

**XIV. MOTIONS WITH NOTICE**

Nil.

**XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING**

**15.1: NOTICE OF MOTION BY COUNCILLOR LEAVESLEY – AGENDA BRIEFING**

**NOTICE OF MOTION TO REVOKE A PREVIOUS DECISION OF COUNCIL**

In accordance with Regulation 10(1a) of the *Local Government (Administration) Regulations 1996*, we the undersigned hereby move to have Report Item 4.1(i) – Local Public Notice – Council Meeting Calendar, which was moved at the Ordinary Council Meeting held on 15 February 2011, be reconsidered.

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**ITEM 15.1: REVOCATION MOTION BY COUNCILLOR LEAVESLEY**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT the Motion resolved at Report Item 4.1(i) – Local Public Notice – Council Meeting Calendar dated 15 May 2011 as follows:**

***“THAT Agenda Briefing session be held two weeks (14 days) prior to Ordinary meetings of Council. “***

**Be revoked.**

*[Section 5.25 (1)(e) of the Local Government Act 1995 refers]*

**Reason:**

It is my understanding that council has never operated before on a draft agenda basis. The ‘final agenda’ not being available until after the Agenda Briefing could lead to staff recommendations being amended to meet political pressures rather than the recommendations being the best professional advice. Compliance with our standing orders as I have understood them (and have been operated since their inception) is not possible under this draft agenda process. The whole purpose of the Agenda Briefing is to show open and accountable governance and allow the ratepayers/councillors the opportunity to have timely accurate information with the decision making process being equitable and transparent.

**ITEM 15.1: MOTION BY COUNCILLOR LEAVESLEY – BRIEFING AGENDA  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**Council resolve that the Agenda Briefing for the Ordinary Council Meeting be the 2<sup>nd</sup> Tuesday (7 days prior to the OCM) in the Month. That this Agenda is the final Agenda and the information provided by staff continues to be their unbiased professional opinion. This Agenda should be provided to Councillors and the public no later than 12 noon on the Thursday prior to the Agenda Briefing.**

**Reason:** Refer to revocation motion.

**Officer's Comment:**

At its Ordinary Council Meeting of 21<sup>st</sup> June 2011 Council resolved.

- (i) Gives the opportunity to the Chief Executive Officer to fully implement the new process adopted by Council at the 15 February 2011 Ordinary Meeting of Council, being:

*“Agenda Briefing session be held two weeks (14 days) prior to Ordinary meetings of Council”;*

- (ii) Reviews the new process at the 11 October 2011 Ordinary Meeting of Council.

**For this Motion to succeed a further revocation motion in respect of the above would be required.**

The need for improvement within Council meeting processes and timelines was identified by the CEO shortly after her commencement in February 2011 and over the past three months, as she has observed increased numbers of Council meeting and Agenda Briefing sessions.

The intent behind the changes previously presented to Council was to allow Elected Members greater time to scrutinise Officer Reports and conduct appropriate additional research into the cause and effect of an Officer recommendation or Elected Member's motion.

There were recent queries raised by a Councillor at a Council meeting, regarding providing Officer Reports and Councillor Motions within required “notice” periods. As a consequence, the CEO identified a further deficiency within the Council Meeting process specifically relating to agenda development and release.

Those changes allow:

- In the subsequent week to the Briefing Session, the City's Officers will refine their reports to incorporate, where appropriate, more information to address feedback from the public and Council Members provided at the Agenda Briefing Session. Report refinement will allow Members to have the fullest available information they require to consider the recommendations to Council. This is what has occurred process wise for some time.

- The papers (including the Agenda) for the Council meeting will then be finalised on the Tuesday ONE week before the Council meeting, and distributed to Councillors and the public. This further allows both groups increased time to read, consider and discuss the papers, and prepare themselves for debate on any item.

At the Council meeting, the public will (like now) be able to question any Council paper.

The CEO's recommendation to Council has been that Council trial this process for six months.

The *Local Government Act 1995* and Regulations, and the Council's Standing Orders are not definitive on "notice" timeline requirements, as part of the Agenda development process, and this lack of clarity causes legal uncertainty. Accordingly, the CEO determined that to make that process clearer, the agenda should be marked "draft" and all Officer Reports will also be draft documents, until the finalised agenda and Reports (and Council Member Motions) are distributed to Council Members and the public under the cover of the finalised agenda.

Under Clause 3.3(2) of the Standing Orders "the purpose of the agenda briefing session is to provide an opportunity for elected members and persons in the public gallery to ask questions on the content of the **proposed** agenda" – the use of the word "proposed" clearly indicates that any agenda that may be provided at an agenda briefing session is not the finalised document. The use of the word "proposed" supports the position that an agenda can be draft until the final distribution of the Council papers.

