

---

Shire of Kalamunda

# General Services Committee

---

Minutes for 13 February 2012



## INDEX

---

1.0	OFFICIAL OPENING .....	1
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED.....	1
3.0	PUBLIC QUESTION TIME.....	2
4.0	PETITIONS/DEPUTATIONS.....	2
5.0	APPLICATIONS FOR LEAVE OF ABSENCE .....	2
6.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	2
7.0	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION....	2
8.0	MATTERS FOR WHICH MEETING MAY BE CLOSED .....	2
9.0	DISCLOSURE OF INTERESTS .....	3
10.0	REPORT TO COUNCIL.....	3
	1. Creditors' Accounts Paid During the Period 1 December to 23 December 2011 .....	5
	2. Monthly Financial Statements for the Five Months to 30 November 2011 .....	7
	3. Monthly Financial Statements for the Six Months to 31 December 2011.....	13
	4. Debtors and Creditors Reports for the Period ending 31 December 2011 .....	19
	5. Rates Debtors Report for the Period Ending 31 December 2011 .....	23
	<b>6. Dome Coffees Australia Pty Ltd – 31 (Lot 56) Canning Road Kalamunda (Kalamunda Police Station) .....</b>	<b>27</b>
	<b>7. Nominations for Membership – Hartfield Park Advisory Committee and Ray Owen Management Committee.....</b>	<b>33</b>
	8. Forrestfield Skate Park Petition – Proposal for the Development of a New Skate Park in Forrestfield .....	37
	9. Walliston Riding and Pony Club Dressage Arena .....	43
	10. Lease and Licence Policy Review .....	49
	11. Shopping Centre - Lot 34 (338) Hale Road, Wattle Grove .....	57
	12. Quarterly Progress Report – October to December 2011.....	67
	13. CONFIDENTIAL REPORT – provided under separate cover Update on Shire of Kalamunda Property Projects .....	73
11.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	75
12.0	QUESTIONS BY MEMBERS WITHOUT NOTICE.....	75
13.0	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....	75
14.0	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION .....	75
15.0	MEETING CLOSED TO THE PUBLIC .....	75
16.0	CLOSURE.....	77



---

## MINUTES

### 1.0 OFFICIAL OPENING

1.1 The Chairman opened the meeting at 6.30pm and welcomed Councillors, Staff and Members of the Public Gallery.

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### 2.1 Attendance

##### Councillors

Margaret Thomas	North Ward
Justin Whitten	South West Ward
Allan Morton	South West Ward
Noreen Townsend	South West Ward
Frank Lindsey	South East Ward
Geoff Stallard	South East Ward
Bob Emery	North West Ward
Martyn Cresswell	(Chairman) North West Ward
Dylan O'Connor	North West Ward

##### Members of Staff

James Trail	Chief Executive Officer
Rhonda Hardy	Director Corporate and Community Services
Andrew Fowler-Tutt	Manager Development Services
Darrell Forrest	Manager Governance
Rajesh Malde	Manager Financial Services
Peter Hayes	Internal Auditor and Financial Controller
Darren Jones	Manager Community Development
Steve McKay	Manager Property and Procurement
Darren Von Bergheim	Coordinator Community and Cultural Services
Michelle Clark	Executive Assistant
Meri Comber	Governance Officer (Minute Secretary)

**Members of the Public** 5

**Members of the Press** Nil

#### 2.2 Apologies

##### Councillors

Donald McKechnie	(Shire President) North Ward
Sue Bilich	North Ward
John Giardina	South East Ward

---

**2.3 Leave of Absence Previously Approved**

Nil.

**3.0 PUBLIC QUESTION TIME**

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this Committee. For the purposes of Minuting, these questions and answers are summarised.

3.1 Nil.

**4.0 PETITIONS/DEPUTATIONS**

4.1 Nil.

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

5.1 Nil.

**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

6.1 That the Minutes of the General Services Committee Meeting held on 12 December 2011 are confirmed as a true and correct record of the proceedings.

Moved: **Cr Bob Emery**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

7.1 Nil.

**8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

8.1 **Update on Shire of Kalamunda Property Projects – provided under separate cover.**

Reason for confidentiality

*Local Government Act s 5.23(2)(c).* A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

8.2 **Dome Coffees Australia Pty Ltd – 31 (Lot 56) Canning Road Kalamunda (Kalamunda Police Station)**

Discussion for this item took place at point 15 of this meeting.

Reason for confidentiality

*Local Government Act s 5.23(2)(c)*. A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

**9.0 DISCLOSURE OF INTERESTS**

**9.1 Disclosure of Financial and Proximity Interests**

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the *Local Government Act 1995*.)

9.1.1 Nil.

**9.2 Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

9.2.1 Nil.

**10.0 REPORT TO COUNCIL**

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.





---

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**1. Creditors' Accounts Paid During the Period 1 December to 23 December 2011**

Previous Items	N/A
Responsible Officer	Director Corporate and Community Services
Service Area	Finance
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachment 1	Creditor Payments during the period 1 December to 23 December 2011

**PURPOSE**

- To receive creditors' accounts paid during the period 1 December to 23 December 2011 (Attachment 1).

**BACKGROUND**

- It is a requirement of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)* that a list of Creditors' Accounts paid is compiled each month.
- The report is required to show payee's name, the amount of the payment, the date of the payment, and sufficient information to identify the transaction.

**DETAILS**

- Accordingly, the list of creditors paid during the period 1 December to 23 December 2011 (Attachment 1).

**STATUTORY AND LEGAL IMPLICATIONS**

- Nil.

**POLICY IMPLICATIONS**

- Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

- Nil.

**FINANCIAL IMPLICATIONS**

- Nil.

---

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

9. *Shire of Kalamunda Strategic Plan 2009 - 2014*
- 5.5.2 Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.

### Sustainability Implications

#### Social implications

10. Nil.

#### Economic Implications

11. Nil.

#### Environmental Implications

12. Nil.

### OFFICER COMMENT

13. Nil.

*A Councillor queried whether EFT20876, Lesmurdie Senior High School, Contribution to Community Librarian Salary was a one-off payment. This question was taken on notice by the Director Corporate and Community Services.*

### COMMITTEE RECOMMENDATION TO COUNCIL (GS 1/2012)

That Council:

1. Receives the list of creditors paid during the period 1 December to 23 December 2011 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**

---

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**2. Monthly Financial Statements for the Five Months to 30 November 2011**

Previous Items	N/A
Responsible Officer	Director Corporate and Community Services
Service Area	Finance
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A

Attachment 1	Statement of Financial Activity for the five months to 30 November 2011 incorporating the following: <ul style="list-style-type: none"> <li>• Statement of Comprehensive Income by Program</li> <li>• Statement of Comprehensive Income by Nature and Type</li> <li>• Rate Setting Statement</li> <li>• Statement of Financial Position</li> <li>• Statement of Equity</li> <li>• Statement of Reserve Accounts</li> </ul>
--------------	--

**PURPOSE**

1. To provide Council with financial reports on the activity of the Shire with indications of performance against adopted budget.

