



Shire of Cunderdin

Confirmed Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 22nd August 2013** in the Council Chambers, Lundy Avenue Cunderdin commencing at 5:00 pm.

A handwritten signature in black ink, appearing to read 'Peter Naylor'.

Peter Naylor
Chief Executive Officer

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AGENDA

1. Declaration of opening

The President declared the meeting open at 5.00pm

The Shire of Cunderdin disclaimer was read aloud.

The Local Government Act 1995 Part 5 Division 2 Section 5.25 and Local Government (Administration) Regulations 1996 Regulation 13

“No responsibility whatsoever is implied or accepted by the Shire of Cunderdin for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of Council’s decisions, which will be provided within ten working days of this meeting”.

2. Suspension of Clause 3.2 - Standing Orders

Location:	Cunderdin
Applicant:	Not applicable
Date:	12 th August 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer

Resolution 2.0:

Council suspends clause 3.2 – Order of Business – of the Shire of Cunderdin Standing Orders Local Law 2001

Moved: Cr Dennis Whisson

Seconded: Cr Graham Cooper

Vote – Simple majority

Carried: 6/0

3. Public Question Time

Response to previous public questions taken on notice

Declaration of public question time opened at

Declaration of public question time closed at

4. Record of Attendance, Apologies and Approved Leave of Absence

Record of attendances

Councillors

Cr RL (Rod) Carter	Shire President
Cr RC (Clive) Gibsone	Deputy Shire President
Cr GJ (Graham) Cooper	
Cr TE (Todd) Harris	
Cr DG (Dianne) Kelly	
Cr DB (Doug) Kelly	
Cr DA (Dennis) Whisson	

Apologies

Cr DG (Dianne) Kelly

On Leave of Absence

Staff

Peter Naylor	Chief Executive Officer
Paul Godfrey	Deputy Chief Executive Officer
Ian Bartlett	Manager Works & Services (from 6.00pm)

Guests of Council

Members of the Public

Michael Barker
Mary O'Hare (to 6:20pm)

Applications for leave of absence

4.1 Change of Meeting Date / Time

Resolution 4.1

Cr Rod Carter requested a change of the September 2013 meeting from Thursday 19th September to Wednesday 18th September 2013, commencing at 3.00pm

Moved: Cr Doug Kelly Seconded: Cr Dennis Whisson

Vote – Simple Majority Carried: 6/0

Declaration of Members and Officers Financial Interests

- Item 8.5: Councillors Cooper, Gibsone & Whisson, and the Chief Executive Officer declared an Impartiality Interest in this item as they are current members of the Cunderdin Golf Club.
- Item 11.3: Councillor Harris declared an Indirect Financial Interest as a Closely Associated Person in this item as his wife is an employee at the Cunderdin Medical Practice.

5. Petitions, Deputations, Presentations

Deputations

Presentations

6. Announcements by President without discussion

7. Confirmation of the Minutes of Previous Meetings

7.1 Ordinary Meeting of Council held on Thursday 25 July 2013

Location:	Cunderdin
Applicant:	Administration
Date:	12 th August 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	
Attachment/s:	Nil

Proposal/Summary

Council to confirm the minutes of the Ordinary Council meeting held on Thursday 25 July 2013.

Background

The minutes of the meeting have been circulated to all Councillors and have been made available to the public.

Comment

No business arising.

Consultation

Nil

Statutory Environment

Local Government Act 1995 Part 5 Division 2 Subdivision 3 - Section 5.22 (2)

The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Policy Implications

Nil

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

Nil

Resolution 7.1

That:

- 1. The minutes of the Ordinary Council meeting held on Thursday 25 July 2013, be confirmed as a true and correct record.**

Moved: Cr Graham Cooper

Seconded: Cr Doug Kelly

Vote – Simple majority

Carried: 6/0

Note to this item:

The President will sign the minute declaration.

8. Finance & Administration

8.1. Financial Report for July 2013

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	14 th August 2013
Author:	Paul Godfrey/Darren Long
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	

Proposal/Summary

The financial position as at 31st July 2013 is presented for consideration.

Appendices - Financial Statements

- Statement of Financial Activity
- Councillor EOY Estimate
- Operating Statement
- Statement of Surplus or Deficit
- Statement of Financial Position
- Statement of Cash Flows
- Details by Function & Activity
- Reserves Account Summary
- Loan Repayment Schedule
- Financial Activity Statement to 31st July 2013
- Municipal Bank Account Statement & Reconciliation 036-102 00-0030
- Municipal Business Cash Reserve Statement & Reconciliation 036-107 22-3647
- Municipal Term Deposit Statement & Reconciliation 036-107 22-6418
- Municipal Term Deposit Statement & Reconciliation 036-107 22-8704
- Municipal Term Deposit Statement & Reconciliation 036-107 22-8712
- Reserves Business Cash Reserve Statement & Reconciliation 036-107 22-3639
- Reserves Term Deposit Statement & Reconciliation 036-107 22-6311
- Working Trust Account Statements & Reconciliations 036-172 12-2981
- REBA Trust Account Statements & Reconciliations 036-172 12-3001

Statutory Environment

The Local Government Act 1995 Part 6 Division 3 requires that a monthly financial report be presented to Council.

Commentary

Nil

Policy Implications

Nil

Financial Implications

All financial implications are contained within the reports

Strategic Implications

Nil

Resolution 8.1

That council receive the financial reports to 31st July 2013.

Moved: Cr Clive Gibsone

Seconded: Cr Dennis Whisson

Vote – Simple majority

Carried: 6/0

5:20pm Ms Mia Davies MLA and Mr Paul Brown MLC, entered the meeting.

Ms Davies addressed Council in relation to the proposed Primary Health Care Demonstration Site Pilot Project. She advised that both her and the Hon Brendon Grylls MLA support Councils endeavors to ensure that certain matters of Council and community concern are adequately addressed prior to signing a Memorandum of Understanding for the project to proceed.

Ms Davies also addressed Council on the difficulty in obtaining a District of Workforce Shortage status for the Cunderdin Medical Facility. With the Federal Government basically being in “Caretaker” mode due to the Federal Elections soon to be held on Saturday 7 September 2013, none of the current Federal Government Politicians and/or their agencies will be making decisions of this nature until after the elections.

6:00pm Mr Ian Bartlett, Manager Works and Services entered the meeting.

6:08pm Ms Mia Davies MLA and Mr Paul Brown MLC departed the meeting.

Please note that Minute Item 11.2 (Primary Health Care Demonstration Site Pilot Project – Memorandum of Understanding) was brought forward and deliberated on at this point to enable members of the gallery to depart the meeting if they so wished.

6:20pm Mary O’Hare departed the meeting.

8.2 Accounts Paid – July 2013

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	14 th August 2013
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	3 Pages

6:21pm Cr Rod Carter left the meeting, and Cr Clive Gibsone (Deputy President) assumed the chair.

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling \$241,776.03 listed in the Warrant of Payments for the period 1st July to 31st July 2013.

Attachments

Warrant of Payments for 1st July – 31st July 2013.

Statutory Environment

Financial Management Regulations 12 & 13

Commentary on Statutory Environment

In accordance with Financial Management Regulations 12 & 13, a List of all accounts paid or payable shall be presented to Council (Refer Warrant of Payments attached).

Policy Implications

Nil

Financial Implications

All financial implications are contained within the reports

Strategic Implications

Nil

Resolution 8.2

(a) That Council's payment of accounts amounting to \$241,776.03 for the period of 1st July – 31st July 2013 from the Municipal Fund be confirmed and noted.