The CEO agrees with Council that significant work needs to be undertaken to make the Standing Orders much clearer, less ambiguous and provide definitive "rules" for meeting process. Until that occurs and new Standing Orders are made local law, the CEO proposes meeting processes improvements that are possible within the current Standing Orders should be embraced.

Ultimately, in support of the Council's wish for increased transparency and quality of information provision for Albany's citizens, clause 1.3 of the Standing Orders should be considered.

Clause 1.3 of the standing Orders state:

" (1) The purpose of (the Standing Orders) is to provide a set of procedures to assist in the good conduct of meetings of the Council....

(2) ...intended to result in:

(a) better decision-making by the Council;

(b) orderly and efficient conduct of meetings dealing with business of the Council;

(c) greater community participation and understanding of the business of the Council; and

(d) more open and accountable local government."

Clause 1.3 forms the basis of Council's recent decision for meeting process changes, including ensuring processes are in place to provide increased time for sharing and consideration of information that will go before Council at its meetings. The processes resolved by Council at their meeting of 15 February 2011 is intended to reflect and implement the spirit and intent of clause 1.3.

**15.2: NOTICE OF MOTION BY COUNCILLOR D BOSTOCK – GOVERNANCE MATTERS**

**ITEM 15.2: NOTICE OF MOTION BY COUNCILLOR D BOSTOCK  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**That the agenda for Councillor Workshops be set by councillors, to informally discuss governance matters.**

**Reason:**

There is at present no forum for Councillors to meet, where they can consider the future long term development of our City, without being distracted by short term issues.

**Officer's Comment:**

The CEO has sought advice from Council Members regarding future Council Workshop briefing topics. Strong response was received to that request, and a list of proposed topics was provided recently to Council Members in that regard. All of those topics are strategic or of a high level operational nature. As no further feedback was received from Members in respect of that list of topics, the CEO is now preparing a forward timetable of items for consideration at future Council Workshops, based on that list. That timetable will be provided to Council Members in the near future.

Should Council wish to hold another meeting/forum (in addition to the Council Committee meeting, the Council Workshop, the Agenda Briefing session and Council meetings) to allow Councillors more time to meet to consider future long term development of the City and or governance matters, the CEO will facilitate organisation of that additional meeting.

**15.3: NOTICE OF MOTION BY COUNCILLOR J BOSTOCK-MEETING AGENDA**

**ITEM 15.3: NOTICE OF MOTION BY COUNCILLOR J BOSTOCK**

- 1. With immediate effect the Agenda for the Ordinary Council Meeting will be distributed to Council and the public by 12 noon on the Thursday immediately preceding the Agenda Briefing**
- 2. The agenda will be the actual Agenda; the only additions being Councillor, Alternative Motions, and in exceptional circumstances revised Officer Recommendations and Urgent Items, to be admitted according to Standing Orders.**
- 3. All Alternative Motions, Recommendations and additional information is to be distributed to Council and the Public by 12 noon on the Tuesday following the Agenda Briefing.**

**Councillor's Reason:**

1. Council agreed to trial a change to the meeting timetable and the Agenda Briefing was brought forward by one week.
2. This has put pressure on staff to produce the Agenda earlier than usual, resulting in it being incomplete.
3. The concept of a "Draft" Agenda was subsequently introduced though this was not endorsed by Council.
4. The draft agenda is unworkable to conscientious decision makers; one cannot work with a document subject to change. Additionally the Agenda Briefing loses its value.
5. The punitive restraints of the current standing orders are obvious but the problem has been exacerbated by the new regime, further hampering Councillors ability to bring Alternate Motions, when items are not ready for the Agenda Briefing.
6. The system creates unnecessary work and Agenda production costs have escalated.
7. Additional time for consideration of officers reports has not eventuated; work done on an item withdrawn or changed is wasted.
8. In practice the time for Councillors to manage a finalised agenda has reduced, a new agenda requires one to start again and uncertainty and confusion prevails.

The increased gap between the Agenda Briefing and the Ordinary Council Meeting has I believe created more problems than it has solved. Staff and Councillors are dealing with a changed document for most of the month and staff must be juggling with a draft, a final and next month's Agenda all at once. Though initiated by a change to the meeting timetable, the predominate difficulties arise from the "Draft" Agenda. Everyone needs certainty and security, the purpose of an agenda is to outline what to expect and to allow one time to properly prepare, and ensure effective participation and a productive meeting. This is clearly lost when the Agenda is subject to change. I believe that an initiative which was introduced in good faith has had unforeseen repercussions and resulted in a process which is not conducive to good decision making. Establishment of a "Certain Agenda" would rectify some of the difficulties whilst allowing the "Trial Timetable" to continue.