**BACKGROUND**

2. The attached Statement of Financial Activity incorporating various sub-statements has been prepared in accordance with the requirement of the *Local Government Act (1995)*, *Local Government (Financial Management) Regulations 1996* (Regulation 34).

**DETAILS**

3. The *Local Government Act (1995)* requires Council adopt a percentage or value to be used in reporting variances against Budget. Council adopted on 25 July 2011 the reportable variances to be 5% or \$5,000 whichever is greater.
4. The adopted percentage on value is applied at Program level and where applicable for the commentary and detail is provided.

---

## Financial Commentary

### Statement of Comprehensive Income by Nature and Type for the Five months to 30 November 2011

5. This Statement reveals a net result of a surplus of \$18,642,483 against a Budget for the same period of \$17,491,187.

#### *Revenue*

6. Total Revenue is under budget by \$295,496, however it must be remembered that no interim rating has been undertaken to date. This will be remedied in the ensuing few months.
7. Operating Grants are slightly down on budget (\$59,956) which is a timing issue.
8. Interest earnings are under budget by \$84,314, however it is expected this will be improved over the next three to four months because of the improved cash flow from Rates collection. Of concern to this area is the continuing drop in interest rates.

#### *Expenditure*

9. Total expenses are under budget by \$380,772 which is more than expected, however the year to date budget needs revising as the distribution of the total budget is an issue that is still being rectified from past practice of not accruing expenditure attributable to the month it is incurred.
- There are savings on "Materials and Contracts" \$215,584 and "Employment Costs" \$535,795 and overruns in "Utilities" (\$272,805) which again will prove false when the budget is corrected to reflect a proper distribution of expenses within these three areas.
10. "Insurance Expenses" exceed the monthly and annual budget by \$(215,405) which represents 68.2%. This area needs to be investigated as expenditure against account totalling \$190,500 has no budget and one account is \$70,000 under budgeted. This is likely to be a coding problem that can be rectified in the next accounting period. The non-budget is mainly in the area of Building Maintenance and is again being caused by the total budget distribution issue that is still being addressed.

#### *Non-Operating Grants*

11. Non-Operating Grants exceed the Budget by \$956,933 which is the major contribution to the position reflecting a higher net operating surplus year to date against budget. This is considered to be a timing matter.

Statement of Comprehensive Income by Program for the Five months to 30 November 2011

12. The overall results are as above and generally each Program is within budget variance accepted levels.

Rate Setting Statement for the Five Months to 30 November 2011

13. This Statement compares the actual to date with the Annual Budget.
14. The results to 30 November 2011 reveal a surplus of \$18.304 million, however there is considerable Capital Expenditure to be undertaken (\$12 million) and net transfer to/from Reserves (\$1 million).

Statement of Financial Position As At 30 November 2011

15. This Statement formally known as the "Balance Sheet" reveals of current situation of \$16,195,755 less the following restricted cash assets:

• Loans – Swimming Pool	\$1,850,000
• Loan – Equipment	\$1,150,000
• Reserve Accounts	\$1,655,539
• Unspent Grants (Est)	\$2,500,000
	<u>\$7,155,539</u>

16. As Elected Members are aware the premise behind the Budget is the Sale of Land and the use of part of these funds to fund the previous year (2010/2011) deficit of \$1.4 million. As at 30 November 2011 the situation of the Shire was as follows:

Unrestricted Cash (Est)	\$7,558,000
-------------------------	-------------

17. Further Current assets that would generate further cash holdings are:

Rates Debtors	\$9,000,000 (Est)
Other Debtors	\$7,100,000 (Est)

Thus giving theoretical cash holding of \$19,608,000 which would be required to fund future works and services.

18. An estimate of the position as at 30 June 2012 is as follows

Cash as above	\$23,658,000
Further Income (Grants etc)	\$2,500,000
Net Proceeds from sale of land	\$4,400,000
Lifting of Restriction of Cash (Loans)	\$3,000,000
	<u>\$33,558,000</u>

19. This would be required to pay the following estimated expenses:
- |                              |              |
|------------------------------|--------------|
| Operating Expenses           | \$26,646,000 |
| Less Non Cash (Depreciation) | \$5,295,000  |
|                              | <hr/>        |
|                              | \$21,351,000 |
| Capital Expenditure (Est)    | \$12,000,000 |
|                              | <hr/>        |
|                              | \$33,351,000 |
| Less Budget Adjustments      |              |
| Deferred Works               | \$650,000    |
| Other Adjustments            | \$1,250,000  |
|                              | <hr/>        |
|                              | \$31,451,000 |
|                              | <hr/>        |
20. It can be seen from the above that prior to 30 June 2012 the Shire will have a slight buffer of cash but does not allow for budget over runs or un-expected issues. This needs to be addressed in the next few months by ensuring that we review our projects and operational expenditure budgeted and all income, specifically grant monies are brought to account.

#### **STATUTORY AND LEGAL IMPLICATIONS**

21. The *Local Government Act 1995* and the *Local Government (Financial Management) Regulations*.

#### **POLICY IMPLICATIONS**

22. Nil.

#### **PUBLIC CONSULTATION/COMMUNICATION**

23. Nil.

#### **FINANCIAL IMPLICATIONS**

24. Nil.

#### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

##### **Strategic Planning Implications**

25. *Shire of Kalamunda Strategic Plan 2009-2014*
- 5.5.2 Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.

##### **Sustainability Implications**

###### Social Implications

26. Nil.

Economic Implications

27. Nil.

Environmental Implications

28. Nil.

**OFFICER COMMENT**

29. All comments are contained within the "Details" area of this report.

**COMMITTEE RECOMMENDATION TO COUNCIL (GS 2/2012)**

That Council:

1. Receives the monthly financial statements which comprise the Statement of Financial Position, Equity Statement, Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Rate Setting Statement and Reserve Balances Statement for the period ending 30 November 2011.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**





---

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**3. Monthly Financial Statements for the Six Months to 31 December 2011**

Previous Items	N/A
Responsible Officer	Director Corporate and Community Services
Service Area	Finance
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A
Attachment 1	<p>Statements of Financial Activity for the month to 31 December 2011 incorporating the following:</p> <ul style="list-style-type: none"> <li>• Statement of Comprehensive Income by Program</li> <li>• Statement of Comprehensive Income by Nature and Type</li> <li>• Rate Setting Statement</li> <li>• Statement of Financial Position</li> <li>• Statement of Equity</li> <li>• Schedule of Reserve Accounts Balances</li> </ul>

**PURPOSE**

1. To provide Council with financial reports on the activity of the Shire of Kalamunda with indications of performance against adopted budget.

