

SHIRE OF KOJONUP



Council Minutes

19th February 2013

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 19th February 2013****TABLE OF CONTENTS**

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS	4
2	ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE	4
3	SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	4
4	PUBLIC QUESTION TIME	6
5	APPLICATIONS FOR LEAVE OF ABSENCE	7
6	CONFIRMATION OF MINUTES	7
7	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	7
8	PETITIONS, DEPUTATIONS & PRESENTATIONS	7
9	DECLARATIONS OF INTEREST	8
10	CORPORATE SERVICES REPORTS	9
10.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY	9
10.2	MONTHLY PAYMENTS LISTING	11
10.3	OFFER TO LEASE – 34 KATANNING ROAD, KOJONUP – PROPOSED MEDICAL CLINIC	12
11	WORKS & ENGINEERING REPORTS	18
11.1	HEAVY VEHICLE DETOUR – KOJONUP TOWNSITE	18
12	COMMUNITY & REGULATORY SERVICES REPORTS	20
12.1	NOMINATION OF SHIRE OF KOJONUP COUNCILLOR REPRESENTATIVES ONTO GREAT SOUTHERN JOINT DEVELOPMENT ASSESSMENT PANEL	20
12.2	PROPOSED COTTAGE INDUSTRY APPLICATION FOR LOT 64 (No 107) ALBANY HIGHWAY, KOJONUP	22
12.3	WATERWISE COUNCIL PROGRAM	24
13	EXECUTIVE & GOVERNANCE REPORTS	26
13.1	CODE OF CONDUCT	26
13.2	EXECUTIVE & GOVERNANCE POLICY REVIEW	27
13.3	INTEGRATED PLANNING – DRAFT STRATEGIC COMMUNITY PLAN	28
14	COMMITTEES OF COUNCIL	30
14.1	MEDICAL / HEALTH CENTRE ADVISORY COMMITTEE	30
14.2	MEDICAL CENTRE PROPOSAL – MEDICAL / HEALTH CENTRE ADVISORY COMMITTEE	30
14.3	MEDICAL / HEALTH CENTRE ADVISORY COMMITTEE	34
15	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	35
16	NEW BUSINESS	35
17	CONFIDENTIAL REPORTS	35
18	NEXT MEETING	35
19	CLOSURE	35
20	APPENDICES AND TABLED DOCUMENTS	35

21 ATTACHMENTS

MINUTES

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared the meeting opened at 3:00pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and read aloud the disclaimer below:

Disclaimer

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.

Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Cr Jane Trethowan	Shire President
Cr John Benn	Deputy Shire President
Cr Frank Pritchard	
Cr Jill Mathwin	
Cr Rosemary Hewson	
Cr Ian Pedler	
Cr Greg Marsh	
Cr Michael Baulch	
Mr Anthony Middleton	Acting Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Craig McVee	Manager of Engineering & Works
Mrs Heather Marland	Senior Finance Officer
Miss Sophie Knight	Policy, Planning and Governance Officer
Members of the Public	7

APOLOGIES

Nil

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

There were 7 questions taken on notice at the 15 January 2013 Council Meeting. The response to these questions has been sent in writing and was as follows:

Dear Neil,

I refer to your questions asked (and taken on notice) at the Council meeting held on 15 January 2013. Firstly, please accept my apologies for the delay in responding to you in writing.

I now provide a written response to these questions as follows:

1. When do you propose to inform your Medical/Health Centre Advisory Committee of what is now a firm, costed proposal?

The Medical / Health Centre Committee were informed of this proposal at the earliest possible time. The first meeting was held with the applicant late afternoon, Thursday, 6 December 2012 and the Committee was notified at its meeting commencing 9.00am, Friday 7 December 2012.

2. What has made this become so urgent that no-one within the Council could find the time to telephone or email any of the Committee?

Please accept my apologies for not being notified about this issue earlier. I am aware that you discussed this issue with the Shire President on the Saturday evening before the Council Meeting, 12 January 2013. I was on leave the week prior to the Council Meeting and therefore this courtesy was omitted, and again I apologise for this. At the Medical / Health Centre Advisory Committee Meeting on 7 December 2012 you stated that this application didn't change the Committee's role, and therefore I underestimated the involvement that the Committee would want into this application.

3. How do you propose to handle the negative reaction from Dr King?

I would expect Dr King, being the only Doctor in Kojonup, not to welcome competition into his market. Predicting this, the Shire President informed Dr King in person of the application on 20 December 2012.

This application is made by a private business who wishes to establish operations in Kojonup. The Shire, as I am sure you can appreciate, is not able to control competition in the business world. Conversely, competition can bring increased levels of service, a greater certainty of supply to the community and lessen the risk of no service provision, amongst other benefits.

4. What makes you think there is a need for an "interim solution"?

The Shire was approached by the applicant for an available building to lease for use as a medical centre. This applicant wishes to open a new business in our Shire and it is therefore the applicant that sees the business opportunity, or "need for an interim solution". The Shire did not seek to recruit or attract this application.

5. If there is a need for an interim solution, has this also been offered to Dr King?

As mentioned in my answer to question 4, the Shire is responding to an approach to establish a new business in the Shire - it has not instigated this proposal. As such, it is inappropriate for Dr King to be involved in a third party's business request. It is my intention as Acting Chief Executive Officer to ensure that the Council considers this request in line with the considerable subsidy currently provided to Dr King.

6. If Council wishes to bring a new medical practice into town, where and how has this been advertised so that we can have the best result?

As outlined in my answer to question 4 and 5, the Council is not undertaking a process "to bring a new medical centre into town", but is responding to a request to lease a Shire owned property. As such no advertising has, nor needs to occur. The Shire is not conducting a recruitment process and our involvement is purely:

- Whether or not to make available a council owned building through a lease arrangement;
- Whether or not to support financially or in-kind a new business in the town;
- Town Planning Requirements; and
- Building licence approvals.

7. What consideration has been given to the impact of this new practice, perhaps staffed by part-time junior staff, on the ability of the town to attract a suitable operator should a new centre be built?

There has been no indication that this business will be staffed by "junior staff" and I am sure that the minimum training and qualification requirements of GP's, and the system in which they operate provide appropriate safe guards in this regard.

With regards to attracting an operator should a new centre be built, I see this application as an ideal trial run for the community, with exposure to a multiple Doctor practice that can only assist in the needs assessment, design and appropriateness of any proposed purpose built new medical centre.

I trust that the above information, in conjunction with your attendance at the Councillors meetings with the Doctors concerned, answer the queries that you have in relation to this issue. If you require any further information or have another query, please do not hesitate to contact me on 9831 2400 or email ceo@kojonup.wa.gov.au.

Yours sincerely,

Anthony Middleton
Acting Chief Executive Officer

4 PUBLIC QUESTION TIME

4.1 Mr Phil Preston – Transport Yard

Mr Phil Preston asked the following questions with respect to the Matthews Transport Yard on Partridge Road / Albany Highway, Kojonup:

1. What is the zoning of that yard?
2. When we brought our property 30 years ago this was knocked back for having a trucking yard there.
3. When we heard they were going to put in the yard in for 4 trucks and trailers only we still objected to it. There is something like 14 trucks and trailers plus out of town trucks and trailers now parked there, creating a massive dust problem to residents. Watering only sometimes works about 10 per cent of the time.
4. Re block of land behind houses south of the yard, if they use present entrance it will create a massive problem for houses nearby.

The Acting Chief Executive Officer responded that he did not have the specifics at the meeting and noted that there had been a Town Planning approval with conditions and that these were being worked through with Matthews Transport. The Acting Chief Executive Officer advised that he would take the specifics of questions raised on notice with reply to Mr Preston.

4.2 Mrs Pam McGregor - Proposed Medical Centre at 34 Katanning Road, Kojonup

Any person, doctors, lawyers or farmers can come and set up a business with no assistance from the Council and therefore I am intrigued that assistance is being considered for Dr Du Preez. Why is this being considered when there is nothing to stop them buying a house in Kojonup and coming to town.