(b) The Payments List as presented where incorporated in the Minutes of the Meeting.

Moved: Cr Clive Gibsone

Seconded: Cr Graham Cooper

Vote – Simple majority

Carried: 5/0

8.3 Council Investments – At 31st July 2013

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	14 th August 2013
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

To inform Council of its investments as at 31st July 2013.

Background

The authority to invest money held in any Council Fund is delegated to the Chief Executive Officer. Council Funds may be invested in one or more of the following:

- Fixed Deposits
- Commercial Bills
- Government bonds
- Other Short-term Authorised Investments

Council funds are to be invested with the following financial institutions.

- Major Banks & Bonds Issued by Government and/ or Government Authorities.

Commentary

COUNCIL INVESTMENTS				
Institution	Amount Invested	Investment type	Municipal Funds	Reserve Funds
Westpac Banking Corporation	\$96.43	Business Cash Reserve Bonus 22-3639 0.01%	\$0.00	\$96.43
Westpac Banking Corporation	\$2,111,145.02	Reserves Term Deposit 22-6311 3.87%	\$0.00	\$2,111,145.02
Westpac Banking Corporation	\$669,436.11	Business Cash Reserve Bonus 22-3647 2.75%	\$669,436.11	\$0.00
Westpac Banking Corporation	\$512,480.34	Muni Term Deposit 22-8712 3.87%	\$512,480.34	\$0.00
TOTAL INVESTMENTS	\$3,293,157.90		\$1,181,916.45	\$2,111,241.45

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Delegation #18 – Investments.

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

There are no strategic implications in considering this item.

Resolution 8.3

That the report on Council investments as at 31st July 2013 be received and noted.

Moved: Cr Todd Harris

Seconded: Cr Graham Cooper

Vote – Simple majority

Carried: 5/0

6:23pm Cr Rod Carter returned to the meeting and assumed the chair.

8.4 Department of Sport and Recreation Community Sporting and Recreation Facilities Fund Small Grants Program

Location:	Cunderdin Golf Course
Applicant:	Cunderdin Golf Club
Date:	13 th August 2013
Author:	Paul Godfrey, Deputy CEO
Item Approved by:	Chief Executive Officer
Disclosures of Interest:	Yes
File Reference:	Nil
Attachment/s:	23 Pages

Councillors Cooper, Gibsone & Whisson, and the Chief Executive Officer declare an Impartiality Interest in this item as they are current members of the Cunderdin Golf Club.

Proposal/Summary

For Council to consider supporting a funding application submitted by the Cunderdin Golf Club under the Department of Sport and Recreation Community Sporting and Recreation Facilities Fund Small Grants Program.

The Report recommends that Council support the application.

Background

In February 2013 the Department of Sport and Recreation (DSR) invited applications from not-for-profit sport and recreation or community groups and local government authorities to submit applications under the Community Sporting and Recreation Facilities Fund (CSRFF) Small Grants Program seeking capital works grants to support sport and recreation facilities with a total project cost of up to \$150,000.

The grants process is very rigid and must comply with the following:

- Any proposed applications should be discussed with the Local Government Authority (LGA) the first point of call, and with an officer from the DSR prior to submitting the application.
- CSRFF funding primarily is to provide financial assistance to develop basic infrastructure for sport and recreation.
- Priority is usually given to projects that lead to facility sharing and rationalisation.
- CSRFF funding of up to a maximum of one third of total eligible costs may be awarded to successful applicants. Applicants need to have at a minimum two thirds of the total cost of the project available to them.
- Applications for equipment will not be supported.
- Applications are assessed by LGA staff and recommendations prepared. LGAs are required to rate and rank all applications they receive in order of priority.
- Applications presented at LGA Council Meeting.
- Applications must be lodged at DSR Regional offices by 4pm on the last working day of the month (ie Friday 30th August 2013 in this instance).

Comments

The grant application has been prepared for the removal of 30 old dirt and oiled concrete tee boxes and replace with 15 new ladies and 15 new men's tee boxes constructed of coloured cement, packed with metal dust and a top surface of STP Ultimate Tee-Line (40mm) synthetic grass.

In preparing the application the Cunderdin Golf Club have addressed all of the aforementioned criteria.

The funding application is not seeking any financial assistance and /or in-kind assistance from Council.

No other funding applications have been received from local not-for-profit sport and recreation or community groups for this round of the DSR CSRFF program.

A copy of the funding application is circulated with the Council meeting agenda.

Consultation

Cunderdin Golf Club.

Department of Sport & Recreation (Northam office).

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Cunderdin Community Strategic Plan

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

The provision of better facilities at the Cunderdin Golf Club is consistent with the aims and goals of the Plan and provide improved facilities to enhance the use of the golf course as a recreation facility.

Resolution 8.4

That Council endorses the grant application as prepared by the Cunderdin Golf Club and submits it to the Department of Sport and Recreations Community Sporting and Recreation Facilities Fund Small Grants Program for consideration.

Moved: Cr Todd Harris

Seconded: Cr Doug Kelly

Vote - Simple majority

Carried: 6/0

8.5 Shire of Cunderdin Long Term Financial Plan

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	12 th August 2013
Author:	Peter Naylor / Darren Long Consulting
Item Approved by:	Chief Executive Officer
Disclosures of Interest:	Nil
File Reference:	Nil
Attachment/s:	163 Pages (appendix 1)

Proposal/Summary

For Council to adopt the Long Term Financial Plan for ten (10) year period 2013-14 to 2023-2024, in accordance with the attached draft document.

Background

The Long Term Financial Plan (LTFP) is part of the new Integrated Planning requirements for all local governments in Western Australia, and forms an important part of Council's Integrated Planning process.

The LTFP is aligned with the Strategic Community Plan and Corporate Business Plan, and will form the basis for the preparation of Council's current (2013-14) and future annual budgets.

The Long Term Financial Plan covers a 10 year planning period, from 2012-13 to 2022-23 and therefore must be considered as a "living" document which cannot be set in concrete, and can be considered annually based on local economic circumstances and State / Federal Government funding programs.

Comments

The draft Plan presented to Council includes the modelling of three scenarios based on a range of assumptions and assesses the Council's revenue capacity against community demands and service levels.

Projections contained in the statutory schedules attached to this Plan reveal that over the next 10 years the Shire will require revenue from rates to grow faster than the anticipated Consumer Price Index, estimated over the life of the Plan of between 3% and 3.25%.

The draft Long Term Financial Plan (LTFP) has prepared by Darren Long Consultants following extension consultation with staff and workshops with Council.

The LTFP has been prepared based on three likely scenarios for Council consideration. The 3 scenario models proposed in this plan consider the range and level of service, workforce planning and asset management requirements, and capital works programs. The Council's Strategic Community Plan has identified community aspirations over the long term and the models provide the community with an understanding of the outcomes based on different assumptions.

Scenario 1 (Baseline):

This model provides for:

- No change in the range and level of services;
- Country Local Government Fund Individual grants ceasing in 2019/20 (Year 7) of the Plan;
- Country Local Government Fund Regional grants being available for the life of the Plan;

- An affordable capital works program;
- Rate increases to be based on 5.0% per annum.