**BACKGROUND**

2. The attached Statement of Financial Activity incorporating various sub-statements has been prepared in accordance with the requirement of the *Local Government Act (1995)*, *Local Government (Financial Management) Regulations 1996* (Regulation 34).

**DETAILS**

3. The *Local Government Act (1995)* requires Council to adopt a percentage or value to be used in reporting variances against Budget. Council adopted on 25 July 2011 the reportable variances of 5% or \$5,000 whichever is greater.
4. The adopted percentage on value is applied at Program level and where applicable for the commentary and detail is provided.

---

## Financial Commentary

### Statement of Comprehensive Income by Nature and Type for the six months to 31 December 2012

5. This Statement reveals a net result of a surplus of \$15,843,680 against a revised Budget for the same period of \$15,230,104.

#### *Revenue*

6. Total Revenue is under budget by \$911,993. This is partly due to no interim rating being undertaken as at the reporting date. This process is currently occurring and will be completed and issued by the end of February 2012.
7. Operating Grants are down on budget by \$747,806 which is mainly a timing issue.
8. Interest earnings are under budget by \$32,799, however it is expected this will be improved over the next three to four months because of the improved cash flow from Rates collection and sale of lots on Welshpool Road. Of concern to this area is the continuing drop in interest rates.

#### *Expenditure*

9. Total expenses are under budget by \$1,189,391 which is more than expected and is partly related to previous accounting practice of not accruing expenditure attributable to the month it is incurred which is still being remedied. There are timing differences on "Materials and Contracts" of \$994,177, "Utilities" by \$119,062 and savings on "Employment Costs" of \$254,559.
10. The interest expense is lower than budget due to a reversal of accrual done in June 2011 worth \$129,000. An analysis is being undertaken to ensure that this issue does not occur in the future and to ensure that interest is accrued monthly in accordance with best practice accrual accounting conventions.

#### *Non-Operating Grants*

11. Non-Operating Grants exceed the Budget by \$647,011 which is the major contribution to the position reflecting a higher net operating surplus year to date against budget. This is considered to be a timing matter.

#### *Profit on Asset Disposals*

12. The profit on disposal of assets, principally, developed lots, is under budget as of December by \$311,132. This however will be remedied in January when ten lots will be settled netting over a million dollars profit.

Statement of Comprehensive Income by Program for the six months to 31 December 2011

13. The overall results comments are as above and generally each Program is within accepted budget variances.

Rate Setting Statement for the six months to 31 December 2011

14. This Statement compares the actual to date with the Annual Budget.
15. The results to 31 December 2011 reveal a surplus of \$14.707 million, however there is considerable Capital Expenditure to be undertaken with approximately \$9.18m still outstanding.
16. The issue of significant concern is the Kalamunda Water Park which has run over budget. The project scope and costs are to be the subject of a forensic audit to better understand why the overrun has occurred. The findings of the audit will be reported to the Audit Committee in March/April 2012.
17. Net transfers to/from Reserves has reduced by (\$1.162 million) with a closing balance of \$1.662 million only available which is concerning.

**Statement of Financial Position as at 31 December 2011**

18. This Statement formally known as the "Balance Sheet" reveals the current situation of \$12,595,563 less the following restricted cash assets:

• Loan – Equipment	\$1,150,000
• Reserve Accounts	\$1,622,105
• Unspent Grants (Est)	\$2,500,000
	<u>\$5,272,105</u>

19. As Elected Members are aware the premise behind the Budget is the Sale of Land and the use of part of these funds to fund the previous year (2010/2011) deficit of \$1,481,865. As at 31 December 2011 the cash flow position of the Shire was as follows:

Unrestricted Cash (Estimated)	\$5,841,593
-------------------------------	-------------

20. Further Current Assets that would generate additional cash holdings are:

Rates Debtors	\$7,400,000 (Est)
Other Debtors (including grants)	\$6,100,000 (Est)

Thus giving a theoretical cash holding of \$19,341,593 which would be required to fund future works and services if the Shire can realised these cash assets.

21. An estimate of the position as at 30 June 2012 is as follows
- |   |                     |
|---|---------------------|
| Cash as above                             | \$19,341,593        |
| Further Income (Grants etc)               | \$2,500,000         |
| Profit on Sale of Land net of costs (Est) | \$4,400,000         |
| Lifting of Restriction of Cash (Loans)    | \$1,150,000         |
|   | <u>\$27,391,593</u> |
22. This would be required to pay the following estimated expenses:
- |   |                     |
|---|---------------------|
| Operating Expenses                      | \$24,269,891        |
| Less Non Cash (Depreciation)            | \$4,516,893         |
|   | <u>\$19,752,998</u> |
| Capital Expenditure (Est)               | \$9,180,000         |
|   | <u>\$28,932,998</u> |
| Less Budget Adjustments                 |                     |
| Deferred Works                          | \$650,000           |
| Other Adjustments and potential savings | \$1,250,000         |
|   | <u>\$27,032,998</u> |
23. It can be seen from the above that the Shire will break even, however the concern is that if the grants budgeted are not received in full this will have an impact on the cash flow. Further if any budget overruns or un-expected issues arise, this will also have an impact on the above forecast figures expenditure.
24. The recent organisational restructuring will alleviate some of this pressure but it is likely that further reductions in projects will be required to be identified in the mid-year budget review to ensure that we have a buffer against the issues outlined above.

### STATUTORY AND LEGAL IMPLICATIONS

25. The *Local Government Act 1995* and the *Local Government (Financial Management) Regulations*.

### POLICY IMPLICATIONS

26. Nil.

### PUBLIC CONSULTATION/COMMUNICATION

27. Nil.

### FINANCIAL IMPLICATIONS

28. Nil.

---

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

29. *Shire of Kalamunda Strategic Plan 2009-2014*  
5.5.2 Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.