The Acting Chief Executive Officer responded that he was the author of the item being presented to the Council for consideration and that the Council were yet to consider his recommendations made in the item. The Acting Chief Executive Officer also advised that the Council was approached by St Luke's Family Practice.

4.3 Mrs Kirsten Carrington-Jones – Economic Development

Is it part of the Council's role to attract business and do incentives help to encourage business?

The Shire President responded saying it was not foreign to Council and noted the assistance provided in the development of the Thornbury Close Industrial Estate.

4.4 Dr Sarah Rankin – Katanning Road Staff Housing

Dr Rankin stated that the incentives help and commended anything done to attract businesses to Kojonup and questioned if the Katanning Road houses were being utilised?

The Shire President responded saying they are staff housing stock, however have not been utilised by staff for some time. Contractors have stayed in the houses for short periods of time but they had been empty for some time.

4.5 Dr Sarah Rankin – Committee Process

How does the process of recommendations from the Medical/Health Centre Advisory Committee work?

The Shire President responded the Medical/Health Centre Advisory Committee have terms of reference and that recommendations of the committee are considered by the Council as part of their information used to make final decisions.

4.6 Dr Sarah Rankin – Medical/Health Centre Advisory Committee Consultation

What consultation had been undertaken by the committee?

Mr Neil Young responded that the committee/members of the committee had visited groups within the community, placed advertisements and notices in the Kojonup News and had held Public Meetings.

Cr Mathwin stated that the committee had been very proactive in visiting community groups.

The Acting Chief Executive Officer responded that there was no single list that recorded the forms of consultation, however this was documented throughout the Minutes of the Medical/Health Centre Advisory Committee.

4.7 Mr Ned Radford – Proposed Medical Centre at 34 Katanning Road, Kojonup

Why has the cost of reinstating the proposed medical centre back into a house not been included in the report to Council?

The Acting Chief Executive Officer responded that the agenda item outlines the cost of the proposal and that future decisions or uses of the building were for separate consideration at that time. The agenda outlines the estimated cost for the current financial year.

4.8 Mrs Kirsten Carrington-Jones – Doctor Subsidy

Is Dr King in receipt of any Council subsidy?

The Manager of Corporate Services responded saying it was approximately \$20,000 subsidy per annum and that the current doctors house had approximately \$120,000 spent on it over the last two years.

5 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

11/13 MOVED Cr Mathwin seconded Cr Baulch that Cr Hewson be granted Leave of Absence for the Council meeting to be held on 19th March 2013.

CARRIED 8/0

6 CONFIRMATION OF MINUTES

ORDINARY MEETING 15th January 2013

Corrections: Nil.

COUNCIL DECISION

12/13 MOVED Cr Benn seconded Cr Pritchard that the Minutes of the Ordinary Meeting of Council held on 15th January 2013 be confirmed as a true record.

CARRIED 8/0

7 ANNOUNCEMENTS by the Presiding Member without discussion

Nil.

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

8.1 Mrs Kirsten Carrington-Jones – Proposed Medical Centre at 34 Katanning Road, Kojonup

Mrs Kirsten Carrington-Jones stated that she strongly supports the St Luke's Family Practice proposal. One doctor has a risk of illness, no service. She further stated that it was unfortunate timing

and that the Medical/Health Centre Advisory Committee was doing good job. She also noted that Doctor services are important to the community.

8.2 Mrs Lorreen Greeuw - Proposed Medical Centre at 34 Katanning Road, Kojonup

A submission from Mrs Lorreen Greeuw was read out by the Shire President, at her request:

“I have been reading the February 2013 Agenda, and I am a little confused. I don't understand why the Medical Centre Committee believe they have any voice on whether or not a new business wants to come to town, even though it is a Doctor wishing to open a new practice in our community. The Doctor has approached the Council, not the Medical Centre Committee.

I can't believe when at a time communities are crying out for Doctor Services, that the Council would even consider saying no to the Doctor who wants to come to Kojonup. This Coming week, we have no Doctor in town as Dr King is away. Yes he is entitled to time off, but as a community we are left with no one. So all will have to travel to Katanning, Wagin, Albany or further afield for care.

I am sure the sitting Council have the common sense to have lease times that would suit the new Doctor using a new medical centre, if that is what is proposed, but you cannot force two different practices to co-exist in the same building.

I am sure there are many in our community who would embrace a new practice just as there will be those who will voice a firm no. But I ask this “if a new mechanical services wanted to start a business in Kojonup, would Council really approach Rod Sebbes to get his support?”

I am in full support of a new practice for there are many who cannot afford to travel out of town for medical issues. Those who are patients of Dr King, will always be his patients...if they choose to, and if Dr King always provides the services they want.”

9 **DECLARATIONS OF INTEREST**

Nil

10 CORPORATE SERVICES REPORTS**10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY**

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Wednesday, 13 February 2013
 FILE NO: FM.FNR.2
 ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1st July 2012 to 31st January 2013
 10.1 Appendix A – Springhaven Aged Care Facility Monthly Statement of Financial Activity 1st July 2012 to 31st January 2013

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Monthly Statement's of Financial Activity for the period of 1st July 2012 to 31st January 2013.

BACKGROUND

Preparation and presentation to Council of monthly reports are a statutory requirement, with these to be presented to the next ordinary meeting following the close of a month, or it may be presented to the ordinary meeting in the following month after that.

COMMENTS

The Statements of Financial Activity for the period 1st July 2012 to 31st January 2013 show a solid position with 89.98% of rates collected to 31st January 2013 and a total amount of cash holdings of \$2,833,650.22 of which \$1,940,536 is held in fully cash backed Reserves; of these cash funds \$2,016,462 is invested in short term Term Deposits.

The Officer again highlights the variance between the Year to Date Budgeted Estimated Surplus and Year to Date Actual Surplus position is predominantly made up of the accumulated expenditure with respect to the Storm Damage Cleanup for which funding has yet to be received; the claim has received full sign off by MRWA Great Southern and the MRWA State Advisory Committee (SAC) has fully approved the claim for payment.

SAC has assessed that 87% of the claim is covered under "opening up costs", the significance of this is that these costs are 100% claimable and do not require any contribution from the Shire of Kojonup; MRWA Great Southern had previously advised that all costs would be treated as "reinstatement costs" which would have meant a Shire contribution up to \$140,000 which was given as the estimated capped amount.

Council has previously approved a Budget Amendment to cover any Shire contribution of \$140,000; the amount of this Claim is \$1,453,012 of which we will receive \$1,406,851, resulting in only \$46,161 as a Shire cost/contribution at this stage.

Officers continue to monitor Cash flow very closely and this will continue to be a key area focus.

The following noteworthy revenue items are on the short term horizon:

<u>Description</u>	<u>Amount</u>	<u>Expected Receipt Date</u>
Rate Instalments - estimated	\$ 100,000	20 th February 2013
Financial Assistance Grants	\$ 140,144	20 th February 2013
WANDDRA (Storm Damage Claim)	\$ 1,406,851	8 th March 2013
Roads to Recovery	\$ 281,554	11 th March 2013
Total	\$ 1,928,549	

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Financial Management Regulation 34 sets out the basic information which must now be included in the monthly reports to Council. Financial Management Regulation 33A sets out the requirements with respect to the Review of Budget.

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

Occasionally Council may be asked to authorise certain budget amendments/variations by way of separate Senior Officer Reports, but those proposed variations will be taken into account in the monthly Statements of Financial Activity when a full budget review is put before Council. Amendments **are not** being sought in this Agenda.

STRATEGIC IMPLICATIONS

This will only occur where it involves variations to the multiple year proposals previously put forward. Impacts to the “Closing Balance” position will also occur or where a Budget Review highlights the requirement for amendments to occur.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

13/13 MOVED Cr Marsh seconded Cr Pritchard that the Monthly Statement's of Financial Activity for the periods of 1st July 2012 to 31st January 2013, as attached, be accepted.

CARRIED 8/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Tuesday, 12 February 2013
 FILE NO: FM.AUT.1
 ATTACHMENT: 10.2 Monthly Payment Listing

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments that were made from 1st January 2013 to 31st January 2013.

BACKGROUND

Not applicable.