**Officer's Comment (F. James):**

The need for improvement within Council meeting processes and timelines was identified by the CEO shortly after her commencement in February 2011.

The intent behind the changes previously presented to Council was to allow Elected Members greater time to scrutinise Officer Reports and conduct appropriate additional research into the cause and effect of an Officer recommendation or Elected Member's motion.

There were recent queries raised by a Councillor at a Council meeting, regarding providing Officer Reports and Councillor Motions within required "notice" periods. As a consequence, the CEO identified a further deficiency within the Council Meeting process specifically relating to agenda development and release.

Those changes allow:

- In the subsequent week to the Briefing Session, the City's Officers will refine their reports to incorporate, where appropriate, more information to address feedback from the public and Council Members provided at the Agenda Briefing Session. Report refinement will allow Members to have the fullest available information they require to consider the recommendations to Council. This is what has occurred process wise for some time. If the above motion was to succeed, such Report amendments would not be possible, limiting the "on the record" information provided to Council Members.
- The papers (including the Agenda) for the Council meeting will then be finalised on the Tuesday ONE week after the Agenda Briefing Session, and distributed to Councillors and the public. This further allows both groups increased time to read, consider and discuss the papers, and prepare themselves for debate on any item. Apart from the time limit of 12 noon, the above motion seeks to reinforce a process already put in place.

At the Council meeting, the public will (like now) be able to question any Council paper.

Under Clause 3.3(2) of the Standing Orders "the purpose of the agenda briefing session is to provide an opportunity for elected members and persons in the public gallery to ask questions on the content of the **proposed** agenda" – the use of the word "proposed" clearly indicates that any agenda that may be provided at an agenda briefing session is not the finalised document. The use of the word "proposed" supports the position that an agenda is draft until the final distribution of the Council papers.

The CEO agrees with Council that significant work needs to be undertaken to make the Standing Orders much clearer, less ambiguous and provide definitive "rules" for meeting process. Until that occurs and new Standing Orders are made local law, the CEO proposes meeting processes improvements that are possible within the current Standing Orders should be embraced.

Ultimately, in support of the Council's wish for increased transparency and quality of information provision for Albany's citizens, clause 1.3 of the Standing Orders should be considered.

Clause 1.3 of the standing Orders state:

"(1) The purpose of (the Standing Orders) is to provide a set of procedures to assist in the good conduct of meetings of the Council....

(2) ...intended to result in:

- (a) better decision-making by the Council;
- (b) orderly and efficient conduct of meetings dealing with business of the Council;
- (c) greater community participation and understanding of the business of the Council; and
- (d) more open and accountable local government."

Clause 1.3 forms the basis of Council's recent decision for meeting process changes, including ensuring processes are in place to provide increased time for sharing and consideration of information that will go before Council at its meetings. The processes resolved by Council at their meeting of 15 February 2011 is intended to reflect and implement the spirit and intent of clause 1.3.

**15.4: NOTICE OF MOTION BY COUNCILLOR J BOSTOCK-ALLOCATION OF PUBLIC OPEN SPACE FUNDS TO MILLS PARK, LITTLE GROVE**

**ITEM 15.4: NOTICE OF MOTION BY COUNCILLOR J BOSTOCK**

**THAT with respect to Public Open Space Funds held by the City in relation to Little Grove, Council resolves to:**

- 1. Support the allocation of 100% of the existing POS funds for the Mills Park Project.**
- 2. Instruct the CEO to seek approval from the Minister of Planning for the allocation of POS cash in lieu funds as required by Clause 4.3.5(c) of WAPC Policy DC 2.3 May 2002.**
- 3. If approved coordinate the application of these funds in conjunction with other funding that becomes available to progress the Mills Park Concept Plan.**

**Councillor's Reason:**

This project has been a joint effort with Council Staff and the Community working together. The areas has been used as a public park for many years and the City has recently added public toilets in recognition of its heavy usage. The community has been very active in making the most of the park and operate a voluntary Park Watch to encourage outdoor activity in a safe environment. The concept plan is comprehensive and ready to progress but requires funding. Whilst the community have sought opportunities of grant monies, this is dependent on Council approval and backing for the project. Thus our financial commitment is of crucial importance in progressing this community initiative.

Since Council has approved increased density in this area, provision of good public parks will be vital, the Little Grove POS account can only be applied in the Little Grove area for the purchase of new land or with the approval of the minister to upgrade an existing park. Clearly Council cannot afford to purchase new land for POS and there is little point keeping the money for a rainy day when we have urgent need and a concept plan ready to go. Utilizing the money now will benefit the current generation of not only Little Grove children but those from Goode Beach and Robinson who already frequent this park, it being the only such facility on the peninsula. The park adjoins the Primary School and the Concept Plan has the approval of the Headmistress, with plans to incorporate the playing fields into a POS worthy of investment and when completed of great benefit to the community.