### Sustainability Implications

#### Social Implications

30. Nil.

#### Economic Implications

31. Nil.

#### Environmental Implications

32. Nil.

## OFFICER COMMENT

33. All comments are contained within the "Details" area of this report.

## COMMITTEE RECOMMENDATION TO COUNCIL (GS 3/2012)

That Council:

1. Receives the monthly financial statements which comprise the Statement of Financial Position, Equity Statement, Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Rate Setting Statement and Reserve Balances Statement for the period ending 31 December 2011.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Bob Emery**

Vote: **CARRIED UNANIMOUSLY (9/0)**



---

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**4. Debtors and Creditors Reports for the Period ending 31 December 2011**

Previous Items	N/A
Responsible Officer	Director Corporate and Community Services
Service Area	Finance
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachment 1	Summary of Debtors for the period ended 31 December 2011
Attachment 2	Summary of Creditors for the period ended 31 December 2011

**PURPOSE**

1. To receive a monthly report on debtors and creditors.

**BACKGROUND**

2. Attached are the reports detailing aged Debtors (Attachment 1) and Creditors (Attachment 2) as at 31 December 2011.
3. Council has requested reports detailing outstanding debtors and creditors on a monthly basis.

**DETAILS**

**Debtors**

4. A total of \$463,008.59 in debtor accounts was outstanding as at 31 December 2011.

Particular items affecting the outstanding balances are:

The total outstanding in the category of 90+ days for the month of December 2011 was \$193,275.90.

Major debtors in this category are shown at (Attachment 2) to this report.

The total outstanding in the category of 60+ days for the month of December 2011 was \$7,267.33.

Major debtors in this category are shown at (Attachment 2) to this report

The total outstanding in the category of 30+ days for the month of December 2011 was \$85,461.34.

Major debtors in this category are shown at (Attachment 2) to this report.

The total outstanding in the Current category for the month of December 2011 was \$177,004.02.

The terms of payment given to a debtor are 30 days from date of invoice.

### **Creditors**

5. Payments totalling \$5,885,702.75 were made during the month of December.
6. Standard payment terms are 30 days from the end of month, with local business and contractors on 14 day terms.
7. Invoices showing as outstanding greater than 60 and 90 days are the result of the original invoice documentation not being received by Finance.
8. All contractors, trades and suppliers are advised of the Shire's preference to pay by Electronic Funds Transfer ("EFT") for efficiency and cost savings.

### **STATUTORY AND LEGAL IMPLICATIONS**

9. Nil.

### **POLICY IMPLICATIONS**

10. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

11. Nil.

### **FINANCIAL IMPLICATIONS**

12. Nil.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

13. *Shire of Kalamunda Strategic Plan 2009 - 2014*
  - 5.5.2 Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.



---

## Sustainability Implications

### Social implications

14. Nil.

### Economic Implications

15. Nil.

### Environmental Implications

16. Nil.

## OFFICER COMMENT

17. The Forrestfield United Soccer Club Inc. was given approval by Council at the meeting on 20 June 2011 to defer payment of the Loan and Reserve Hire charges until January 2012. Council should note that while this arrangement is in place, the Shire is currently meeting the Loan repayments.
18. A meeting with Forrestfield United Soccer Club Inc. was held on 16 November 2011 in which it was discussed how the Club will be addressing the financial commitments to the Shire from January 2012. The Shire received a letter in December 2011 stating that the debt would be acquitted by the end of January 2012 with the funds being raised by 'Perth African Nations Cup' event occurring throughout January 2012.
19. As at 31 January 2012 no funds were received from Forrestfield United Soccer Club Inc. and in light of this a report will be prepared for the Audit Committee to consider the Shire's options.

## COMMITTEE RECOMMENDATION TO COUNCIL (GS 4/2012)

That Council:

1. Receives the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports as at 31 December 2011.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**



**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****5. Rates Debtors Report for the Period Ending 31 December 2011**

Previous Items	N/A
Responsible Officer	Director Corporate and Community Services
Service Area	Finance
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A

Attachment 1 Summary of Outstanding Rates for the period ended 31 December 2011

**PURPOSE**

- To receive a report on rates debtors as at 31 December 2011.

**BACKGROUND**

- Attached is the report detailing rates debtors as at 31 December 2011 (Attachment 1).

**DETAILS****Rates Instalment 2011/2012**

- The second instalment of the two instalment plan and third instalment of the four instalment plan option fell due on 12 January 2012. The amount payable is \$3,558,254.74.

The total rate receipts for the month of December 2011 were \$1,163,875.

**Instalments & Other Outstanding Balances**

4. Total amount Due	\$9,938,420.92
2 <sup>nd</sup> of 2 x Instalment payments due on 12.01.12; and	
3 <sup>rd</sup> of 4 x Instalment payments due on 12.01.12	\$3,558,254.74
4 <sup>th</sup> of 4 x Instalment payments due on 08.03.12	<u>\$3,208,253.08</u>
TOTAL on Instalment	\$6,638,293.68
Less Deferred Rates	<u>- \$386,799.28</u>
As at 03.01.2012	
Balance still Outstanding (not on Instalment Plans)	\$2,167,038.62
Properties on Direct Debit & other payment plans	\$461,690.17
Subject to Debt Recovery	\$2,628,728.79

---

**Legal Action 2010/2011**

5. This area of debt recovery has now progressed to the Land Warrant stage. Unpaid or returned Property Seizure and Sale Orders will now be submitted to the Council for authorisation of Land Warrants – where necessary.

Land Warrants can only be issued if three years or more rates remain unpaid – (per *The Local Government Act 1992* Section 6.64-6.75).

**Legal Action 2011/2012**

6. The current Legal Recovery process will commence before the end of January with those outstanding assessments (not on instalment plans or not on an alternate payment plan) being sent to Dun & Bradstreet for the first 'Final Demand Letter'. This will be followed by telephone calls before any General Procedure Claims are lodged with the Magistrates Court for those ratepayers who have not paid their rates.

**STATUTORY AND LEGAL IMPLICATIONS**

7. Nil.

**POLICY IMPLICATIONS**

8. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

9. Nil.

**FINANCIAL IMPLICATIONS**

10. Nil.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****Strategic Planning Implications**

11. *Shire of Kalamunda Strategic Plan 2009 - 2014*  
5.5.2: Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.

**Sustainability Implications**Social implications

12. Debt collecting processes contain the risk of bringing negative publicity to the Shire.

Economic Implications

13. Effective collection of all outstanding debtors leads to enhanced financial sustainability for the Shire.

Environmental Implications

14. Nil.

**OFFICER COMMENT**

15. Nil.

**COMMITTEE RECOMMENDATION TO COUNCIL (GS 5/2012)**

That Council:

1. Receives the rates debtors report as at 31 December 2011 (Attachment 1).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)**



---

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**6. Dome Coffees Australia Pty Ltd – 31 (Lot 56) Canning Road Kalamunda (Kalamunda Police Station)**

Previous Items	OCM 118/2010 15 November 2010 and GCM 9 14 February 2011 and OCM09/2011
Responsible Officer	Director Corporate Services
Service Area	Property and Procurement
File Reference	EOI 1004
Applicant	N/A
Owner	N/A
Attachment 1	Extract from Dome Coffees Formal Proposal in regards to parking.
Attachment 2	Parking Provisions

**PURPOSE**

1. To provide Council with a status report on the Dome Coffees Australia Pty Ltd (“Dome”) occupation of 31 Canning Road Kalamunda in accordance with their Formal Proposal to EOI1004 accepted by Council Resolution OCM09/2011 on 21 February 2011.

