relation to this is, whether or not the full \$300,000 has been expended in each of the two years, and if not, has the funding been carried forward. The other issue is why the Withers Library was included in the funding when it had not been included as part of the Withers Action Plan.

The funding for the Withers Action Plan was intended to be money above and beyond what was already programed for the Withers area. As with all Council funding, there are two components that need to be considered. The first of these is operating and the second is capital. In relation to operational expenditure this is currently not recorded to a level that allows for specific capture to identify what is standard and what is additional. The Withers Action Plan identified the need for additional maintenance especially in relation to parks and reserves.

The Council resolved to utilise the services of Activ Maintenance to undertake some of this work and was done so on an initial trial in the Withers area. This has been the subject of previous Council reports and has been an ongoing activity since that time. Other maintenance across the suburb has not been costed as additional or base (ie what is normally expected and undertaken). The second aspect relates to capital works. This is much easier to account for and has been reported previously.

What has caused some confusion is as to what constitutes normal work and what is additional. Of most controversy was the allocation of some of the funding to the expansion of the Withers Library. The Council had previously allocated funding for the upgrade of the Library to bring the toilets inside the building and a general upgrade. As a project identified in the Withers Action Plan was to develop a Senior Citizens Club and additional community meeting space on the site adjacent to the Library.

It was identified that this could not be funded by Council in the medium term and, as such as decision was made to investigate the additional expansion of the Library to cater for the short to medium term through the creation of additional community

space and upgrading of the information technology at the Library to address some of the issues in the Withers Action Plan. This resulted in an approximate additional \$100,000 which was considered appropriate to allocate to the Withers Action Plan funding.

As has been stated, the question about what is in addition to normal projects needs to be answered. Every project that has been identified in the Withers Action Plan and the Withers Urban Renewal Strategy are almost all normal projects for the City. This includes footpath upgrades, new and upgraded roads, upgrades to parks and closure of laneways etc.

The overall effect of the Withers Action Plan and Withers Urban Renewal Strategy is that Council is prioritising projects in the Withers area and pushing out other projects across the City. Previously in the 5 year plan there were not specific allocations of funding into specific areas of the City with the exception of roads and drainage works. Some of the projects which have now been included in the Withers Action Plan for the next five years were previously not identified during that period, however, they have now come forward to continue to meet the intent of the Withers Urban Renewal Strategy. This has meant that some of the projects in other areas of the City have been deferred to future years and are shown in the draft long term finance plan.

Based on all of the above it is recommended that Council clearly define what their expectation is moving forward in relation to the future intent of the Withers Action Plan.

Risk Issues

There are a number of risks associated with the proposal and each of these is considered below:

Withers Community – The Withers community, including the Withers Action Group may see this decision as undermining what they set out to achieve and in particular the positive impact that they have had in gaining funding for the implementation of the WAP.

This needs to be addressed through the inclusion of the funding in both the budget and long term finance plan focused on the implementation of the projects defined in the WURS which were aligned to the WAP. The Community Reference Group will also need to be fully engaged in the quick wins through the Withers Place Manager.

Political – There is the potential that this decision could be seen as renegeing on a previous decision in relation to the funding for the implementation of the WAP. In order to mitigate this there is a need to clearly show how the future projects and funding is aligned to the original WAP and associated projects/priorities. In addition there is a need for both localised and strategy reporting arrangements.

The localised reporting will be managed through the Community Reference Group which will incorporate members of the Withers Action Group. This will ensure accountability in terms of reporting at the local level. The higher level of reporting against the strategic outcomes will be effectively managed through the reporting to the Council and SWDC Board on outcomes. Given the increased level of focus from State representatives there is also a need to provide a briefing on the project and proposed way forward.

Operational – As with all projects there are a number of operational risks associated including delays to design and public consultation processes associated with the various components. Also, as many of the components are outside of the control of Council, the Council becomes only a small part of the overall process and timeframes then fall outside of the control of Council.