The findings in relation to this model are as follows:

- The liquidity of the Shire, after deducting restricting assets (cash backed reserves), from 2014-15 onwards would deteriorate, meaning that the Shire would be operating in an overdraft situation.
- The operating surplus ratio over the forecast period remains in the unsustainable category, with the percentages ranging from -73% to -37%.
- The rates coverage ratio decreased from 52% 44% in Years one and two, and then improves from 44% to 49% over the life of the Plan.
- The Shire has sufficient funds within its operations to meet future forecast debt service costs.
- For year one of the Plan, the Shire is spending more on capital renewal expenditure. For the remaining years, the level of capital renewal expenditure falls below the target of 90% – 100%.
- The consumption of the Shires asset base is tracking downwards, but is still within the target range of 50% - 75%.

Scenario 2:

This model provides for:

- No change in the range and level of services;
- Country Local Government Fund Individual grants ceasing in 2019/20 (Year 7) of the Plan;
- Country Local Government Fund Regional grants being available for the life of the Plan;
- An affordable capital works program;
- A balanced budget;
- Rate increases to be based on achieving a balanced budget.

The findings in relation to this model are as follows:

- Rates will vary from a decrease of 1.40% to an increase of 31.20% over the life of the Plan, with significant variations from year to year.
- A balanced budget is achieved.
- The liquidity of the Shire after deducting restricted assets (cash backed reserves) improves incrementally over the life of the Plan, making more funds available for investment in capital infrastructure.
- The operating surplus ratio over the forecast period remains in the unsustainable category, with the percentages ranging from -73% to -25%.
- The rates coverage ratio remains relatively constant at 52% over the life of the Plan.
- The Shire has sufficient funds to meet its debt obligations.
- For year one of the Plan, the Shire is spending more on capital renewal expenditure. For the remaining years, the level of capital renewal expenditure falls below the target of 90% – 100%.
- The consumption of the Shires' asset base declines over the life of the Plan, with the asset consumption ratio sitting within the lower end of the target range of 50% - 75%.

Scenario 3:

This model provides for:

- No change in the range and level of services;
- Country Local Government Fund Individual and Regional grants to continue beyond 2016-17;
- An affordable capital works program;
- Budgets in surplus;
- Rate increases to be based on the WALGA Local Government Cost index of 3.2% per annum plus 5.8%.

The findings in relation to this model are as follows:

- Rates will increase by 9.0% per annum. This will reduce budget deficits when compared to Scenario 1, to manageable levels, and make available additional funds for new services and capital expenditure. Additional funds in 2019-20 will equate to \$66,917, and increase to \$704,011 in 2022-23. The availability of these additional funds will mean that the Shire will be less reliant on government grants and in turn able to meet its strategic objectives with more surety.
- A balanced budget is achievable over the life of the Plan.
- The operating surplus ratio over the forecast period will vary from unsustainable (-73%) to a minimum margin of comfort (-4%).
- The rates coverage ratio will increase from 52% to 57% over the life of the Plan. This means the Shire will be more self-reliant and able to begin to address the funding gaps identified in relation to infrastructure assets.
- The Shire has sufficient funds to meet its debt obligations.
- The additional funds available in the later years of the Plan will ensure the Shire is able to achieve an asset sustainability ratio target of between 90% to 100%.

Consultation

Shire of Cunderdin Councillors and staff.

Shire of Cunderdin Community through the Community Strategic Planning process.

Darren Long Consultancy.

Statutory Implications

The Shire of Cunderdin is required, under Section 5.56 of the *Local Government Act 1995*, to plan for the future of its district. In doing so, the Shire needs to comply with Regulation 19DA of the *Local Government (Financial Management) Regulations 1996*, which states-

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the Plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to-*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long term financial planning.*

Policy Implications

Nil

Financial Implications

There are no financial implications in 2013-14 as Council has adopted a balanced budget. However the draft Long Term Financial Plan provides a clear indication of what needs to be considered for the Shire to achieve a greater degree of financial independence with the ability to achieve balanced budgets in the future and to begin addressing infrastructure asset funding gaps.

Strategic Implications

The Shire of Cunderdin, in developing the Long Term Financial Plan, and in undertaking subsequent annual reviews, will develop and align the LTFP to the following-

- Borrowing Strategy
- Rating Strategy
- Asset Management Plans
- Workforce Plan
- Cash Reserve Strategy
- Revenue Raising Strategy
- Capital Works Program
- Range and level of services
- Business plans and other studies developed in relation to specific projects.

Recommendation 8.5

That Council:

1. Endorses the Draft Long Term Financial Plan based on Scenario 3 with annual 9% rate increase for the 10 year life of the plan.
2. In endorsing Scenario 3 acknowledges that annual rate increases are part of annual budget deliberations and actual rate movements are considered in context with:
 - local economic circumstances;
 - State and / or Federal Government funding programs; and
 - Previous financial year operating surplus or deficit carried forward;and adjusted accordingly.

Resolution 8.5

That Council:

1. **Endorses the Draft Long Term Financial Plan based on Scenario 1 with annual 5% rate increase for the 10 year life of the plan.**
2. **In endorsing Scenario 1 acknowledges that annual rate increases are part of annual budget deliberations and actual rate movements are considered in context with:**
 - local economic circumstances;
 - State and / or Federal Government funding programs; and
 - Previous financial year operating surplus or deficit carried forward**and adjusted accordingly.**

Moved: Cr Graham Cooper

Seconded: Cr Clive Gibsone

Vote – Simple majority

Carried: 6/0

9 Environmental Health & Building Services

No Reports

10 Works & Services

10.1 Works & Services Report

Location:	Cunderdin
Applicant:	Manager Works & Services
Date:	14 th August 2013
Author:	Ian Bartlett
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

Council is to receive the Works and Services Report.

Construction

No construction works carried out in July 2013.

General

Routine maintenance works being carried out throughout the Shire and on a as needs basis.

- Winter Grading proceeding with preference to school bus routes, the following roads completed: Johnston, Edbrooke, Watercarrin, Hudson, Gangell, Henderson, Quelagetting, Adams, Beards, Hillam & Coolling. Total of 209.38km graded in July.
- Roadside spraying program is proceeding as weather permits; the following roads have been sprayed Cunderdin-Quairading, 5 Mile Gate, Goldfields, Mills, Cunderdin-Wyalkatchem, Minnivale (part) & Quelagetting.
- Drainage improvements on Coleman Road.
- Pothole patching on Goldfields and Woonwooring Roads.

Parks and Gardens Cunderdin & Meckering

- General mowing, whipper snipping and clean-up of all parks, gardens and public open space.
- Completed planting of island gardens as part of the landscaping of the Cunderdin Main Street upgrade.

Building and other Maintenance

- General upkeep and odd jobs carried out.
- No problems reported last month in relation to cleaning of Council buildings and public toilets.

Airfield Maintenance

- Spraying program ongoing.
- No other problems to report.

Plant Maintenance

- Carried out general servicing and minor repairs to all plant and equipment.
- No major breakdowns to report.

Waste Services

- General upkeep of the Cunderdin and Meckering Transfer Stations, everything running okay.
- Waste Transfer Station employee(s) also assist with general maintenance to Meckering Golf, Bowls & Tennis Clubs.
- Verge pick up completed in Cunderdin & Meckering townsites.

Works and Services Staff

All outside staff recently completed a two-day course in basic traffic management.

Other Matters

It is proposed to carry out traffic counts on all roads within the Shire; the following roads have been completed.

Road	Days	Average Vehicles Per Day
Scaddan	8	9.75
Harris	8	3.50
3 Mile Gate	8	6.75
Quellington	9	3.50
Fleay	9	3.50
Bulgin	9	6.20
Watercarrin	8	9.00
Stewart	8	7.60
English	10	8.50
Sheehan	10	7.70
Beebering	8	10.60
Inverness	10	6.20
Gimbel	10	10.90
Southern Brook	9	7.00
Antonio	9	10.20

Statutory Implications

Local Government Act 1995

Financial Implications

Nil

Strategic Implications

Nil

Resolution 10.1

That Council receives the Works and Services Report.