**BACKGROUND**

2. Lot 56 Canning Road (formerly the Kalamunda Police Station) is a heritage building that has been vacated for a long period. The site is restrained within the building footprint which does not allow any room for parking to be provided.
3. The Shire issued Expression of Interest to the market to investigate what commercial opportunities could be presented for this site.
4. Expressions of interest were sought and responses presented to Council in November 2010.
5. From the Expressions of Interest received, Dome was invited to submit a formal proposal for the use of 31 Canning Road Kalamunda for Council endorsement.
6. A key issue that was outlined in the Dome proposal was that they would not be able to provide any parking in line with the occupation of this site and would require a waiver to be granted. Dome have expressed that because of the significant investment they will be making to restore the building that they have always made this request to other Local governments where they have developed in heritage buildings and the waiver has been granted.
7. The Formal Proposal was adopted by Council OCM/09/2011 on 21 February 2011 with no changes hence Council acceding to the request for the Shire to waive the parking requirements.

---

**DETAILS**

8. To enable the leasing of the premises to Dome the Shire of Kalamunda was required to acquire a portion of Reserve 9050 and amalgamate an area of approximately 455sqm with the adjoining lot.
9. This acquisition process has now been completed, with the State Government selling the area to the Shire of Kalamunda for the nominal sum of \$100 plus GST.
10. The balance of Reserve 9050 is to be vested with the Shire of Kalamunda for access and parking.
11. A request has been made to Department of Regional Development and Lands to continue to provide the Shire with the Power to Lease.

**STATUTORY AND LEGAL IMPLICATIONS**

12. The site is currently identified as a Local Reserve – Public Purpose – Police Station under the Shire of Kalamunda Local Planning Scheme No.3. It will be necessary for the applicant to gain planning consent prior to occupation of the building. When considering an application for planning consent, the Council is required to have due regard to a number of matters, including the ultimate purpose intended for the Reserve.
13. All other statutory approvals including and not limited to Planning, Building, Health and Heritage Approvals remain the responsibility of Dome.
14. Disposal of the property will be in accordance with Section 3.58 of the *Local Government Act 1995*. This section of the Act is referring to disposal as including selling, leasing, or otherwise disposing of property whether absolutely or not.

**POLICY IMPLICATIONS**

15. The Lease or agreement will comply with Council's Lease and Licence Policy (FAC 12).

**PUBLIC CONSULTATION/COMMUNICATION**

16. There is no further requirement for Public Consultation

**FINANCIAL IMPLICATIONS**

17. By allowing a long term tenant in this building whom, under the Lease Agreement will have responsibility for its future care and maintenance will provide major cost savings to the Shire. Further it will ensure that this building of Heritage Interest has a useful purpose that promotes the heritage of Kalamunda.



- 
18. The initial 20 years of the lease will return a Total Rent Income of \$448,000.00 at an average of \$22,400.00 per annum.
  19. Rent reviews will then take place at Year 21 and Year 30. There is no stipulation in the Lease document as to how this will take place other than through a Market Review.
  20. The only financial implication arising for this report is the allocation \$10,000.00 to upgrade the car parking area.
  21. This will be required to be allocated and approved by Council by Absolute Majority as follows:
    - That \$10,000 is allocated to account 420916 for the improvements required to the car park in adjoining Reserve 9050.
    - That \$10,000 will be reallocated from the Property Development account 221936 and that these reallocations will be effected in the mid-year statutory budget review process.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

22. *Shire of Kalamunda Strategic Plan 2009-2014:*
  - 2.1.1 Develop and implement a policy and structure to ensure the effective management of Shire owned and managed land and buildings.
  - 2.3.2 Maintain, refurbish or upgrade existing infrastructure to encourage increased utilisation and extension of asset life.

### **Sustainability Implications**

#### Social implications

23. The activation of this site will provide amenities outside the Central Business area.

#### Economic Implications

24. This proposal would provide a tenant with the capacity to occupy the building for a considerable time. Having a tenant with the financial capacity to ensure the building and surrounds are maintained in good repair will provide some financial gain for the Shire of Kalamunda as well forming a part of the strategic development of the area.

---

Environmental Implications

25. A Commercial Lease over the building will assist in ensuring the long term maintenance and welfare of the building is continued to ensure its Heritage interest is maintained and promoted.

**OFFICER COMMENT**

26. The Lease Terms outlined in the Formal Proposal are consistent with other heritage buildings and long term lease arrangements between Dome and other local government authorities.
27. The rental to be negotiated reflects fair market return over a long term lease for a Heritage Building and requires the Lessee to maintain the building in all aspects other than structural repairs.
28. There has been a reduction in the Lease area, due to the excising of the 455m<sup>2</sup> from the Reserve, which is now the leased area.
29. Resolution OCM 09/2011 provided approval to the Chief Executive Officer to finalise a lease agreement between the Shire of Kalamunda and Dome which incorporates the terms and conditions outlined in the Formal Proposal.
30. The attraction of Dome to the Kalamunda Town centre will provide an excellent amenity to residents and visitors and the positioning of a high quality café a in this section on the town centre is also desirable.
31. The Formal Proposal adopted by Council provided a Waiver for parking to be provided by Dome Coffees, (Attachment 1).
32. Due to the proposed redevelopment of the whole of the area known as the Super Block, parking provisions have been allowed for in accordance with the attached plan, (Attachment 2).
33. It is not proposed that a major upgrade of the existing car parking area be undertaken at this stage given that the site is subject to a future major redevelopment and the car parking will likely be developed to a high standard in the future. Given this situation it is proposed to do minimal works which would include line marking and a general tidy up of the area.
34. Also it should be noted a number of the bays will be unable to be marked until the existing Men's Shed is vacated and demolished.
35. The estimated cost to make repairs to the existing asphalt and line marking of the 2 x disabled bays and the 18 bays along the Toy Library boundary and remove the existing fence will be approximately \$18,000.
36. If Council is prepared to proceed with the leasing of the site to Dome it should be noted that this can be completed under delegated authority.