There has already been a significant amount of design work completed for road connectivity and quotes are being sought for parks equipment and toilet blocks etc. In some cases these costs will exceed the tender thresholds and this also may cause additional delays, however wherever possible pre-qualified suppliers will be used to reduce the requirement to go to tender.

Financial – At present there is funding allocated in both the 2013/14 budget and also in the Long Term Finance Plan for works within Withers. Whilst some of this is not specifically allocated to projects within the Withers Action Plan or Withers Urban Renewal Strategy, it is work which is consistent with the general direction outlined in both. All projects which are considered consistent with both of the original documents have been included in the newly developed reporting framework for the Withers Projects Report.

Discussion points

In order to get the Withers project back on track from a community perspective there are a number of fundamental issues that need to be resolved by Council, these being:

1. Clear direction and understanding of:
 - a) The variances between the Withers Action Plan and the Withers Urban Renewal Strategy;
 - b) Which priority areas from the Withers Action Plan have been finalised or sufficiently addressed in the Withers Urban Renewal Strategy;
 - c) How any outstanding matters are to be addressed;
2. Agreement that the Withers Urban Renewal Strategy is the key document moving forward as there is funding attached to it from a State perspective and Council is able to leverage funding from this arrangement ;
3. An agreed position to take back to the Withers community in relation to all of the issues above.

Outcome – Special Council Meeting 24/30 July 2013

Prior to the reconvening of the Special Council meeting an alternate Executive recommendation was circulated and tabled at the meeting. The alternate recommendation reads as follows:

“That:

1. *Council note the Report in relation to the Withers Action Plan and Withers Urban Renewal Strategy;*
2. *Council resolves to treat the Withers Action Plan and Withers Urban Renewal Strategy as two (2) separate strategies, noting that there will be some overlaps between the two (2);*
3. *Council note the list of revised priorities provided by the Withers Action Group as the new focus areas for the implementation of the WAP; and*
4. *The Withers Action Group be advised of Council’s decision.”*

During the discussion on the matter the Deputy Mayor Cr Craddock moved, Cr Leigh seconded the following motion:

“That the cost of Welcome Park, Stage 1, be excluded from the Withers Action Plan as it was clearly planned before the Withers Action Plan was started.”

The Mayor put the motion to the vote and was adopted to become the Council’s decision on that matter.

Council Decision 197/13

That the cost of Welcome Park, Stage 1, be excluded from the Withers Action Plan as it was clearly planned before the Withers Action Plan was started.

CARRIED
8 votes “for” / 3 votes “against”

It was requested that the votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Prosser, Cr Leigh, Cr Steele, Cr McNeill, Cr Cook, Cr Morris
Against: Cr Jones, Cr Steck, Cr Kelly

Cr Steele moved Cr Steck seconded the alternate Executive recommendation.

It was requested that the mover and seconder agree to amend the motion to read as follows:

“That:

- 1. Council note the Report in relation to the Withers Action Plan and Withers Urban Renewal Strategy;*
- 2. Council resolves to treat the Withers Action Plan and Withers Urban Renewal Strategy as separate entities, noting that there will be some overlaps between the two (2);*
- 3. Council note the list of revised priorities provided by the Withers Action Group as the new focus areas for the implementation of the WAP;*
- 4. The creation of the Withers Reserve Account with the amounts to be determined by Council at the Ordinary meeting of 6 August 2013.*
- 5. The Withers Action Group be advised of the Council’s decision and that ongoing consultation will occur with the Withers Action Group and the rest of the Withers community; and*
- 6. The SWDC be advised of Council’s decision.”*

It was requested that the votes be taken in separate parts.

The Mayor put the motion (as amended) to the vote in separate parts and the outcome was adopted to become the Council’s decision on the matter.