Moved: Cr Dennis Whisson

Seconded: Cr Clive Gibsone

Vote – Simple majority

Carried: 6 /0

11 Planning & Development

11.1 Co-operative Bulk Handling Cunderdin Site Development Planning

Location:	CBH Cunderdin Site & Portion Lot 2223
Applicant:	Co-operative Bulk Handling
Date:	14 th August 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	30267
Attachment/s:	3 Pages

Proposal/Summary

Co-operative Bulk Handling (CBH) requesting Council support to progress the Cunderdin CBH site development, including:

1. Support for removal of the access way from Eaton Street to the north side of the main rail line;
2. Closure of portion of Eaton Street;
3. Confirmation that CBH can progress acquisition of portion of Lot 2223 from the Shire.

Background

CBH have for some time been investigating the redevelopment of the Cunderdin site.

Various designs have been presented to Council for information.

Council has generally concurred with the designs presented.

Council resolution 12.1 of 15 March 2012:

That Council:

1. *Endorses the concept plans and associated information presented by Cooperative Bulk Handling (CBH) for the redevelopment and expansion of the Cunderdin Grain Receiving Point, including but not limited to land transfers, road closures, and rezonings.*
2. *Advises it is prepared to work with CBH, Landcorp and other State agencies to enable the project to proceed.*
3. *Requests CBH to confirm that they will be responsible for all costs associated with the redevelopment and expansion.*
4. *Requests CBH to acknowledge that all land transfers between the Shire of Cunderdin and CBH will be subject to independent valuations and the purchase/sale prices recommended therein.*

CBH have confirmed in correspondence dated 29 March 2012 to meet items 3 & 4 of the resolution of 15 March 2012:

I refer to your correspondence dated 16 March confirming referral of the proposal to the March Council meeting and resolution to endorse proposal documentation, advise Council's cooperation to enable the project to proceed, request CBH confirm responsibility for all costs and request CBH acknowledge land transfers subject of independent valuation and recommendations.

I acknowledge Council's cooperation, confirm responsibility for all costs and acknowledge land transfers subject of independent valuation and recommendations.

Unfortunately CBH have not been able to purchase all of the land required for their original concept plan which has necessitated a revised plan. This was presented to Council by Ian Gordon and Lee Nilan of CBH on 18 April 2013. At the meeting Council generally endorsed the revised plan.

Comment

It may appropriate for Council to deal with the 3 requests independently as follows:

1. Rail Platform Access from Eaton Street

Extract from CBH letter of 4 July 2013:

CBH has approached both Transwa and Public Transport Authority (“PTA”) seeking their views on the potential closure of the pedestrian rail access from Eaton Street to the rail platform on the northern side of the main rail line.

Transwa and PTA have both confirmed they are receptive to the closure and removal of the old rail access way from Eaton Street.

CBH has spoken to and received confirmation from Mr Kym Marriott of Transwa confirming from a Transwa perspective that Transwa have already upgraded the access to the High Level Platform off the Wyalkatchem Road on the north side of the rail line and simply left this access area via the old station open as an alternative. Transwa have also advised when the decision is taken to progress the works to the CBH facilities, Transwa will need to close off the access from the High Level Crossing across to the old station, have the pathway removed and have asked CBH that it would appreciate if at least three months lead time could be given to Transwa to have these matters attended to.

CBH has also obtained PTA’s confirmation on 2 July 2013 that PTA will allow the access way land to be included in CBH’s current 99 year lease subject to:

- *a deed of variation adding the subject area to the existing lease area and removing references to it as applying to rights of access only and,*
- *the approval of the Governor as required by Section 63B Government Railways Act 1904 for the amended Deed of Variation to Lease.*
- *In regard to future demolition of the old PTA goods shed and loading ramp crane located to east of Eaton St on the rail reserve within CBH’s 99-year leased area that is proposed for development – that CBH seeks State Heritage Office approval for demolition which we have sent a request today.*

Whilst this action may appear to be straight forward from a CBH, Transwa and PTA perspective there is concern the local community may have some issues in relation to pedestrians having to access the railway station via the access road off Wyalkatchem Road, which adds some considerable walking distance to the station (estimated in excess 2km).

However also from CBH, Transwa and PTA perspective safety will be of utmost importance and it is quite easy to understand their train of thought and the need to separate pedestrians from the increased heavy vehicular traffic that will utilise the redeveloped CBH site.

During CBH presentation to Council on 18 April the possibility of an overhead footbridge was mentioned however this now appears to have dropped off the radar. There was some concern mentioned at the time as the height a footbridge will need to be constructed due to the amount of oversize traffic that is carried on the rail line.

Taking all matters into consideration there does not appear to be any alternative than to support the closure of the railway station access off Eaton Street.

It is recommended that the proposed closure of the pedestrian access to the railway station off Eaton Street be advertised for public comment.

2. Closure of Eaton Street

Extract from CBH letter of 4 July 2013:

We now ask the Shire if it can now consider the closure of the portion of Eaton Street highlighted yellow on the attached plan in light of the positive response from both Transwa and PTA in regard to the pedestrian access way.

The request is for the permanent closure of Eaton Street from the proposed realignment of Carter Drive with Centenary Place north to the CBH site.

Permanent Road Closures are quite a complex process and need to be carried out in accordance with the Land Administration Act 1997 and associated Regulations.

It is recommended that the request be supported and proposal advertised as required.

3. Additional Land from Portion 2223

Extract from CBH letter of 4 July 2013:

CBH has been in contact with Landcorp concerning Lot 2223 which we understand is currently under partial subdivision for creation of light industrial lots. We understand from Mr Brenton Pham of Landcorp's emailed response to CBH of 2 May 2013 (cc'ed to yourself) that the balance of Lot 2223 not utilised by Landcorp will form part of the Shire's landholdings. We ask if we can now progress acquisition of the area of Lot 2223 highlighted pink on the attached plan in order to secure as part of CBH's long term development plan for Cunderdin, acknowledging that Landcorp is still in the process of completing the subdivision of Lot 2223 and for titles to issue to the new industrial lots and balance of land which will remain with the Shire.

The sale of land to CBH has previously been somewhat addressed by Council, refer Resolution 12.1 of 15 March 2013, and CBH have agreed to Council's requests in relation to CBH being responsible for costs associated with land transfers between the Shire of Cunderdin and CBH and acknowledging that sale of land will be subject to independent valuations and the purchase/sale prices recommended therein.

It is recommended that Council informs CBH that it is prepared to process the sale of portion of Lot 2223 as indicated on the preliminary development plan. This will enable CBH to engage their surveyors to plot out the required land parcel to enable valuation to be obtained for consideration by both CBH and the Shire.

CBH further advise that the aforementioned actions will provide them with the ability to move to the next stage of preparing a business case for the proposal based on the long term development plan and submitting formal development applications with the Shire.

Consultation

Co-operative Bulk Handling
Department of Lands
Community

Statutory Implications

Land Administration Act 1997

56. Dedication of land as road

(1) If in the district of a local government —

- (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or*
- (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —*
 - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or*
 - (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so; or*
- (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years, and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.*

(2) If a local government resolves to make a request under subsection (1), it must —

- (a) in accordance with the regulations prepare and deliver the request to the Minister; and*
- (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*

(3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —

- (a) subject to subsection (5), by order grant the request; or*
- (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
- (c) refuse the request.*

(4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses

reasonably incurred by the Minister in considering and granting the request.