---

*The Chief Executive Officer advised that if Councillors wished to discuss this item it should be behind closed doors. The Report was therefore discussed at Item 15. The reason for confidentiality, Local Government Act s 5.23(2)(c). A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

### **COMMITTEE RECOMMENDATION TO COUNCIL (GS 6/2012)**

That Council:

1. Agrees to provide public parking bays to the area shown highlighted in green in (Attachment 2), at an estimated cost of \$10,000.
2. Agrees to provide a further 31 public parking bays to the area shown highlighted in pink on Attachment 2), at an estimated cost of \$40,000.00 to be provided for in the 2012/2013 budget process with the required works commencing after the demolition of the existing Men's Shed.
2. Agrees to provide Dome Coffees Australia Pty Ltd access to the premises to commence redevelopment in accordance with the Development Approval.
3. Approves the erection of banner across the façade of the building announcing that Dome is Opening Soon (or words to that effect).
4. Re-confirms the authorisation for the Chief Executive Officer to sign the lease once title documents have been issued.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Bob Emery**

Vote: **For**  
**Cr Geoff Stallard**  
**Cr Allan Morton**  
**Cr Noreen Townsend**  
**Cr Justin Whitten**  
**Cr Bob Emery**  
**Cr Dylan O'Connor**  
**Cr Margaret Thomas**  
**Cr Martyn Cresswell**

**Against**  
**Cr Frank Lindsey**

**CARRIED / ABSOLUTE MAJORITY (8/1)**



---

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**7. Nominations for Membership – Hartfield Park Advisory Committee and Ray Owen Management Committee**

Previous Items	N/A
Responsible Officer	Director Corporate and Community Services
Service Area	Community Development
File Reference	CO-CCS-005/1 & CO-CCS-018/1
Applicant	N/A
Owner	N/A

**PURPOSE**

- To consider the appointment of Committee Members to Council's Hartfield Park Advisory Committee ("HPAC") and Ray Owen Management Committee ("ROMC").

**BACKGROUND**

- The Shire has recently received two nominations for Council's HPAC and one nomination for ROMC.
- The current membership for HPAC is as follows:

<b>Name</b>	<b>Representing</b>
Cr Allan Morton	Councillor Delegate
Heinz Luik	Forrestfield United Soccer Club
Phillip Fawell	Kalamunda and Districts Hockey Club
Terry Davidson	Forrestfield Junior Football Club
Carlos Mendes	Forrestfield United Soccer Club
Brendan Cebalo	Forrestfield Senior Cricket Club

- The current membership for ROMC is as follows:

<b>Name</b>	<b>Representing</b>
Cr John Giardina	Councillor Delegate
Jenny Warwick	Kalamunda and Districts Netball Association
Marian Rolfe	Kalamunda and Districts Basketball Association
Peter Hanson	Kalamunda and Districts Basketball Association.

**DETAILS**

- As per the Terms of Reference for the HPAC, the Committee may comprise:

**Membership**

- 4.1 A total membership of up to eight members, all of whom shall be appointed by Council. The term of appointment shall be up to two years; however retiring members are eligible for re-nomination.

- 
- 4.2 Membership shall include one representative from each user group of the facility or other interested people.
  - 4.3 In accordance with the Local Government Act 1995, a minimum of three (3) persons must be appointed to the Committee.
  - 4.4 A Councillor shall be appointed to the Advisory Committee and is empowered to rule that any matter under consideration is to be referred, via the appropriate Committee, to Council for a decision.
  - 4.5 The Advisory Committee may second individuals on sub-committees and working groups, but secondments cannot be made to the main Committee.
  - 4.6 The appointment of any person who is absent without leave for more than three (3) consecutive meetings shall lapse and that person will need to seek Council reappointment to continue on the Committee for the duration of its term.
  - 4.7 The Presiding Person and Deputy Presiding Person shall be appointed from the body of the Committee.

6. The Terms of Reference for the Ray Owen Management Committee, regarding membership, states:

**Rules**

- 4.1 The membership of the Management Committee shall not exceed six members, comprising the following members –
    - a. Two representatives from the Kalamunda & Districts Netball Association, appointed from a meeting of that Association.
    - b. Two representatives from the Kalamunda & Districts Basketball Association, appointed from a meeting of that Association.
    - c. Two representatives from the Kalamunda Shire Council, one member being a shire councillor and an appointed non voting staff member.
  - 4.2 The term of appointment shall be two years unless the appointment of an Association representative is changed by that Association or Council elects to reappoint any or all members for a further term.
  - 4.3 The appointment of any person who is absent without leave for more than three consecutive meetings shall lapse. Members who resign may have their places taken by newly appointed persons.
  - 4.4 A Councillor shall be appointed to the Management Committee and is empowered to rule that any matter under consideration is to be referred, via the appropriate Committee, to Council for a decision.
  - 4.5 The Management Committee may second members on sub-committees and work groups, but secondments cannot be made to the Management Committee.
-

7. The following nominations have been received for membership:

<b>Committee</b>	<b>Representative</b>	<b>Club</b>
Hartfield Park Advisory Committee	Daryle Martin	Forrestfield Tee-ball Association
Hartfield Park Advisory Committee	Jim Berry	Kalamunda and Districts Rugby Union Club
Ray Owen Management Committee	Tracey Clemesha	Kalamunda and Districts Netball Association

### **STATUTORY AND LEGAL IMPLICATIONS**

8. Appointments are made in accordance with Section 5.10 (1) of the *Local Government Act 1995*.

### **POLICY IMPLICATIONS**

9. Policy CTEE3, Management and Advisory Committees – Representation, Review and Procedures

### **PUBLIC CONSULTATION/COMMUNICATION**

10. Nil.

### **FINANCIAL IMPLICATIONS**

11. Nil.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

12. *Shire of Kalamunda Strategic Plan 2009-2014*
- 1.3 The community has access to a diverse range of recreational opportunities.
- 2.3 Long term viability of infrastructure and facilities.

#### **Sustainability Implications**

##### Social implications

13. The objectives of the of the Shire's Management/Advisory Committees are as follows:
- To advise Council on matters pertaining to the facilities.

- To examine proposals for development from a community perspective and in accordance with Council policies and practices.
- To provide an opportunity for all people and residents who use the facility to meet at regular intervals to discuss their common and particular interests.

#### Economic Implications

14. Nil.

#### Environmental Implications

15. Nil.

#### **OFFICER COMMENT**

16. The nomination for Tracey Clemesha to represent the Kalamunda and Districts Netball on the ROMC will provide sufficient membership to enable the Committee to operate in accordance with the Terms of Reference.
17. The nominations for Daryle Martin and Jim Berry are within the Terms of Reference for the HPAC and will give further representation to user groups on the Committee.