**Officer's Comment (F James)**

The City holds Public Open Space (POS) funds in relation to the area covered by the Little Grove Structure Plan Area (in the amount of \$79,363.64). I presume this is the POS Fund money that Councillor J Bostock is referring to.

Mills Park is outside the Little Grove Structure Plan Area and Mills Park is approximately one kilometre by road from Jeffcott Street, and may be considered to serve a different residential area.

The funds currently held in the Little Grove Public Open Space Fund were contributed by the developers of the Jeffcott Street development as cash in lieu. This contribution should ideally be invested in an area immediately proximate to the development for use by the residents of that area.

There has been no plan formally presented to the City for development of Mills Park, and this would need to occur prior to any allocation or sourcing of funds. Any concept or proposal for a park/recreation area must be developed in conjunction and consultation with the City as to the cost implications of maintenance etc.

The purpose of the Parks, Recreation and Open Space Reserve (as a separate fund to the POS funds) is for "Purchase of Land for Parks and Recreation Grounds". The amount currently held in that Reserve is \$758,444. Presumably this is not the funds Councillor Bostock is referring to.

There has been no funding allocated to the Mills Park project in the 2011/12 City budget, nor is it recognised as a high priority infrastructure project.

While Council approval for the project is sought by Councillor Bostock, Council could be "supportive" of this project as a "Community Project", without committing City funding for infrastructure or development. The Little Grove community could seek its own funding for this project.

If the community was to seek funding to advance the initiative, any plan would still need to be formally brought to Council once it has been developed, to ensure that the appropriate design process has been followed, and that adequate resource contributions to the maintenance of the facility have been allocated.

Accordingly, as the Responsible Officer:

1. I cannot recommend support of Motion 1 or 2.
2. I advise that it is highly unlikely on information available that there will be "other funding that becomes available" in the near future to progress Mills Park work.

**XVI. URGENT BUSINESS TO BE APPROVED BY DECISION OF THE MEETING**

**XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION.**

Nil.

**XVIII. ANNOUNCEMENT OF NOTICES OF MOTION TO BE DEALT WITH AT THE NEXT MEETING.**

**IX. ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC**

**XX. NEXT ORDINARY MEETING DATE**

Tuesday 20 September 2011 at 7pm.

**XXI. CLOSURE OF MEETING**

**STATUS REPORT ON DEFERRED ITEMS  
 FROM PREVIOUS MEETINGS**

<b>Meeting Date</b>	<b>Item Number</b>	<b>Details/Status</b>
15/06/2010	15.2.3	Lot 5 Rufus Street - Claim for Subdivision Design Changes. <b>CEO LIAISING WITH LAND OWNER/DEVELOPER REGARDING POSSIBLE SOLUTIONS.</b>
16/11/2010	2.6	Surrender Lease over Hangar Site 2 at Albany Airport. <b>REQUIRES FURTHER CONSIDERATION BY COUNCIL PENDING THE COMPLETION OF THE AIRPORT MASTERPLAN/BUSINESS PLAN.</b>
15/02/2011	4.11	Padre White Lookout Project. CEO to undertake further investigation of this project, including detailed budget analysis for project scope and provide further advice to council. <b>AWAITING ANZAC ALLIANCE PROGRESS.</b>
19/04/2011	4.7	Audit Committee Recommendations. That Council request the Chief Executive Officer to further review the investment of Surplus Funds Policy through the Finance Strategy Committee, prior to recommendation to Council. <b>PENDING.- AWAITING ENDORSEMENT OF CITY OF ALBANY STRATEGIC PLAN, BUDGET AND FIVE YEAR (FINANCE) PLAN.</b>
17/05/2011	3.1	Albany Leisure and Aquatic Centre. That the Business Plan be Brought back to Council for the Approval of the Recommendation. <b>PENDING COMPLETION OF BUSINESS PLAN TO BE PRESENTED TO FUTURE OCM.</b>
July 2010	18.3	Notice of Motion by Councillor Paver-Review Standing Orders Local Law 2009 before the December 2010 Council Meeting. <b>OUTSTANDING.- INSUFFICIENT STAFF RESOURCES AT PRESENT TO COMPLETE THIS WORK AND COUNCIL AWAITS THE MODEL STANDING ORDERS BY THE DEPT OF LOCAL GOVT.</b>
21/06/2011	5.5	Public Closure of Clydesdale Road at South Coast Highway. <b>LAI D ON THE TABLE FOR A PERIOD OF ONE MONTH FOR PUBLIC CONSULTATION. TO BE BROUGHT BACK TO THE SEPTEMBER 2011 OCM.</b>