COMMENT

The attached list of payments is submitted for receipt by the Council.

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments. Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

POLICY IMPLICATIONS

Council's Policy F3 provides authorities and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made are for items where Council has provided a budget authority.

STRATEGIC IMPLICATIONS

There are no strategic implications involved with presentation of the list of payments.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

14/13 MOVED Cr Marsh seconded Cr Hewson that in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 1/1/2013 to 31/1/2013 comprising of Municipal Cheques 12562 to 12603, EFT's 9771 to 9887 and Internal Payment Vouchers 4246 to 4274 totalling \$702,804.10 and as attached to this agenda, be received.

CARRIED

8/0

10.3 OFFER TO LEASE – 34 KATANNING ROAD, KOJONUP – PROPOSED MEDICAL CLINIC

AUTHOR: Anthony Middleton – Acting Chief Executive Officer
DATE: Tuesday, 12 February, 2013
FILE NO: CP.DAC.8
ATTACHMENT: 10.3.1 Concept Plan of Building Modifications
10.3.2 Plan of Existing Building

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this item is to consider a proposal to lease 34 Katanning Road, Kojonup for use as a doctors surgery and to undertake modifications to this residence as required for its proposed new use.

BACKGROUND

The Shire has been approached by St Luke's Family Practice in Katanning regarding the possibility of leasing an appropriate building for use as a Doctors Surgery to house two to three Doctors. Following this approach, on-site meetings resulted in 34 Katanning Road being identified as suitable for this purpose, subject to minor modifications to allow for use as a public building.

The Council considered this issue at its meeting held on 15 January 2013 and resolved:

“that no decision to lease be made before a recommendation is received from the Medical / Health Centre Advisory Committee and further consultation between St Luke's Practice and Council and Dr King and Council on separate occasions is undertaken, prior to or on 5th February 2013 if possible.”

The two meetings referred to in the 15 January 2013 Council motion have occurred and the Committee has made a recommendation to the Council (refer to consultation section below).

The provision of medical services in rural communities is essential and as such the Shire currently supports the existing Doctor service in Kojonup to the value of approximately \$20,000 per annum. This support is as follows:

- Subsidised housing to the value of \$270 per week;
- Provision of surgery building and maintenance (rented at \$100 per week);

COMMENTThe Council's Role

This proposal surrounds a request to lease a building for use as a Doctors Surgery. The Council's involvement and input in this issue, being that it is not a Doctor selection and recruitment process but a response to a request to lease Council property to a commercial operator, is purely:

- Whether or not to make available a council owned building through a lease arrangement;
- If so, whether or not to support financially or in-kind an important new business in the town (giving consideration to the current financial support of the existing Doctor);
- Town Planning Requirements; and
- Building licence approvals.

It is not the Shire's role to control the number of Doctors in Kojonup. As private businesses operating in the open market, fair trading and anti-competitive practices prohibit the Council from taking an active role in the selection of businesses in a community or in their recruitment.

The proposal

This proposal has arisen because St Luke's have been successful in appointing additional Doctors to their Practice but do not have the physical room in their Katanning surgery to house them. Having said this, it is intended that St Luke's staff currently living in Kojonup will predominately be located in this proposed centre. It could also easily be argued that there is a sound business foundation for this request when one considers the ratio of Doctors to population when comparing Kojonup (1 Doctor to 2,000 population) and Katanning (8 Doctors to 4,000 population).

The details of the proposed lease are as follows:

1. The lease of 34 Katanning Road (vacant staff house) to house two (2) doctors, a nurse and possible allied health professionals;
2. Commence operations in March/April 2013;
3. Modifications be made to the building, funded by the Shire, to enable (refer attached plan):
 - Three (3) consulting rooms;
 - One (1) treatment room;
 - Office/reception;
 - Disabled toilet facility; and
 - Staff Room
4. New car park to be constructed on the land between the two Shire residences (to the immediate west).

The applicant has indicated that their set up costs for furniture and equipment for this proposal will be in the vicinity of \$100,000 to \$150,000.

It is worthy to note that the majority of the modifications required to the residence to enable it to be used as a public building are required by the Shire in its regulatory role and have not been requested by the applicant. Modifications such as wheel chair accessibility and car parking would be required under building and town planning legislation. St Luke's were impressed with the residence 'as is', with an acknowledgement that minor modifications would be required over time to ensure they continue to meet their accreditation standards.

Options:

There are numerous options available to the Council when considering this request. Four possible options are suggested as follows:

1. Do nothing. Decline the request from St Luke's and let the open market take care of the issue. This option presents some inequities between the Council's current support of Dr King and this request and also ignores both the economic benefit of a new business in town and the social advantage of having an extra Doctor's surgery in Kojonup. As such, this option is not recommended.
2. Support St Luke's endeavours in principal, but without leasing a Council property. This option is similar to option 1 but may involve offering Shire staff and/or Councillors time to assist St Luke's to find a privately owned premises to operate from and could also include the waiving of any town planning and/or building license fees. Again, this carries the disadvantage of the inequity of Council's support to Dr King and that would need to be addressed should this option be pursued.
3. Agree to the request to lease, make the building modifications and the Council offer an operating subsidy similar to that existing. This option has the advantage of an additional business and additional Doctors in Kojonup but involves the Council supporting the ongoing operations of two private businesses into the future. If any industry in town can support competition (i.e. two or more businesses) then serious thought needs to be given to the reasons for any external assistance by the Council.
4. Agree to the request to lease, make the building modifications and enter into a lease agreement on a market value rental. This is the Officer's recommendation. This option sees:
 - A currently vacant staff house utilised and generate an income for the Shire;
 - An additional business commence in Kojonup which would employ 4 to 5 people;
 - A second Doctors practice established in Kojonup, providing customer choice, security of service and greater periods of coverage (with respect to absences, leave, etc);
 - A benefit flow through to the security of the Kojonup Hospital, Chemist and other associated medical services.

Terms of Proposed Lease:

It is suggested a lease fee of \$254 per week be negotiated (current market value as listed in Council's List of Fees and Charges.), with all minor maintenance to be completed by the lessee.

A term of nine (9) years is recommended, with options at three (3) year intervals. It is recommended that a provision be made in the lease agreement that the lease be terminated should

a new agreement be reached between the two parties to occupy a new purpose built Medical Centre.

Equity:

As is detailed in the 'Background' section of this report, the Council currently financially supports the existing Doctors practice in Kojonup. As such, it is important that no business be given preferential treatment over another when providing the same service. It is therefore recommended that following a Council decision on this proposal, consideration be given to a similar outcome being applied for the existing Doctor arrangement in Kojonup, whatever that decision may be.

New Medical Centre:

The Council's Medical / Health Centre Advisory Committee established in July 2012 have been working towards a recommendation to the Council to construct a purpose built medical centre. This recommendation from the Committee is the subject of a separate item elsewhere in this agenda.

It is considered that the residence involved in this proposal, once modified, will provide a short to medium term solution for the provision of medical services in Kojonup and will integrate with the Council's current 'Medical / Health Centre Advisory Committee' process for a long term solution.

This proposal from St Luke's is seen as a low cost option to trial a multiple Doctor practice to Kojonup, prior to investing a considerable sum into the construction of a new, purpose built medical centre. If the Council approves this proposal from St Luke's, a better understanding of the need, design and operations of a larger Doctor's Practice, relevant to Kojonup, will be gained.

Summary:

Throughout deliberations at both a Council and Medical / Health Centre Committee level, it is agreed that Kojonup needs additional Doctors and this proposal meets that need with minimal input at a local government level. Across Western Australia there is a recognised shortage of Doctors, with an average of ninety five (95) vacancies at any one time, according to 'Rural Health West'. This proposal could place Kojonup in the enviable position of being a community well serviced by medical practitioners.

According to statistics provided by St Luke's Family Practice in May 2012, 11.25% of their patients live in Kojonup. This has a substantial economic flow on effect to retail businesses in Kojonup, as people will commonly do other things whilst out of town, such as shopping. This is especially relevant for services such as petrol, pharmacy and groceries.