(5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —

- (a) unallocated Crown land or, in the case of a private road, alienated land; and*
- (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.*

(6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.

57. Leases in relation to roads

(1) The Minister may —

- (a) grant a lease in respect of land above or below a road; or*
- (b) with the consent of the relevant local government, the Commissioner of Main Roads, or the Minister responsible for the administration of the Public Works Act 1902, as the case requires, grant a lease in respect of land comprising a road, if —*
 - (i) there are structures above the road; or*
 - (ii) the purpose of that lease is consistent with the use of the road by the public.*

(2) When a lease is granted under subsection (1)(b) in respect of land comprising a road and the road is closed under section 58 during the subsistence of the lease, the lease continues to subsist as an interest in Crown land until it terminates in accordance with law.

58. Closing roads

(1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.

(2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.

(3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period

concerning the proposals set out in that notice.

(4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —

(a) by order grant the request; or

(b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or

(c) refuse the request.

(5) If the Minister grants a request under subsection (4) —

(a) the road concerned is closed on and from the day on which the relevant order is registered; and

(b) any rights suspended under section 55(3)(a) cease to be so suspended.

(6) When a road is closed under this section, the land comprising the former road —

(a) becomes unallocated Crown land; or

(b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

Land Administration Regulations 1998

9. Local government request to close road permanently (Act s. 58(2)), requirements for

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —

(a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and

(b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and

(c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and

(d) a copy of the relevant notice of motion referred to in paragraph (c); and

(e) any other information the local government considers relevant to the Minister's consideration of the request; and

(f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.

Policy Implications

Nil

Financial Implications

Expenditure: Nil, the applicant will be responsible for the costs associated with the development.

Income: Income associated with the sale of portion of Lot 2223 has been budgeted in 2013/14 to assist with the Cunderdin Sports Ground project.

Strategic Implications

Cunderdin Community Strategic Plan

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

The provision of better facilities at the Cunderdin airfield is consistent with the aims and goals of the Plan and will strengthen local business and support economic growth.

Recommendation 11.1

That Council:

1. Consents to the closure of the public pedestrian access way to the Cunderdin Railway Station off Eaton Street and advertises for public comment.
2. Consents to the closure of portion of Eaton Street, from the proposed realignment of Carter Drive with Centenary Place north to the CBH boundary and advertises in accordance with legislative requirements.
3. Informs CBH that it is prepared to process the sale of portion of Lot 2223 as indicated on the preliminary development plan.
4. In the event that no adverse submissions are received on the closure of the Railway Station Pedestrian Access at the closure of the advertising period, delegates authority to the Chief Executive Officer to finalise the matter.
5. In the event that no adverse submissions are received on the partial Closure of Eaton Street at the closure of the advertising period, delegates authority to the Chief Executive Officer to finalise the matter.

Resolution 11.1

That Council:

- 1. Consents to the closure of the public pedestrian access way to the Cunderdin Railway Station off Eaton Street and advertises for public comment.**
- 2. Consents to the closure of portion of Eaton Street, from the proposed realignment of Carter Drive with Centenary Place north to the CBH boundary and advertises in accordance with legislative requirements.**
- 3. Informs CBH that it is prepared to process the sale of portion of Lot 2223 as indicated on the preliminary development plan.**
- 4. Authorises the Chief Executive Officer to investigate (with CBH) a possible alternative access point for pedestrian passengers to the railway station.**

Moved: Cr Clive Gibsone

Seconded: Cr Todd Harris

Vote – Simple majority

Carried: 6 /0

11.2 Primary Health Care Demonstration Site Pilot Project – Memorandum of Understanding

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	14 th August 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	7 Pages (plus copy of Petition and draft MOU circulated with Agenda)

Proposal/Summary

For Council to formally consider supporting the development of a Primary Health Care Demonstration Site Pilot Project in Cunderdin.

Background

21 June 2012; Southern Inland Health Initiative (SIHI) visit to Council as introduction to the Primary Health Demonstration Site (PHCDS) Pilot Program and funding available through the Royalties for Regions program. SIHI advised that that Expressions of Interest (EOI) will be called for interested communities to be considered for the Pilot program.

6 August 2012; SIHI contact Council via email inviting Council to submit an EOI.

10 August 2012; Following consultation with Council the Chief Executive Officer submitted an EOI.

22 January 2013; Public announcement via Media Release by the Minister for Health stating that Cunderdin & Pingelly were selected as the two preferred PHCDS Pilot Sites.

5 & 6 March 2013; Community Consultation meetings (8) held in Cunderdin, Meckering and Tammin.

28 March 2013; SIHI meet with Council to discuss the outcomes of the various community meetings. As result of the community consultation process and certain areas of concern, Council informed SIHI that still interested but certain areas need to be addressed.

19 April 2013; Memorandum of Understanding (MoU) prepared and signed by the Shire and SIHI. The MoU was prepared to provide some commitment to SIHI to enable them to keep working on the processes however providing clear indication that the Shire will not make a final decision until such time as the community has been fully consulted and a number of their concerns have been addressed.

13 May 2013; Wheatbelt Development Commission Aged Care Solutions Community Forums in Cunderdin and Tammin. The WDC is working with consultant Verso to prepare an Aged Accommodation Study throughout the Wheatbelt. A number of community concerns in relation to the PHCDS project were raised at these meetings.

13 May 2013; SIHI, Tim Shackleton, meet with CEO to discuss community concerns and Transitional Arrangements to be put in place to the satisfaction of Council and community. Mr Shackleton to arrange preparation of a draft document for future consideration.

28 & 29 May 2013; Cunderdin Health Service Expo and Open Days at the Cunderdin Hospital. This forum was designed to provide local community with additional information on the PHCDS project, and to sign up for the next round of community engagement sessions.

10 & 11 June 2013; Second round of Community Engagement Meetings to provide the community with updated information on the PHCDS and to inform community of transitional arrangements and how concerns are being addressed. Major issues of concern raised at the meetings:

- Aged Accommodation – future & ongoing provision.
- Staffing levels – future needs to cater for PHCDS services.
- Ability of PHCDS to engage the professional services being indicated.
- Additional pressure to be placed on volunteer services, ie SJA.
- Meals on Wheels – future provision and food preparation.
- Ability to be able to provide local support services to home care patients.
- Northam Hospital – reputation.

28 June 2013 at 10:00am; meeting between Council and SIHI to discuss the ongoing issues raised, the Transitional arrangements committed to by SIHI, and to further progress the PHCDS.

Preparation of Memorandum of Understanding (MOU) between the Shire of Cunderdin, WA Country Health Service and Southern Inland Health Initiative to address and formalise the proposed Transitional Arrangements.