Point 1: 11 votes “for” / nil votes “against” CARRIED
Point 2: 11 votes “for” / nil votes “against” CARRIED
Point 3: 11 votes “for” / nil votes “against” CARRIED
Point 4: 11 votes “for” / nil votes “against” CARRIED
Point 5: 11 votes “for” / nil votes “against” CARRIED

Point 6: 11 votes "for" / nil votes "against" CARRIED

Council Decision 198/13

That:

- 1. Council note the Report in relation to the Withers Action Plan and Withers Urban Renewal Strategy;***
- 2. Council resolves to treat the Withers Action Plan and Withers Urban Renewal Strategy as separate entities, noting that there will be some overlaps between the two (2);***
- 3. Council note the list of revised priorities provided by the Withers Action Group as the new focus areas for the implementation of the WAP;***
- 4. The creation of the Withers Reserve Account with the amounts to be determined by Council at the Ordinary meeting of 6 August 2013.***
- 5. The Withers Action Group be advised of the Council's decision and that ongoing consultation will occur with the Withers Action Group and the rest of the Withers community; and***
- 6. The SWDC be advised of Council's decision.***

4.2 Withers Community Reference Group Terms of Reference

| | |
|-----------------------------|---------------------------------------|
| Applicant/Proponent: | Internal Report |
| Author: | Andrew Brien, Chief Executive Officer |
| Executive: | Andrew Brien, Chief Executive Officer |
| Attachments: | Appendix 2 – Draft Terms of Reference |

Summary

Council is required to adopt the Terms of Reference for the Withers Community Reference Group (CRG).

Executive Recommendation

Council adopts the Terms of Reference (subject to SWDC approval) for the Withers Community Reference Group as **attached** at Appendix 2.

Background

The creation of the Withers Community Reference Group (CRG) came about when Council, in 2012, and the South West Development Commission (SWDC) formed a partnership to collaboratively develop an urban renewal strategy to identify community, agency and business priorities in order to improve the quality of life for Withers residents and the general image, reputation and perception of the area.

The Withers CRG aims to provide a forum for the Withers community to:

1. Have input and feedback on proposed, current and previous activities and projects for the Withers area pertaining to the Withers Urban Renewal Strategy (WURS) based on their opinion as individuals and also as representatives of the broader Withers community
2. Receive information community regarding proposed, current and previous activities and projects for the Withers area pertaining to the Withers Urban Renewal Strategy (WURS) to be informally distributed to the broader Withers community

Once established the CRG may also be involved in developing and implementing community level projects and CRG members will also have the opportunity to participate in personal development and training. Ideally members should anticipate attending all meetings of the group and live within the Withers area.

A copy of the proposed Terms of Reference for the Withers Community Reference Group is **attached** at Appendix 2.

Officer Comments

The Community Reference Group is proposed to be established in accordance with the draft Terms of Reference.

These have been considered by the Project Control Group following a presentation by the Place Manager - Withers. This group will be supported by Council staff and will

have up to 10 community members. Those community members will be selected following advertising to commence once Council and the SWDC have endorsed the Terms of Reference. It has already been agreed that there will be specific representation on the Community Reference Group by the Withers Action Group.

The Withers community, including the Withers Action Group may see this decision as undermining what they set out to achieve and in particular the positive impact that they have had in gaining funding for the implementation of the WAP.

This needs to be addressed through the inclusion of the funding in both the budget and long term finance plan focused on the implementation of the projects defined in the WURS which were aligned to the WAP. The Community Reference Group will also need to be fully engaged in the quick wins through the Withers Place Manager.

The localised reporting will be managed through the Community Reference Group which will incorporate members of the Withers Action Group. This will ensure accountability in terms of reporting at the local level. The higher level of reporting against the strategic outcomes will be effectively managed through the reporting to the Council and SWDC Board on outcomes. Given the increased level of focus from State representatives there is also a need to provide a briefing on the project and proposed way forward.

Outcome – Special Council Meeting 24/30 July 2013

This item was withdrawn at the meeting and was referred to the Council (Standing) Committee held 30 July 2013.

5. Close of Meeting

The meeting was declared closed at 6pm, Tuesday 30 July 2013.