This proposal presents an opportunity to provide additional medical services to the Kojonup community and could greatly improve the continuity of service for all residents. It is considered that this residence, once modified, will provide a short to medium term solution for the provision of medical services and will integrate with the Council's current 'Medical/Health Centre Advisory Committee' process for a long term solution. As such, it is recommended that the proposal be approved and the Council support the establishment of this service by making modification to the residence to enable use as a public building.

CONSULTATION

The Shire President and Acting CEO met with Dr Du Preez from St Luke's on two occasions, in addition to Michael Prandi to discuss building suitability. This issue has also been discussed at a Council briefing session on 18 December 2012 and the Medical/Health Centre Advisory Committee meeting was advised of the proposal in December. The Shire President also met with Kojonup's existing doctor, Dr King, to discuss this proposal on Thursday, 20th December 2012.

Following the consultation outlined above, the Council considered the request at its meeting held on 15 January 2013, where further meetings were requested to be held as follows:

- Council and Dr King – meeting held 5 February 2013 (meeting notes previously distributed to all Councillors); and
- Council and St Lukes Family Practice – meeting held 7 February 2013 (meeting notes previously distributed to all Councillors).

In addition to these two meetings, the Council also requested their Medical / Health Centre Committee make a recommendation to the Council on the proposal. The Committee formulated a recommendation at their meeting held on 12 February 2013, as follows:

“That the Council not proceed with this plan for the following reasons:

1. Introducing an additional practice to Kojonup in this way has the real potential to undermine the existing stable and accepted practice.
2. The Shire will be locked into subsidising two practices, at increased annual cost to the Shire.
3. Introducing a new practice into town in a refurbished building will be seen as inequitable treatment of the existing practice.
4. The money spent on building alterations reduces the pool of money available for a purpose built medical centre should that still be needed.
5. Discussions with both Dr King and Dr Du Preez confirm our view that the Shire does have time to make a considered transition to a new centre – something the community has repeatedly listed as a high priority. Both doctors see Kojonup as supporting a viable 2 doctor practice.
6. The location of the house does not fit with some of the community wishes, or with the Health Department suggestions for good planning.
7. The building would include a number of compromises on noise, accessibility, traffic flow and drainage.
8. These compromises could perhaps be endured if we had no choice, but until we test the market for funds we are not in that position.
9. Modifying an existing house is undoubtedly relatively quick, but as we are not currently faced with attempting to recruit, that is not a current issue. Should Dr King decide to leave town at short notice, we believe the level of commitment shown to Kojonup by Dr Du Preez means he would rapidly and willingly fill the vacancy using the current centre, secure in the knowledge a new centre was under way.
10. Using a Shire owned house for a medical centre carries an opportunity cost to the Council – either rent forgone, or capital value from its sale unavailable.”

STATUTORY REQUIREMENTS

Section 3.58 of the Local Government Act 1995 legislates the process required for a local government to dispose of property, including disposals via lease. However, regulation 30(2)(f) of the Local Government (Functions and General) Regulations 1996 defines certain dispositions of property that are exempt from section 3.58 of the Act, including:

- ‘(f) it is the leasing of land to a “medical practitioner” (as defined in section 3 of the Medical Act 1894) to be used for carrying on his or her medical practice;’

As such, no prescribed disposal process is required to be undertaken.

Should the Council agree to a proposal to lease, separate town planning approval will also be required (at a future Council meeting) and a building license will need to be granted.

POLICY IMPLICATIONS

There are no policy implications.

FINANCIAL IMPLICATIONS

An estimated budget for the modifications required to be undertaken to the residence to meet public building codes and community expectations is as follows:

Building modifications (as per attached plan)	\$45,000
Construction of Carpark	\$35,000
Landscaping	\$5,000
Fixtures & Contingency	\$8,000
TOTAL	\$93,000

It is recommended that application be made for a portion of the Shire’s 2011/2012 Country Local Government Fund (CLGF) grant (of \$346,598) to be allocated for this purpose, thereby having no financial implication on this years budgeted position. Under a current written agreement, the 2011/2012 CLGF grant is required to be expended by 30 June 2013 unless a variation is obtained. Realistically, there is little chance of this money being expended on a new medical centre in this

time and therefore utilising a portion of it on this proposal will not affect the total pool of money available to build a new medical centre.

The residence concerned has been vacant for some time and any lease income will be additional to the current (budgeted) position.

There is also the possibility of funding this \$93,000 from the Building Reconstruction Reserve which has a current balance of \$206,360, jointly with the Economic Development Reserve which has a current balance of \$84,581 or from possible savings identified in the mid year budget review.

STRATEGIC IMPLICATIONS

The provision of medical services in rural communities is essential. This proposal to lease is considered a very sound method of providing additional medical services to the Kojonup community and will greatly improve continuity of service for all residents. It is considered that this residence, once modified, will provide a short to medium term solution for the provision of medical services and will integrate with the Council's current 'Medical/Health Centre Advisory Committee' process for a long term solution.

VOTING REQUIREMENTS – Simple Majority

OFFICER RECOMMENDATION

That:

1. **The Shire owned residence at 34 Katanning Road be leased to St Luke's Family Practice, Katanning for the purpose of operating a medical centre under the following lease terms:**
 - a) **A lease fee of \$254 per week;**
 - b) **A term of three (3) years, with options for a further two, three (3) year intervals;**
 - c) **Provision be made in the lease agreement that the lease be terminated should a new agreement be reached between the two parties to occupy a new purpose built Medical Centre; and**
 - d) **All minor maintenance to be completed by the lessee.**
2. **Modifications be made to the building, funded by the Shire, as per the attached building plan;**
3. **A New car park be constructed on the land between the two Shire residences (to the immediate west).**
4. **A town planning application and a building license be submitted;**
5. **An application be made for the Shire's 2011/2012 Country Local Government Fund grant to be allocated to fully fund the building modifications, as listed in point 2 and 3 above, prior to commencement and in accordance with the following budget:**

Building modifications (as per attached plan)	\$45,000
Construction of Carpark	\$35,000
Landscaping	\$5,000
Fixtures & Contingency	\$8,000
TOTAL	\$93,000

COUNCIL DECISION

15/13 MOVED Cr Pedler seconded Cr Hewson that the Shire owned residence at 34 Katanning Road be leased to St Luke's Family Practice, Katanning for the purpose of operating a medical practice.

CARRIED **5/4**
The Shire President used her casting vote on this motion

COUNCIL DECISION

16/13 MOVED Cr Pedler seconded Cr Marsh that the lease referred to in motion 15/13 be under the following lease terms:

- a) A lease fee of \$254 per week, with provision for CPI (WA) on an annual basis;
- b) A term of three (3) years, with options for a further two, three (3) year extensions;
- c) Provision be made in the lease agreement that the lease be terminated should a new purpose Medical Centre be built and all minor maintenance to be completed by the lessee.

CARRIED **5/4**

The Shire President used her casting vote on this motion

MOTION

MOVED Cr Pedler that:

1. Modifications be made to the building, funded by the Shire, as per the attached building plan;
2. A New car park be constructed on the land between the two Shire residences (to the immediate west).
3. A town planning application and a building license be submitted;
4. An application be made for the Shire's 2011/2012 Country Local Government Fund grant to be allocated to fully fund the building modifications, as listed in point 2 and 3 above, prior to commencement and in accordance with the following budget:

Building modifications (as per attached plan)	\$45,000
Construction of Carpark	\$35,000
Landscaping	\$5,000
Fixtures & Contingency	\$8,000
TOTAL	\$93,000

The motion lapsed for want of a seconder

COUNCIL DECISION

17/13 MOVED Cr Benn seconded Cr Hewson that a site visit to 34 Katanning Road, Kojonup be undertaken.

CARRIED **8/0**

5:30pm Mrs Heather Marland left the Chamber.

5:30pm The meeting was adjourned.

5:40pm The meeting recommenced.

11 WORKS & ENGINEERING REPORTS**11.1 HEAVY VEHICLE DETOUR – KOJONUP TOWNSITE**

AUTHOR: Anthony Middleton – Acting Chief Executive Officer
DATE: 14 February 2013
FILE NO: TT.AUT.1
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to consider an offer from Main Roads WA to commence preliminary planning of a heavy vehicle detour around the Kojonup townsite.