Matters covered in the Transitional Arrangements are:

Emergency Services - Commitments

- *Work with General Practitioners (GP) and Emergency Telehealth Service to ensure patients receive safe emergency care within best practice timeframes.*
- *Ensure facilities are built to enable close observation of patients in ED (eg observation bay) prior to management decision to transfer or discharge.*
- *Work with St John Ambulance (SJA) and other stakeholders to improve both urgent and non-urgent patient transport.*

Primary Health Care Services - Commitments

- *Design new Primary Health Care Centre in line with Building Codes of Australia guidelines and hospital and health standards in consultation with WA Health and private service providers and non-government organisations to ensure it meets their needs.*
- *Ensure primary health care services meet the community's needs.*
- *Commence discussion with GP and Shire to explore co-location in new Primary Health Care Centre.*
- *Ongoing evaluation and enhancement of services where required.*

Acute Services - Commitments

- *Work with GP, Emergency Telehealth Service and other emergency service providers to establish patient's need for hospitalisation.*
- *Ensure facilities are designed to enable close observation of the patients while the decision to transfer or discharge is being made.*
- *Work with St Johns Ambulance and other stakeholders on ways to improve capacity to transport patients requiring medical care.*
- *Enhance chronic disease management services to prevent acute episodes.*
- *Enhance home care services so patients can be cared for in their home where appropriate.*

Specialist Medical Services - Commitments

- *Assess community need for visiting specialists and where possible arrange visiting services.*
- *Increase use of videoconference consultations.*
- *Enhance community based chronic disease management services.*

Community & Home Based Aged Care - Commitments

- *Expand Home and Community Care (HACC) services in accordance with need and Commonwealth Department of Health and Ageing guidelines and policies.*
- *Seek funding for additional Community Aged Care Packages (CACP), Extended Aged Care at Home Packages (EACH) and Extended Aged Care at Home Dementia Packages (EACH-D).*
- *Explore use of technology to monitor patients remotely.*
- *Retain provision of Meals on Wheels, kitchen and food preparation space in the PHCDS in accordance with WACHS policies and HACCP (food safety) standards.*

Residential Aged Care - Commitments

- *Work with Shire and aged care agencies to undertake pilot of new residential aged care model for small rural communities. Council and SIHI will actively seek funding for establishment of an eight bed cluster of aged care units adjoining the proposed new PHCDS.*
- *Continue to operate Wandoo Lodge and Ian Roberts Lodge while new services are being developed and alternative arrangements are operational in Cunderdin and elsewhere as appropriate. Current patients are guaranteed security of tenure, however newly admitted patients will be informed of proposed changes to the provision of aged residential care. This is in line with the requirements under the Commonwealth Aged Care legislation.*
- *Expand home and community based care services to reduce need for residential care.*
- *Use telehealth to improve access to specialist gerontology and other health services.*

Palliative Care - Commitments

- *Consideration of future Palliative Care accommodation to be included in aged accommodation package.*
- *Work with GP and other primary health care providers to enhance home based palliative care services through WACHS or an alternative provider.*
- *Use telehealth to improve access to specialist palliative care and oncology services.*

Carer Respite - Commitment

- *Consideration of future Respite Care accommodation to be included in aged accommodation package.*
- *Strengthen home based respite service through WACHS or an alternative provider.*

Project User Group

- *A Project User Group, including Council and community representation, will be formed to help plan and develop the PHCPS project.*

Comment

Whilst this has been a long and committed process by Council, WACHS, SIHI and the community, and some members of the community still have reservations as to the guaranteed continued and future provision of services in certain areas of health delivery, it appears that SIHI and the WA Country Health Service (WACHS) have been prepared to be flexible in their approach to the project and commit to community concerns in a Transitional Arrangement Provision.

As has been stated many times over the journey, this is one of two Pilot Projects and the State Government is determined to make them work and set a blue print for future Primary Health Care Sites within regional areas of the State. Further to this, Minister Grylls has indicated that as this is a Pilot

Project, the State Government wants to and is committed to making it work, therefore the Cunderdin Community needs to ensure that the new facility caters for all of its needs.

At a meeting with representatives of the Southern Inland Health Initiative (SIHI) and the WA Country Health Service (WACHS) on Friday 28 June 2013, it was agreed to enter into a Memorandum of Understanding (MOU) to formalise the various transitional arrangements for the proposed Primary Health Demonstration Site.

Following the meeting a letter was forwarded to SIHI outlining Councils wishes for inclusion in the MOU.

These details were also circulated to the local communities of Cunderdin, Meckering and Tammin in a newsletter dated 3 July 2013. The newsletter also called for submission on the proposed project to be submitted to Council by close of business on Monday 22 July 2013.

Following the closure of the submission period, three letter submissions were received and a Petition containing 190 signatures. The three letters are included as attachments to the agenda item and the petition is circulated with the agenda document.

The draft Memorandum of Understanding (MOU), dated August 2013, appears to address all of the aforementioned matters.

The draft MOU was presented to a public meeting in Cunderdin on Tuesday 20 August 2013.

There has been substantial community consultation on the proposed project and many meetings with SIHI and WACHS staff.

Consultation

Southern Inland Health Initiative
WA Country Health Service
Local Communities: Cunderdin, Meckering & Tammin

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Cunderdin Strategic Community Plan 2011 – Social: Building a Sense of Community

- Our community will grow and be strengthened through community participation ad activities, developing a sense of collective ownership and participation.
- The community will have access to services and facilities to meet their changing needs and well being.

Resolution 11.2

That Council informs the WA Country Health Service and Southern Inland Health Initiative:

- 1. That whilst Council fully supports the future development of the Primary Health Care Demonstration Site Pilot Project in Cunderdin it is not in the position to sign off on the draft Memorandum of Understanding (dated August 2013) in its current form.**
- 2. Council and the community is seeking a more suitable arrangement in relation to the future delivery of Aged, Palliative and Respite Care services as part of the Primary Health Care Demonstration Site project.**

Moved: Cr Graham Cooper

Seconded: Cr Dennis Whisson

Vote – Simple majority

Carried: 5/1

Cr Clive Gibsone requested his name to be recorded as voting against the motion.

11.3 Dr Ken Gray – Cunderdin Medical Practice

Location:	Cunderdin
Applicant:	Dr Ken Gray
Date:	19 th August 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosures of Interest:	Yes
File Reference:	
Attachment/s:	11 Pages

Cr Todd Harris declared an Indirect Financial Interest as a closely associated person as his wife is employed at the Cunderdin Medical Practice.

Resolution 11.3.1

That Cr Harris be permitted to remain in the meeting during deliberations on this matter but not be permitted to vote.

Moved: Cr Graham Cooper

Seconded: Cr Doug Kelly

Vote – Simple majority

Carried: 5/0

Proposal/Summary

For Council to consider actions in relation to the future of the Cunderdin Medical Practice.

Background

Dr Ken Gray commenced at the Cunderdin Medical Practice in May 1996, a period in excess of 17 years.

Council entered into a new Deed of Agreement with Dr Gray following Special Meeting of Council held on Tuesday 23rd April 2013, at which the following resolution was adopted:

Resolution 8.1.2

That Council enters into an amended contract with Doctor Kenneth (Ken) Gray for a period of one (1) year, commencing 1 May 2013, to be reviewed annually, or to be renegotiated with a new doctor should the Cunderdin Medical Practice be sold:

- 1. Provides to the Cunderdin Medical Practice, Dr Ken Gray, with either one Ford Falcon G6 Sedan or two Ford Focus Hatch Back vehicles (to equal similar value).*
- 2. Provides the fuel at no cost for the vehicle(s) identified in item 1 and also for Doctor Ken Grays private vehicle.*
- 3. Provides to the Cunderdin Medical Practice, Dr Ken Gray, the medical surgery located at Cubbine Street, Cunderdin, at no rental cost, effective 1 May 2013.*
- 4. Provides to the Cunderdin Medical Practice, Dr Ken Gray, the residential premises located at 2 First Street, Cunderdin, at no rental cost, effective 1 May 2013.*
- 5. Requests the Chief Executive Officer to inspect the surgery and residential premises to determine urgent and recurrent maintenance requirements and budget for accordingly.*
- 6. Negotiate with Dr Ken Gray for purchase of the existing furnishings within the surgery and residential premises at agreed value.*

7. Is prepared to consider a salary guarantee amount for a new doctor, should the medical practice be sold, however this will be done in consultation with the new doctor to determine agreed deductibles for calculation of net income level.