#### **COMMITTEE RECOMMENDATION TO COUNCIL (GS 7/2012)**

That Council:

1. Appoints Daryle Martin representing Forrestfield and Districts Tee-ball Association and Jim Berry representing Kalamunda and Districts Rugby Club, to the Hartfield Park Advisory Committee:
2. Appoints Tracey Clemesha representing Kalamunda and Districts Netball Association, to the Ray Owen Management Committee.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (9/0)**



---

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**8. Forreestfield Skate Park Petition – Proposal for the Development of a New Skate Park in Forreestfield**

Previous Items	Petition OCM November 2011
Responsible Officer	Director Corporate & Community Services
Service Area	Community Development
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Forreestfield Skate Park Petition

**PURPOSE**

1. To consider the petition presented at the November 2011 Ordinary Council Meeting seeking the development of a skate park in Forreestfield (Attachment 1).

**BACKGROUND**

2. A petition seeking that a new skate park be constructed in Forreestfield was tabled at the November 2011 Ordinary Council Meeting.
3. The Shire currently has four skate parks located in the suburbs of Kalamunda, Maida Vale, High Wycombe and Forreestfield.
4. The petition received included 150 signatures of support for the development of a skate park in Forreestfield, including potential options for location and design.
5. As such, Council is now requested to consider the petition for the development of a new skate park in Forreestfield.

**DETAILS**

6. The existing skate park in Forreestfield was built in 1997 and is located on Hale Road at Hartfield Park.
7. The skate park is not well located, with limited opportunities for passive surveillance due to trees and fencing obstructing the line of sight between the park and Hale Road. The overall condition of the skate park is poor with numerous occurrences of graffiti and vandalism at the site.
8. The petition has been submitted by two local young people and encompasses 150 signatures in support of the concept for a new skate park in Forreestfield.

- 
9. In particular, the petition outlines a number of issues with the existing skate park such as the current condition, the location and the overall size of the skate park.
  10. As a solution to the above issues, the petition is seeking the development of a new skate park in the Forrestfield area and has outlined three potential sites in which the skate park could be located. These are:
    - Hartfield Park – Hale Road (existing Skate Park location)
    - Pioneer Park
    - Federation Gardens (Hartfield Park)
  11. The Hartfield Park Masterplan outlines a number of key projects to guide the future development of the reserve. In particular, the Masterplan identified the need to review the overall sustainability of the skate park located at Hartfield Park due to its poor location and current condition.
  12. The Community Facilities Plan outlines a number of projects to occur at Hartfield Park over the next five years as part of the backlog of priority projects. In particular:
    - 2012/13 - Investigate alternative water supply, expand bowling club car park and demolish baseball hitting nets at Hartfield Park.
    - 2013/14 - Install security lighting to Hartfield Park Recreation Centre car park area.
    - 2014/15 - Install dual use pathways, demolish equestrian building and upgrade Walliston Riding and Pony Club facilities to accommodate relocation of Darling Range Horse and Pony Club from Hartfield Park.
    - 2015/16 - Develop three new hockey fields, hockey clubrooms and parking at Hartfield Park.
    - 2016/17 - Develop parking, install new cricket wickets at Hartfield Park.
  13. The development of a new skate park in Forrestfield has not been identified within the backlog of priorities.
  14. The Youth Consultation Plan aims to provide strategic direction and guidance in the provision of the Shire's Youth services, facilities and events. In particular, the Plan has identified the need to undertake a comprehensive audit of all Shire skate park facilities outlining the current state of existing facilities, gaps in provision, future facility requirements and priorities for development.
-

---

**STATUTORY AND LEGAL IMPLICATIONS**

15. Nil.

**POLICY IMPLICATIONS**

16. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

17. Officers have consulted with the two residents who submitted the petition, to further discuss the details of the proposal and provide feedback as to Council's decision making process in assessing the submission.
18. The feedback received from the applicants was that there was a significant need within the Forrestfield area for a new skate park due to the poor location and condition of the existing skate park currently provided at Hartfield Park.
19. Should Council decide to progress with the new skate park proposal, the applicants indicated that they would also like to be involved in the process.

**FINANCIAL IMPLICATIONS**

20. The costs associated with the construction of skate parks are extremely variable and are contingent on a number of design factors ie number of ramps, types of ramps/infrastructure and the overall size of the skate park.
21. As a guide, the recent skate park development at Fleming Reserve cost \$398,000 in 2010/11. The overall size and layout of this skate park is considered to be ideal, as it incorporates a variety of different ramps/rails to ensure that maximum interest and usage is maintained.
22. Should Council be supportive of the development of the proposed skate park, Council has a number of funding options, in particular:
- Cash-in-lieu – The use of cash-in-lieu funds for the development of a skate park, is considered to be an acceptable use of cash-in-lieu funds under the Department of Planning guidelines.
  - Municipal funds – At this stage no funds have been incorporated for the development of the proposed skate park within the 10 Year Financial Plan or the 5 Year Community Facilities Plan backlog of priorities.
  - External funds - A number of external opportunities also exist to fund facilities such as skate parks, in particular Lotterywest, Perth Airports Communities fund, the Community Sport and Recreation Facilities Fund and Bendigo Bank.

---

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

23. *Shire of Kalamunda Strategic Plan 2009-2014*

- 1.5.1 Facilitate a coordinated approach to identifying and meeting the needs of young people, maximising partnerships and financial opportunities.

### Sustainability Implications

#### Social implications

24. Young people are an important part of the any local community as they represent the future generation of leaders within the community. The provision of appropriate youth facilities such as skate parks is essential in ensuring the successful integration of young people into our society.

#### Economic Implications

25. Nil.

#### Environmental Implications

26. Nil.

### OFFICER COMMENT

27. Skate parks not only provide local young people with a place to “hang out” but also provide opportunities for young people to display their skills in front of their peers.

28. The theory behind skate park design and location has significantly changed in recent times, with a move towards locating skate parks in highly visible more prominent locations rather than being hidden from the public eye. This approach allows for increased passive surveillance and greatly assists in reducing incidence of graffiti and vandalism.

29. The proposal identifies three potential options for the new skate park to be located. Should Council decide to pursue the proposal, further investigation into the most suitable location, land ownership, community need and funding options would need to be undertaken.

30. In addition, further research into potential funding avenues and the overall community need for a new skate park would also be required.