BACKGROUND

There are many safety issues surrounding the gradient of Albany Highway in the Kojonup town centre and the heavy vehicles that use this section of road. These safety issues are compounded when considering other uses of the town centre, such as a social gathering place, pedestrian movement, parking and civic centre.

Main Roads WA have written to the Council offering to undertake preliminary planning of a heavy vehicle detour for the Kojonup townsite.

COMMENT

The concept of a detour for heavy vehicles has been topical for at least thirty (30) years and the increasing size and number of heavy vehicles, combined with increasing community expectations for attractive, people friendly town centre is making this issue an ever increasing priority.

Preliminary planning of a heavy vehicle detour for the Kojonup townsite will take the remainder of 2013 to complete and involve the identification of a number of alternative routes, community consultation and input into the alternatives and conclude with an agreed preferred route.

It is important to note that this offer is a planning exercise and not a road construction activity. The identification of a route will enable its inclusion into the Council's Town Planning process, thus ensuring future development of the townsite occurs with this longer term solution in mind. This will give both business and residential investors greater peace of mind.

Once this planning process is completed, the onus will then be on the Shire of Kojonup to lobby the State Government to make the funding available for construction of the agreed route.

CONSULTATION

The Acting Chief Executive Officer met with the Regional Manager of Main Roads WA Albany Office in January to commence discussions regarding this issue. The Regional Manager subsequently attended a Council briefing session 5 February 2013 to provide further information on the proposal.

The collaborative approach taken to-date on this issue between the Shire and Main Roads WA is very important for the success of this planning process.

STATUTORY REQUIREMENTS

There are no statutory obligations relevant for this item.

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

The Council is not being asked to contribute financially to this process. Minor expenditure will be incurred through the hosting of community consultation sessions (run by Main Roads WA) and staff time will be used to have input into this important issue.

STRATEGIC IMPLICATIONS

The Shire of Kojonup 'Plan for the Future' 2010 - 2015 states:

"3.2.3 Support appropriate controls and planning for heavy haulage vehicles"

VOTING REQUIREMENTS – Simple Majority**COUNCIL DECISION / OFFICER RECOMMENDATION**

18/13 MOVED Cr Marsh seconded Cr Mathwin that:

- 1. The offer from Main Roads WA to commence preliminary planning of a heavy vehicle detour around the Kojonup townsite be accepted; and**
- 2. The Shire of Kojonup assist with this planning process through hosting community consultation/information sessions and information distribution through local media.**

CARRIED

8/0

5:45pm Mr Craig McVee left the Chamber.

12 COMMUNITY & REGULATORY SERVICES REPORTS**12.1 NOMINATION OF SHIRE OF KOJONUP COUNCILLOR REPRESENTATIVES ONTO GREAT SOUTHERN JOINT DEVELOPMENT ASSESSMENT PANEL**

AUTHOR: Phil Shephard – Town Planner
DATE: 1 February 2013
FILE: LP.PLN.13
OWNER: n/a
LOCATION: n/a
ATTACHMENTS: Nil

DECLARATION OF INTEREST

Nil.

SUMMARY

The Shire of Kojonup representatives on the Great Southern Joint Development Assessment Panel (GSJDAP) have completed their 2-year term of appointment and the Minister for Planning has again called for nominations from Local Government Authorities.

The recommendation is to nominate 2 Councillors and 2 Alternate members as Shire of Kojonup representatives for appointment by the Minister onto the GSJDAP.

BACKGROUND

Council at its 19 April 2011 meeting resolved as follows:

42/11 Nominates Councillors Mathwin and Pedler as the Shire of Kojonup representatives on the Great Southern Joint Development Assessment Panel and Councillors Trethowan and Pritchard as alternate members and submit these to the Minister for Planning for approval.

The GSJDAP became operational on 1 July 2011. The Shire is located in the Great Southern Joint Development Assessment Panel which consists of the following local governments: City of Albany, Shire of Broomehill-Tambellup, Shire of Cranbrook, Shire of Denmark, Shire of Gnowangerup, Shire of Jerramungup, Shire of Katanning, Shire of Kent, Shire of Kojonup, Shire of Plantagenet and Shire of Woodanilling.

COMMENT

The present representatives may renominate. The nominations are subject to approval by the Minister for Planning. The frequency of GSDAP meetings is determined by the number of applications received for consideration. There were no applications received from within the Shire of Kojonup during the previous period.

The GSJDAP consists of 5 members with one presiding member, two specialist members and 2 Local Government members. The Local Government's membership depends on which local government area is affected and sitting fees are paid to representatives (unless excluded by Regulations).

If the Council fails to nominate 2 representatives, the Minister will have the power to appoint 2 members to the GSJDAP to represent the interests of the local community. These must be eligible to vote in elections for that local area and have relevant knowledge or experience that, in the opinion of the Minister, will enable them to represent the interests of their local community.

The period of appointment for GSJDAP members is 2 years. Unless already completed, following their appointment GSJDAP members are required to undertake training on the Development Assessment Panel legal framework and planning decision-making processes. DAP members cannot sit on a DAP and determine applications until they have completed the training.

The GSJDAP is responsible to consider the following types of planning applications:

1. *Mandatory DAP applications*

A development (which is not an excluded application) where the estimated cost of development is \$7m or more.

2. *Optional DAP applications*

A development (which is not an excluded application) where the estimated cost of development is more than \$3m but less than \$7m and which has not been delegated to the DAP by Council. An applicant may also elect to refer an application of this type to the DAP for a determination.

Excluded applications are still to be determined by the Shire which includes:

- The construction of a single dwelling.
- The construction of less than 10 dwellings or multiple dwellings, including aged and/or dependent persons dwellings.
- The construction of carports, patios, outbuildings or incidental development.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Planning and Development Act 2005 and Regulations

Planning and Development (Development Assessment Panels) Regulations 2011

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council nominates Councillors _____ and _____ as the Shire of Kojonup representatives on the Great Southern Joint Development Assessment Panel and Councillors _____ and _____ as alternate members and submit these to the Minister for Planning for approval.

COUNCIL DECISION

19/13 MOVED Cr Benn seconded Cr Baulch that Council nominates Councillors Mathwin and Pedler as the Shire of Kojonup representatives on the Great Southern Joint Development Assessment Panel and Councillors Trethowan and Pritchard as alternate members and submit these to the Minister for Planning for approval.

CARRIED

8/0

12.2 PROPOSED COTTAGE INDUSTRY APPLICATION FOR LOT 64 (No 107) ALBANY HIGHWAY, KOJONUP

AUTHOR: Phil Shephard – Town Planner
DATE: 3 February 2013
FILE: LE.REG.10
OWNER: A Robinson & K Rowe
APPLICANT: G Brockman
ATTACHMENTS: 12.2 Application Letter and Site Plan

DECLARATION OF INTEREST

Nil.

SUMMARY

The Shire has received an application to conduct a Cottage Industry from the area in front of the Prime Cuts Butcher shop for the purpose of preparing and displaying artworks on a limited basis of 3 times per week between the months of November – April.

The recommendation is to approve the application subject to conditions.

BACKGROUND

Nil.

COMMENT

The applicant has gained approval from the owners of the land and operators of the present butcher shop to conduct this minor activity as described in the attached letter. The land to be used is part of Lot 64 and is not within the road reserve (see attached plan). The activity involves the artist setting up a small table and preparing wax artworks with a battery powered iron on a small table. The works are available for sale with the largest artwork approximately the size of an A4 piece of paper. The artist is also interested in providing classes to those wanting to learn his craft and proposes to apply for permission to conduct this activity from his residence in the future.

The most appropriate land use class for the activity is 'Industry - Cottage' which is defined in Town Planning Scheme No. 4 as follows:

Industry: Cottage means an industry which produces arts and craft goods which cannot be carried out under the provisions relating to a 'home occupation' and that:

- a) does not cause injury to or adversely affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid waste or waste products;
- b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land;
- c) is conducted in an outbuilding which is compatible to the zone and its amenity and does not occupy an area in excess of 55m²;
- d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and
- e) does not display a sign exceeding 0.2m² in area;

A Cottage Industry is an 'AA' use in the Zoning Table which means that the Council may, at its discretion, permit the use.