Note: The fuel referred to in item 2 is to be recorded in the fuel register at the depot bowser to enable the costs to be correctly allocated.

Following the aforementioned resolution the new Agreement was signed by the Shire of Cunderdin and Dr Gray on 16 May 2013. Copy of Deed of Agreement is attached.

When signing the Deed of Agreement Dr Gray provided Council with a letter dated 16 May 2013, advising that in accordance with the requirements of clause 7 of the Agreement he is giving two (2) months notice of his intention to sell the Cunderdin Medical Practice.

The Medical Practice was subsequently listed on the Health Link website advertising for sale.

Rural Health West has assisted with the process.

Unfortunately there has been minimal interest from an Australian trained doctor.

There is strong interest from an overseas doctor but this provides a difficult situation as Cunderdin needs to be afforded the status of District of Workforce Shortage (DWS) by the Commonwealth Department of Health and Ageing to enable an overseas doctor on a 457 visa to be sponsored to work at the Practice.

The Department of Health and Ageing website defines and explains a District of Workforce Shortage as follows:

District of Workforce Shortage Factsheet

A District of Workforce Shortage (DWS) is a geographical area of Australia in which the population's need for healthcare has not been met.

What is a District of Workforce Shortage?

A district of workforce shortage (DWS) is an area of Australia in which the population's need for medical services has not been met. Population needs for medical services are deemed to be unmet if a district has less access to medical services than the national average.

Section 19AB of the Health Insurance Act 1973 (the Act) restricts overseas trained doctors (OTDs) and Foreign Graduates of Accredited Medical Schools (FGAMS) from accessing the Medicare benefits arrangements unless they choose to practise in a DWS for their medical specialty in order to access the Medicare benefits arrangements. All OTDs and FGAMS who first started working as a doctor in Australia after 1996 are subject to section 19AB of the Act.

OTDs and FGAMS may apply for access to the Medicare benefits arrangements for the services they provide within a DWS by submitting a Medicare provider number application form to Medicare Australia. The Medicare provider number application form can be obtained from the [Medicare Australia](#) (external) website.

How is a DWS determined?

The Department of Health and Ageing (the Department) determines which areas are a DWS for a medical specialty by using Australian Bureau of Statistics population data and the latest Medicare billing statistics for a medical specialty.

In general, a location is deemed to be a DWS for a medical specialty if it falls below the national average for the provision of medical services for the specialty, based on the latest Medicare billing statistics. DWS classifications are updated by the Department to account for the latest Medicare billing statistics.

What is an Area of Need?

Area of Need is determined by the State and Territory Governments and methods of defining an Area of Need may vary. Generally, an Area of Need determination is granted when a vacant medical position remains unfilled after recruitment efforts have taken place over a period of time.

In determining an Area of Need, the relevant State or Territory ensures that Australian qualified doctors are not disadvantaged and that all attempts have been made to fill the position with Australian qualified doctors.

Who is affected by Area of Need?

It may be a condition of medical registration for a doctor that they practice within an Area of Need position under supervision.

The matter has been referred to Rural Health West and the office of Mia Davies, Member for the Central Wheatbelt. Unfortunately initial contact to the Department of Health and Ageing by Rural Health West effectively hit a “brickwall” as in their response they simply referred to the departmental policy.

Mia Davies has sent a letter to Minister Plibersek, Federal Minister for Health, seeking her assistance with this matter. The letter was also copied to the Western Australia Department of Premier and Cabinet for their information. To date no response has been received.

This is a ridiculous situation given that the surrounding towns of Kellerberrin, Merredin, Wyalkatchem, Toodyay, Northam, Quairading and Beverley have DWS status.

It makes little sense for the community to be left without a Doctor for a period of 3-6 months simply to meet a bureaucratic requirement. It makes even less sense for Dr Gray and / or Council, if it gets to this stage, to be forced at great expense, to go through the process of recruitment again having already found a suitable candidate. It also seems ridiculous to wind down a perfectly good practice and the risk of community members having to leave town to secure medical treatment.

The Shire President and Chief Executive Officer met with Dr Gray on Friday 16 August 2013 to discuss the aforementioned matters and other issues raised by Dr Gray.

Dr Gray has requested Council discuss and consider the following:

1. District of Workforce Shortage: Council to vigorously pursue this matter to enable an overseas trained doctor to be sponsored into the Cunderdin Medical Practice. The Chief Executive Officer is currently engaged in discussion with Mia Davies and Rural Health West to try and achieve a successful outcome.
2. Maintain continuity of the Practice: Dr Gray suggested that if possible the Practice needs to be maintained in an operating form to make it more attractive for potential incumbent. Should the Practice be allowed to close and the various statutory requirements, ie Accreditation, lapse makes it more difficult to attract a new doctor.
3. Locum financial support: Dr Gray has advised that he will not be attending Cunderdin on a regular basis after August 30th. The service will then reduce and there will be many week days when there is no medical cover in Cunderdin. They will continue to employ Dr Inverarity, if that is what she wants, on the basis that they do not make a loss. Dr Inverarity currently works Mondays, Tuesdays, and Wednesday mornings. Dr Gray had lined up two Australian trained doctors to cover Thursdays and Fridays from September onwards but it will be expensive to get them and although he thinks the costs will be more than covered he cannot afford to risk being out of pocket. The problem is a cash flow one. Dr Gray is requesting Council consideration to subsidise a temporary doctor which would at most cost a few hundred dollars per week for a month or so (but probably no cost at all).

4. Financial support (guarantee) for new doctor: Dr Gray indicated that the Salary Guarantee (as per clause 7 of the 23rd April 2013 resolution) will be vital to attracting a new doctor and whilst it may not be necessary needs to be at the forefront of negotiations so the applicant can feel comfortable with the process and won't end up out of pocket.
5. Council consider purchasing surgery & medical equipment in event that Dr Gray unable to find a locum doctor (est \$20k-\$25k): Council has previously considered this and clause 6 of the resolution of 23rd April 2013 covers. The amount indicated is higher than what has been provided for on the 2013/14 budget however this can be adjusted during the mid-year budget review.
6. Dr Gray willing to keep running practice for a short period and sponsor overseas doctor for limited period of time to help them get established: This is only a short term solution and requires the DWS status to be implemented. However Dr Gray indicated his willingness to keep operating the medical practice for an additional short period to provide the opportunity for an overseas trained doctor to be sponsored and transitioned into the practice.
7. Medical Records: Dr Gray has agreed that the medical records will remain with the Cunderdin Practice at no cost to Council or the new Doctor, however wants a commitment in writing that he can have access to the records if required.
8. Maintenance to house & surgery: This is being followed up by the Chief Executive Officer. Trees, gardens and reticulation are being removed from the immediate perimeter of the buildings. The Engineering company that first inspected the property and carried out some treatment works in September 2009 will inspect when next in the area. This will be followed up should too greater time frame elapse.

Comment

The requests from Dr Gray do not seem out of order given the disruption closure or partial closure of the Medical Practice will cause to the local community, and also from a bureaucratic perspective relating to accreditation and other requirements.

Should the Practice close then community members will or may seek treatment from outlying areas and it may then prove difficult for a new doctor to win back their patronage when in place.