In regards to the definition, the proposal will not involve the use of any outbuilding as set out in sub-clause c) and will instead be more temporary in nature. All other requirements have been satisfied.

Given the minor nature and small area involved, no additional parking is deemed necessary. The Council may wish to consider providing the approval with a review period if considered appropriate.

The proposal is consistent with the objectives for the Commercial Zone and will add to the attraction and interest in the existing commercial area.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Scheme No. 3

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The applicant is required to pay a planning application fee of \$139.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS – SIMPLE MAJORITY**COUNCIL DECISION / OFFICER RECOMMENDATION**

20/13 MOVED Cr Hewson seconded Cr Pritchard that Council grants planning approval for the proposed industry: Cottage at the front of Lot 64 Albany Highway, Kojonup subject to the following conditions:

- 1) The activity being restricted to the area shown within the application at all times.
- 2) The area to be maintained in a neat and tidy state at all times.
- 3) Any signs to be displayed not to exceed 0.2m² in area.

Advice Note:

In addition to this planning approval, you must obtain a Street Stall permit from the Shire of Kojonup prior to any activities commencing.

CARRIED

8/0

12.3 WATERWISE COUNCIL PROGRAM

AUTHOR: Sophie Knight – Policy, Planning and Governance Officer
DATE: Tuesday 5th February 2013
FILE NO: EM.EDU.1
ATTACHMENT: 12.3 Water Corporation Memorandum of Understanding

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider participation in the Waterwise Council Program.

BACKGROUND

At the Council Briefing Session on 5th February 2013 Letisha Newman, Water Efficiency Project Officer from the Water Corporation, gave a presentation regarding the Waterwise Councils Program.

The Council has the opportunity to participate in a program which works towards reducing water use in the Shire. The Water Corporation have developed a Waterwise Council Scheme.

The Water Wise Councils Program offers a number of benefits to Councils such as;

- a better understanding of councils water use
 - Environmental Leadership – Only 20 Councils have achieved “WaterWise” status.
 - Allowing better understanding, measurement and reporting of Council water use
 - Potential water and financial savings through improved efficiency
 - Free training to relevant staff on Waterwise programs and auditing
 - access to the Waterwise branding to promote the council as a sustainable water manager
- Recognition of the Council as being among the best of today’s water sustainable managers

The Waterwise Councils program is free, participation in the program is fully assisted by Water Corporation staff.

To become a Waterwise Council, a council must fulfil the selection criteria.

Criteria 1

Sign a Memorandum of Understanding (MoU) with the Water Corporation to commit to participation in the Waterwise Councils Program.

1.1 Nominate an employee/position as a point of contact for water related issues.

1.2 Review council water consumption

- Identify and audit one of the top water using sites owned by the council.
- Include the water auditing of the other top water using sites in the Council’s action plan.
- Commit to the implementation of 50% of recommendations from the audit.

1.3 Complete an action plan

Plan must include all the mandatory corporate and community actions as listed in the program guidelines including:

- Waterwise verge policy.
- Waterwise purchasing policy.
- Promote the use of waterwise vegetation and irrigation within council properties.
- Interact with households and business ratepayers to promote water efficiency.
- Encourage community involvement in other WW Programs.

1.4 Report progress

Demonstrate substantial progress towards implementation of actions identified in the council’s action plan.

Criteria 2

Ensure all appropriate staff members attend Water Corporation's Waterwise Specialist training sessions provided by the Water Corporation free of charge.

Criteria 3

Review irrigation of council grounds and public open space.

3.1 Demonstrate that irrigation systems using scheme water are operating effectively and efficiently. Apply only the appropriate volume of water the site requires; water budgeting.

3.2 Submit a water conservation plan to the Department of Water where required.

Criteria 4

No breaches of water licence terms or conditions set by the Department of Water in the past 12 months.

Criteria 5

No breach notice issued to council in the past 6 months from the Water Corporation (i.e. compliance with watering day rosters and day time sprinkler bans)

STATUTORY ENVIRONMENT

There is no specific legislation applicable to this item.

POLICY IMPLICATIONS

There is no Council policy applicable to this item.

FINANCIAL IMPLICATIONS

If the Council choose to join only the Water Wise Campaign by the Water Corporation, the cost of the item will be staff time to attend training and meet the milestones.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – SIMPLE MAJORITY**COUNCIL DECISION / OFFICER RECOMMENDATION**

21/13 **MOVED** Cr Hewson seconded Cr Benn that the Council:

1. **Endorse participation in the Water Corporations' Waterwise Council Program and support staff time to complete the milestones and attend training provided by the Water Corporation; and**
2. **Enter into the attached Memorandum of Understanding with the Water Corporation.**

CARRIED

8/0

13 EXECUTIVE & GOVERNANCE REPORTS**13.1 CODE OF CONDUCT**

AUTHOR: Sophie Knight – Policy, Planning and Governance Officer
DATE: Wednesday, 30th January 2013
FILE NO: GO.CLR.2
ATTACHMENT: 13.1 Code of Conduct

DECLARATION OF INTEREST

Nil

SUMMARY

To review of the Shire of Kojonup's Code of Conduct for Councillors and Staff.

BACKGROUND

The Local Government Act requires every local government to have a Code of Conduct. Council adopted its current Code in May 2006. The legislation also places a responsibility on Council to review it within 12 months of each annual Election Day. It is now pertinent that Council formally review the document and readopted the document as it stands or with any required changes.

CONSULTATION

The matter is one that does not require consultation with the general public.

STATUTORY ENVIRONMENT

Section 5.103 of the Local Government Act requires a local government to adopt or prepare a Code of Conduct for elected members and staff. The Local Government (Administration) regulations also prescribe various matters on levels of token gifts, etc.

Elected members will also be required to abide by the Local Government (Official Conduct) Amendment Bill. Once this legislation has been passed and instructions issued by the Department of Local Government and Regional Development, Council should review its Code of Conduct to ensure alignment with the legislation.

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

There is no financial implication in reviewing the Code.

STRATEGIC IMPLICATIONS

The Code provides elected members and staff of the Shire with: -

- Consistent guidelines for acceptable standards of professional conduct;
- A guide and a basis of expectations for elected members and staff;
- Encourages a commitment to ethical and professional behaviour; and
- Outlines principles in which individual and collective local government responsibilities may be based.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

22/13 MOVED Cr Benn seconded Cr Mathwin that Council adopts the Shire of Kojonup's Code of Conduct for elected members and staff as attached.

CARRIED BY ABSOLUTE MAJORITY 8/0

13.2 EXECUTIVE & GOVERNANCE POLICY REVIEW

AUTHOR: Sophie Knight – Policy, Planning and Governance Officer
DATE: Tuesday 5th February 2013
FILE NO: CM.POL.2
ATTACHMENT: 13.2 Executive & Governance Policies

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to review and adopt the Shire of Kojonup's Executive and Governance Policy's.

BACKGROUND

It is important that the Council reviews its policies annually. The Executive and Governance Policies have been presented to Council for adoption following a recent review.

STATUTORY ENVIRONMENT

Policies have no legal status but are guidelines for staff to act on various matters without the need for continual referral to the Council. Council may adopt, amend, waive policies under s2.7(2)(b) of the Local Government Act 1995.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – ABSOLUTE MAJORITY**COUNCIL DECISION / OFFICER RECOMMENDATION**

23/13 MOVED Cr Pritchard seconded Cr Baulch that the Executive and Governance Policies as attached be adopted.

CARRIED

8/0

13.3 INTEGRATED PLANNING – DRAFT STRATEGIC COMMUNITY PLAN

AUTHOR: Sophie Knight – Policy, Planning and Governance Officer
DATE: Wednesday 13th February 2013
FILE NO: CM.PLN.2
ATTACHMENT: 13.3 Draft Community Strategic Plan

DECLARATION OF INTEREST

Nil

SUMMARY

Council to consider the draft of the Community Strategic Plan with a view to endorsement prior to an advertised public comment period.

BACKGROUND

As part of the Integrated Planning process, Council is required to develop a Strategic Community Plan.

The Strategic Community Plan states the community's long term (10+ years) vision, values, aspirations and priorities with consideration to Councils other documented plans and resourcing capabilities.

Its purpose is to drive the development of place-based plans, issue-based strategies, corporate business plan and other Local Government informing strategies (such as Workforce Plan, Asset Management Plan).

COMMENT

With the consultation phase of the project completed, the consultants have now presented a draft copy of the Plan for Council's consideration.

Council's endorsement of the Plan is required, prior to advertising for public comment. Public submissions should be received by close of business on Monday 11th March 2013.

It is proposed the finalised Plan will then be submitted for adoption by Council at the Ordinary Council meeting in March.

For Council discussion and endorsement.

CONSULTATION

Jamie Robertson - 361⁰ Stakeholder Management Services

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Draft Community Strategic Plan establishes the community's vision for the future, including aspirations and service expectation and has regard to current and future resource capacity, demographic trends and strategic performance measurement which Council aims to achieve through the Annual Budget each year.

STRATEGIC IMPLICATIONS

The Strategic Community Plan will provide direction for Council in the long term (10+ years). It will work in conjunction with other Council plans, including the Workforce Plan, Asset Management Plan, and Long Term Financial Plan and will ultimately assist with the annual budget process.

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL DECISION / OFFICER RECOMMENDATION

24/13 MOVED Cr Marsh seconded Cr Hewson that Council endorses the Draft Strategic Community Plan 2013 - 2023 as presented and amended, and that the document be advertised for public comment for a three week period until Monday 11th March 2013.

CARRIED**8/0**

14 COMMITTEES OF COUNCIL**14.1 MEDICAL / HEALTH CENTRE ADVISORY COMMITTEE****COUNCIL DECISION / OFFICER RECOMMENDATION**

25/13 MOVED Cr Hewson seconded Cr Mathwin that the attached confirmed minutes of the Medical / Health Centre Advisory Committee held Friday 1st February 2013 be received by Council.

CARRIED**8/0****14.2 MEDICAL CENTRE PROPOSAL – MEDICAL / HEALTH CENTRE ADVISORY COMMITTEE**

AUTHOR: Anthony Middleton – Acting Chief Executive Officer
DATE: Thursday, 14 February, 2013
FILE NO: GO.CNM.9
ATTACHMENT: 14.2 Medical Centre Committee Report

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this item is to consider a recommendation made by the Council's Medical / Health Centre Advisory Committee to construct a new purpose built medical centre in Kojonup.

BACKGROUND

The Council's Medical / Health Centre Advisory Committee was established on 17 July 2012. The Committee's role is to advise the Council on the following tasks:

- Develop a communications plan to guide the consultation process, feedback mechanisms, surveys, public meetings, record keeping, and media releases from the Council and committee.
- To assess the needs for medical/ health centre accommodation:
- Review the current medical centre and hospital accommodation for Doctors and other primary health providers.
- Consider options under the Primary Health Care Demonstration Site model of the Southern Inland Health Initiative and advise Council on whether to participate in any call for expressions of interest.
- Review previous medical centre plans, options, and feedback / submissions from the community to guide the committee.
- Provide a short list of options for consideration of Council to allocate resources for detailed work up of plans.
- Develop a scope of works for appropriate architectural / design consultant / or building support for the options above based on the outcomes of the needs analysis and liaison with key stakeholders/ users.
- Review the detailed options and provide advice to Council on the outcome of detailed work up based on:
 - Meeting the identified community needs;
 - Meeting the identified functional needs of users;
 - Value for money
- Provide advice on funding, timing, and delivery of the project.
- Provide advice to Council on any other issue that the committee view relevant to the Medical / Health Centre consideration

The Committee has been meeting regularly since its inception to formulate its advice to Council in accordance with its terms of reference listed above. The Committee has sought community

feedback, held a public meeting, had numerous guest speakers at its meetings and conducted site visits to other medical practices.

COMMENT

This report covers two major items of feedback from the Committee, as follows:

1. The first is a report to the Council which updates the Committees progress so far. The report was adopted by the Committee at its meeting held 1 February 2013 and is attached for the information. It is recommended that this report be 'received' by the Council.
2. Secondly, the Committee has provided a recommendation on its findings to-date and seeks the Council's consideration of this recommendation. The recommendation is detailed below.

"That subject to suitable funding being secured, the committee recommend that Council build a purpose built new Medical Centre, with the following conditions:

1. That it be located on "Walkers Block" in Spring St.
2. That it have sufficient space to allow 2 full time GP's, 1 visiting services provider, 1 practice nurse, and 1 treatment room.
3. Reception and waiting area, staff facilities and storage to suit a modern facility to enable it to be accredited.
4. The Shire owned carpark adjoining the hospital complex be used to service the centre and be incorporated in the plan.
5. Planning should commence immediately in order that accurate funding requirements can be established.
6. That provision be made in the plans for a staged process so that facilities suited to a dental clinic could be included at a later date. This will include 2 treatment rooms and separate reception area as a minimum.
7. Detailed external funding can then be pursued with Health Department, Royalties for Regions, Great Southern Development Commission, Lotteries West and others yet to be identified.
8. An open call for expressions of interest for a practice tenant should be made immediately, with Dr King being given first right of refusal in respect of his current position as incumbent doctor, with the objective of establishing a preferred tenant ready to commence practice in the new facility upon completion – currently estimated to be mid 2015.
9. The Shire should obtain a lease arrangement with the preferred tenant that clearly identifies the Shires ongoing commitment, and specifies minimum level of service and duration of service to be provided by the tenant.
10. The preferred tenant, once established, should be involved in the planning of the Centre.
11. The lease agreement should allow for extension if both parties are satisfied, and termination after due consultation if the Shire is dissatisfied.
12. Should the dental facility be built, this will be subject to a separate lease agreement."

The Officer makes the following comments with respect to the Committee's recommendation above.

Point 6:

Consideration could be given to incorporating enough space into the initial build to enable any future possible use (such as a Dentist) to be incorporated. For example, a "Meeting Room" could be converted to a Dental Surgery at a later date. The rationale for this comment is that building this space up-front is more cost effective than extending a building at a later date, and the space can be utilised for training etc in the interim. The Committee has held informal discussions along these lines.

As such, this portion of the recommendation could be changed to "That provision be made in the plans for additional space such as a meeting / training room facility that could be converted to a dental clinic or other medical use at a later date. This would include 2 treatment rooms and separate reception area as a minimum."

Point 8:

Serious consideration needs to be given to this point, and indeed it is recommended that the Council may wish to seek legal advice before adopting this part of the recommendation.

An open and accountable process should not involve a first right of refusal to one party. This will severely limit the number of parties submitting an expression of interest and is therefore not an “open call”. The Council would also leave itself open for possible action by a disgruntled unsuccessful bidder if the decision has been made beforehand to award the expression of interest to Dr King. As such, this portion of the recommendation could be changed by deleting “*with Dr King being given first right of refusal in respect of his current position as incumbent doctor,*”.

The estimated completion date of mid 2015 is considered by the Officer to be too short. Given the required timeframe to choose an architect, prepare concept plans, get quantity surveyor estimates, obtain a tenant, apply for grant funding, tender for a builder and then allow a twelve month build time, all within a Committee environment, three (3) to four (4) years would be more appropriate. As such, this portion of the recommendation could be changed to “2016”.

Other:

There is no mention in the Committee’s recommendation as to what the current Doctors surgery will be utilised for. The Council may wish to ask the Committee to provide a recommendation in this regard.