Consultation

Dr Ken Gray
Rural Health West
Mia Davies

Statutory Implications

Health Insurance Act 1973

19AB Medicare benefits not payable in respect of services rendered by certain overseas trained doctors etc.

- (1) *Subject to subsection (3), a medicare benefit is not payable in respect of a professional service rendered by a person who is an overseas trained doctor or who is a foreign graduate of an accredited medical school, unless:*
- (a) *the person first became a medical practitioner before 1 January 1997; or*
 - (b) *all of the following conditions are satisfied:*
 - (i) *the person was, at a time before 1 January 1997, an overseas trained doctor;*
 - (ii) *before 1 January 1997, the Australian Medical Council received an application from the person to undertake examinations, successful completion of which would ordinarily enable the person to become a medical practitioner;*

- (iii) *on the day the application was so received, the person was eligible to undertake those examinations under the rules of the Australian Medical Council as in force on the day the application was so received; or*
 - (d) *both of the following conditions are satisfied:*
 - (i) *the person first became a medical practitioner before the commencement of this subparagraph;*
 - (ii) *the service was rendered after the end of the period of 10 years beginning when the person first became a medical practitioner; or*
 - (e) *both of the following conditions are satisfied:*
 - (i) *the person was a permanent Australian at the time when the person first became a medical practitioner;*
 - (ii) *the service was rendered after the end of the period of 10 years beginning when the person first became a medical practitioner; or*
 - (f) *both of the following conditions are satisfied:*
 - (i) *the person became a permanent Australian after the time when the person first became a medical practitioner;*
 - (ii) *the service was rendered after the end of the period of 10 years beginning when the person first became a medical practitioner.*
- (2) *Subject to subsection (3), a medicare benefit is not payable in respect of a professional service rendered on behalf of a person who is an overseas trained doctor or who is a foreign graduate of an accredited medical school, unless:*
- (a) *the person first became a medical practitioner before 1 January 1997; or*
 - (b) *all of the following conditions are satisfied:*
 - (i) *the person was, at a time before 1 January 1997, an overseas trained doctor;*
 - (ii) *before 1 January 1997, the Australian Medical Council received an application from the person to undertake examinations, successful completion of which would ordinarily enable the person to become a medical practitioner;*
 - (iii) *on the day the application was so received, the person was eligible to undertake those examinations under the rules of the Australian Medical Council as in force on the day the application was so received; or*
 - (d) *both of the following conditions are satisfied:*
 - (i) *the person first became a medical practitioner before the commencement of this subparagraph;*
 - (ii) *the service was rendered after the end of the period of 10 years beginning when the person first became a medical practitioner; or*
 - (e) *both of the following conditions are satisfied:*
 - (i) *the person was a permanent Australian at the time when the person first became a medical practitioner;*
 - (ii) *the service was rendered after the end of the period of 10 years beginning when the person first became a medical practitioner; or*
 - (f) *both of the following conditions are satisfied:*
 - (i) *the person became a permanent Australian after the time when the person first became a medical practitioner;*
 - (ii) *the service was rendered after the end of the period of 10 years beginning when the person first became a medical practitioner.*
- (3) *The Minister may, by writing, grant an exemption from the operation of subsections (1) and (2) in respect of a person or a class of persons.*
- (4) *An exemption under subsection (3) may be made subject to such conditions (if any) as the Minister thinks fit.*
- (4A) *In exercising powers under subsection (3) or (4), the Minister must comply with guidelines determined by the Minister under subsection (4B).*
- (4B) *The Minister must, in writing, determine guidelines that apply to the exercise of powers under subsections (3) and (4).*

- (4C) Without limiting subsection (4B), the guidelines may require that a person must have qualifications of a specified kind in order to qualify for an exemption.
- (4D) A determination under subsection (4B) is a disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901.
- (5) If a person to whom an exemption under subsection (3) applies breaches a condition of the exemption, the exemption ceases to apply to the person at all times during which the person is in breach.
- (6) Despite anything contained in subsection 488(1) of the Migration Act 1958, the Secretary of the Immigration Department may, for the purpose of:
- (a) the granting of an exemption under subsection (3); or
 - (b) assisting the Minister or the Chief Executive Medicare to ascertain whether a condition of such an exemption has been breached;
- disclose to the Minister or to an officer of the Department administered by the Minister, or to a Departmental employee (within the meaning of the Human Services (Medicare) Act 1973), information about the conditions on which a person has entered or remains in Australia.
- (7) In this section:
- accredited medical school** means a medical school that is:
- (a) accredited by the Australian Medical Council; and
 - (b) located in Australia or New Zealand.
- foreign graduate of an accredited medical school** means a person:
- (a) whose primary medical qualification was obtained from an accredited medical school; and
 - (b) who was not one of the following when he or she first enrolled at an accredited medical school:
 - (i) a permanent Australian;
 - (ii) a New Zealand citizen;
 - (iii) a permanent resident of New Zealand.
- overseas trained doctor** means a person whose primary medical qualification was not obtained from an accredited medical school.
- permanent Australian** means an Australian citizen or a holder of a permanent visa (within the meaning of the Migration Act 1958).
- professional service** does not include a service of a kind referred to in paragraph (b), (ba) or (c) of the definition of **professional service** in subsection 3(1).

Policy Implications

Nil

Financial Implications

There may be some financial implications should Council resolve to support the purchase of the surgery and medical equipment at the Medical Practice, and also if Council resolves to support the placement of a Locum Doctor for a four week period during the month of September 2013.

Strategic Implications

Shire of Cunderdin Strategic Community Plan 2011 – Social: Building a Sense of Community

- Our community will grow and be strengthened through community participation ad activities, developing a sense of collective ownership and participation.
- The community will have access to services and facilities to meet their changing needs and well being.

Resolution 11.3.2

That Council:

- 1. Authorises the Chief Executive Officer to continue to vigorously pursue the status of District Workforce Shortage (DWS) for the Cunderdin Medical Practice.**
- 2. Will endeavour where possible to keep the Cunderdin Medical Practice operating.**
- 3. Agrees to subsidise the placement of a temporary doctor (Locum) at the Cunderdin Medical Practice for a four week period during the month of September 2013, to a maximum amount of \$1,500, subject to financial records being provided substantiating any claim for reimbursement of loss of operating expenses.**
- 4. Re-enforces its commitment from the Special Council Meeting held on 23rd April 2013, that is prepared to consider a salary guarantee amount for a new doctor, should the medical practice be sold, however this will be done in consultation with the new doctor to determine agreed deductibles for calculation of net income level.**
- 5. Is prepared to negotiate with Dr Ken Gray for purchase of the existing medical and surgery equipment at the Cunderdin Medical Practice subject to individual valuation being obtained and at agreed value.**
- 6. Will support Dr Gray continuing to operate the Cunderdin Medical Practice for an extended period of time to enable an overseas trained doctor on 457 Visa being sponsored and transitioned into the Practice (this is subject to the DWS status).**
- 7. Acknowledges Dr Gray's comments that the patient medical records will remain with the Cunderdin Medical Practice and agree that he can have access to an individual patient records should the need arise and that person is continuing to visit Dr Gray at his new practice.**
- 8. Authorises the Chief Executive Officer to continue working towards a solution for the building maintenance issues with the Doctor House and Surgery.**

Moved: Cr Clive Gibsone

Seconded: Cr Graham Cooper

Vote – Simple majority

Carried: 5/0

12 Urgent Items

13 Matters for which the meeting may be closed

14 Closure of meeting

There being no further business the Shire President declared the meeting closed at 6.55pm.