If the Council were to adopt the Officer’s comments listed above, an alternative recommendation for consideration is as follows:

“That subject to suitable funding being secured, the Council build a purpose built new Medical Centre, with the following conditions:

1. That it be located on “Walkers Block” in Spring St.
2. That it have sufficient space to allow 2 full time GP’s, 1 visiting services provider, 1 practice nurse, and 1 treatment room.
3. Reception and waiting area, staff facilities and storage to suit a modern facility to enable it to be accredited.
4. The Shire owned carpark adjoining the hospital complex be used to service the centre and be incorporated in the plan.
5. Planning should commence immediately in order that accurate funding requirements can be established.
6. That provision be made in the plans for additional space such as a meeting / training room facility that could be converted to a dental clinic or other medical use at a later date. This would include 2 treatment rooms and separate reception area as a minimum.
7. Detailed external funding can then be pursued with Health Department, Royalties for Regions, Great Southern Development Commission, Lotteries West and others yet to be identified.
8. An open call for expressions of interest for a practice tenant should be made immediately, with the objective of establishing a preferred tenant ready to commence practice in the new facility upon completion – currently estimated to be mid 2016.
9. The Shire should obtain a lease arrangement with the preferred tenant that clearly identifies the Shires ongoing commitment, and specifies minimum level of service and duration of service to be provided by the tenant.
10. The preferred tenant, once established, should be involved in the planning of the Centre.
11. The lease agreement should allow for extension if both parties are satisfied, and termination after due consultation if the Shire is dissatisfied.
12. Should the dental facility be built, this will be subject to a separate lease agreement.”

Elsewhere in this agenda is a proposal from a private medical practice (St Luke’s) to lease a Shire building to operate a two to three Doctor medical practice, with basic space available in that proposal being very similar to what is being proposed by the Committee. Whilst the Officer supports the Committee’s recommendation, serious consideration needs to be given to this issue before investing a large sum of money into another Shire owned building. On the surface, it appears a private business is willing to provide a very similar outcome to what this recommendation and significant community financial investment will, at a fraction of the financial outlay.

Should this new purpose built medical centre proceed, it is difficult to foresee a second medical practice commencing in Kojonup. This then foregoes all of the benefits that competition brings to the marketplace and places ‘all our eggs in one basket’.

The proposal from St Luke’s is seen as a low cost option to trial a multiple Doctor practice in Kojonup, prior to investing a considerable sum into the construction of a new, purpose built medical centre. If the Council approves this proposal from St Luke’s, a better understanding of the need, design and operations of larger Doctor’s Practice, relevant to Kojonup, will be gained.

Throughout deliberations at both a Council and Medical / Health Centre Committee level, it is agreed that Kojonup needs additional Doctors and the construction of a new Medical Centre has been suggested as a way of achieving this. The Council needs to satisfy itself that the construction of a new centre is the best way of achieving this, provides value for investment and is certain of its ongoing financial obligations following construction.

CONSULTATION

As outlined above, the Council’s Medical / Health Centre Advisory Committee has undertaken significant community consultation to arrive at this recommendation.

STATUTORY REQUIREMENTS

There are numerous statutory requirements in the steps involved in the Committee recommendation, such as town planning, building, disposal of property (lease), purchasing requirements, tender requirements and the like. These will be explained in detail as each component of the recommendation comes before the Council for detailed decisions.

POLICY IMPLICATIONS

There are no policy implications.

FINANCIAL IMPLICATIONS

The financial implications for this report are considerable.

The construction of a new purpose built medical centre is likely to exceed \$1m and grant funding availability has yet to be determined (refer to Committee recommendation). The Council’s contribution to this is unknown, yet is likely to be near 50% of the total project cost.

STRATEGIC IMPLICATIONS

The Shire of Kojonup ‘Plan for the Future’ 2010-2015 states:
 “4.4.1 Plan, fund and build a new medical centre”

VOTING REQUIREMENTS – Simple Majority

(1) OFFICER RECOMMENDATION

That the “Medical Centre Committee Report” dated December 2012, as attached, be received.

COUNCIL DECISION

26/13 MOVED Cr Mathwin seconded Cr Pritchard that the “Medical Centre Committee Report” dated December 2012, as attached, be received.

CARRIED

8/0

(2) ORIGINAL COMMITTEE RECOMMENDATION

That subject to suitable funding being secured, the Council build a purpose built new Medical Centre, with the following conditions:

1. That it be located on “Walkers Block” in Spring St.
2. That it have sufficient space to allow 2 full time GP’s, 1 visiting services provider, 1 practice nurse, and 1 treatment room.
3. Reception and waiting area, staff facilities and storage to suit a modern facility to enable it to be accredited.

4. The Shire owned carpark adjoining the hospital complex be used to service the centre and be incorporated in the plan.
5. Planning should commence immediately in order that accurate funding requirements can be established.
6. That provision be made in the plans for a staged process so that facilities suited to a dental clinic could be included at a later date. This will include 2 treatment rooms and separate reception area as a minimum.
7. Detailed external funding can then be pursued with Health Department, Royalties for Regions, Great Southern Development Commission, Lotteries West and others yet to be identified.
8. An open call for expressions of interest for a practice tenant should be made immediately, with Dr King being given first right of refusal in respect of his current position as incumbent doctor, with the objective of establishing a preferred tenant ready to commence practice in the new facility upon completion – currently estimated to be mid 2015.
9. The Shire should obtain a lease arrangement with the preferred tenant that clearly identifies the Shires ongoing commitment, and specifies minimum level of service and duration of service to be provided by the tenant.
10. The preferred tenant, once established, should be involved in the planning of the Centre.
11. The lease agreement should allow for extension if both parties are satisfied, and termination after due consultation if the Shire is dissatisfied.
12. Should the dental facility be built, this will be subject to a separate lease agreement.”

COUNCIL DECISION

27/13 MOVED Cr Benn seconded Cr Pritchard that subject to suitable funding being secured, the Council build a purpose built new Medical Centre, with the following conditions:

1. That it be located on “Walkers Block” in Spring St.
2. That it have sufficient space to allow 2 full time GP’s, 1 visiting services provider, 1 practice nurse, and 1 treatment room.
3. Reception and waiting area, staff facilities and storage to suit a modern facility to enable it to be accredited.
4. The Shire owned carpark adjoining the hospital complex be used to service the centre and be incorporated in the plan.
5. Planning should commence immediately in order that accurate funding requirements can be established.
6. That provision be made in the plans for a staged process so that facilities suited to a dental clinic could be included at a later date. This will include 2 treatment rooms and separate reception area as a minimum.
7. Detailed external funding can then be pursued with Health Department, Royalties for Regions, Great Southern Development Commission, Lotteries West and others yet to be identified.

CARRIED

8/0

14.3 MEDICAL / HEALTH CENTRE ADVISORY COMMITTEE

COUNCIL DECISION / OFFICER RECOMMENDATION

28/13 MOVED Cr Marsh seconded Cr Hewson that the attached unconfirmed minutes of the Medical / Health Centre Advisory Committee held Tuesday 12th February 2013 be received by Council.

CARRIED

8/0

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW BUSINESS

(of an urgent nature, introduced by a decision of the meeting).

Nil

17 CONFIDENTIAL REPORTS

Nil

18 NEXT MEETING

Tuesday, 19th March 2013 commencing at 3:00pm.

19 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 6:32pm.

20 APPENDICES AND TABLED DOCUMENTS**21 ATTACHMENTS**

Item 10.1	Monthly Statement of Financial Activity 1 st July 2012 to 31 st January 2013
Item 10.1	Appendix A – Springhaven Aged Care Facility Monthly Statement of Financial Activity 1 st July 2012 to 31 st January 2013
Item 10.2	Monthly Payment Listing
Item 10.3.1	Concept Plan of Building Modifications
Item 10.3.2	Plan of Existing Building
Item 12.2	Application Letter and Site Plan
Item 12.3	Water Corporation Memorandum of Understanding
Item 13.1	Code of Conduct
Item 13.2	Executive & Governance Policies
Item 13.3	Draft Community Strategic Plan
Item 14.1	Confirmed Medical / Health Centre Advisory Committee Minutes – Friday 1 st February 2013
Item 14.2	Medical Centre Committee Report
Item 14.3	Unconfirmed Medical / Health Centre Advisory Committee Minutes – Tuesday 12 th February 2013

Presiding Member

Date