- 
31. The Hartfield Park Masterplan identifies the opportunity to clear the area of bushland on the corner of Hale Road and Hartfield Road (which encompasses the existing skate park) for the development of two new soccer fields.
  32. At this stage, the Shire has submitted a request to the Department of Environment and Conservation (“DEC”) to seek permission to clear the area, as it is classified as Bush Forever.
  33. Ideally, any potential development of a new skate park in Forrestfield would occur in line with the clearing of the bushland and removal of skate park at Hartfield Park. However, the timing of these projects has yet to be determined, as neither project was included in the five year back log of priorities outlined in the Community Facilities Plan.
  34. Should Council decide that the development of a new skate park in Forrestfield is a priority, further prioritisation of the recommended projects included in the Community Facilities Plan Backlog would be required.
  35. The Youth Consultation Plan identified the need to undertake an audit of all skate park facilities over the next 12 months. Should the Forrestfield skate park proposal be considered as part of this process, it would provide Council with an opportunity to take a holistic approach to the provision of skate park facilities across the Shire. In particular, the audit will aim to clearly outline future facility requirements and make recommendations in terms of priority developments.
  36. In summary, it is recommended that the proposal for a new skate park in Forrestfield be considered as part of the audit on the Shire's skate park facilities to occur over the next 12 months. Furthermore, that the outcomes of the skate park audit be presented to Council at the conclusion of the audit process in 2013.
  37. The Petitioners will be advised of the Council decision.

*There were two speakers, Tahj and Jordy James, who spoke in favour of the Officer's Recommendation.*

#### **COMMITTEE RECOMMENDATION TO COUNCIL (GS 8/2012)**

That Council:

1. Notes the report on the Forrestfield Skate Park petition (Attachment 1).
2. Requests a report be presented on the audit of the Shire's skate park facilities.

- 
3. Requests that Cash-in-lieu and external funding options be further explored to assess the potential for raising funds needed to build a new skate park.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****9. Walliston Riding and Pony Club Dressage Arena**

Previous Items	N/A
Responsible Officer	Director Corporate & Community Services
Service Area	Corporate and Community Services
File Reference	BR-16/010
Applicant	Walliston Riding and Pony Club
Owner	Shire of Kalamunda
Attachment 1	Report on the Enclosed Dressage Arena at Walliston Riding and Pony Club Grounds
Attachment 2	Walliston Riding and Pony Club Grounds Site Map

**PURPOSE**

1. To consider regulating public access to the Walliston Riding and Pony Club ("WRPC") to allow public access to the Dressage Arena via booking arrangement only.

**BACKGROUND**

2. The WRPC currently have a licence agreement with the Shire of Kalamunda which stipulates that all grounds should be readily made available to the public (ie non-exclusive use).
3. In October 2010, the WRPC chose to secure the Dressage Arena (Attachment 2) with a lock, due to concerns that some members of the public were neglecting maintenance requirements important for horse safety.
4. A complaint regarding the securing of the Dressage Arena restricting public use resulted in the WRPC requesting an adjustment to the licence in March 2011.
5. In April 2011, the Shire declined the request, informing the Walliston Riding and Pony Club that the licence indicates that it is not for exclusive use and stipulates that it be available to the broader public.
6. The WRPC requested a meeting with Shire Officers on 3 June 2011 to appeal this decision, at which point Officers requested that the Club provide further supporting evidence relative to the need to secure the Dressage Arena.
7. The WRPC proceeded to seek independent, external expertise and resubmitted a detailed report (Attachment 1) as a means to further substantiate the request to secure the Dressage Arena in August 2011.

---

**DETAILS**

8. As detailed in (Attachment 1), the independent report confirmed the following changes to the surface after use by horse riders:
- Very defined deep ruts around the perimeter.
  - Deep circular ruts, if lunging is carried out.
  - The dislodging of the top surface, outside the arena in the corners, caused by horses turning.
  - Deep ruts across the arena, caused when horses change direction.
  - The introduction of foreign matter, e.g. manure.
9. Given the changes to the surface, the independent report author, Ms Diane Bennit who has qualifications as a Horse Safe Auditor and a Certificate IV in Assessment and Workplace Training, confirmed the following key maintenance requirements:
- Clearance of manure and other matter after usage to ensure it does not breakdown and mix with river sand.
  - Closure for periods of time after water coverage for horse safety due to an uneven heavy, muddy surface.
  - Grading of surface to fill in the ruts to ensure no further deepening and exposure to gravel base that will have an impact on surface of the arena and drainage.
  - River sand scattered outside the corners will need to be raked or shovelled back into the arena.
10. Ms Diane Benit concluded that in her opinion without appropriate time and upkeep required to maintain the arena, the surface will disintegrate and become unsuitable for its current use and be a possible welfare hazard for horses.
11. To ensure such independent expertise and reports are of an objective nature, Officers investigated the opportunity to engage additional dressage arena surface specialists.
12. Following consultation with Department of Sport & Recreation, Equestrian WA and the Pony Club Association of WA, the following three sources were approached to provide their services to conduct a similar report:
- Mr Simon Barrey – Grounds Manager, Equestrian WA
  - Mr Shawn Squire
  - Mr Martin Hellier
13. Mr Simon Barrey and Mr Shawn Squire indicated an interest in being involved, however Mr Martin Hellier chose not to respond any further to indicate a level of interest.



- 
14. Mr Squire did clarify however, that from reviewing the existing report provided by Ms Diane Bennit, that he would have nothing further to add. Mr Squire also confirmed that Ms Bennit is reputable within the equine industry.
15. In seeking further opinion, Mr Squire suggested that from a maintenance and horse safety point of view, the dressage arena should be properly 'dragged' (evened) with relevant equipment at least once a week or fortnight. In his opinion and from a liability viewpoint, should the Shire not want to be involved in the ongoing maintenance of the arena, ensuring the onus remains with the club, the request to secure the arena when not in use is valid.

### **STATUTORY AND LEGAL IMPLICATIONS**

16. Nil.

### **POLICY IMPLICATIONS**

17. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

18. Consistent communication and consultation relative to this matter has been undertaken with key representatives of the Walliston Riding and Pony Club.

### **FINANCIAL IMPLICATIONS**

19. Should Council want to pursue an additional independent report on the dressage arena, Mr Barrey has indicated he can undertake an assessment and report at cost of \$1,000. There is currently no budget allocation available to engage Mr Barrey.
20. Should the Dressage Arena component of the facility remain unrestricted for public use, the WRPC may seek a financial contribution towards costs involved in maintaining the Dressage Arena.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

21. *Shire of Kalamunda Strategic Plan 2009-2014*
- 1.3.1 Manage the effective promotion, planning and usage of recreational spaces, services and facilities.
- 1.3.4 Develop active and passive recreational facilities based on environmentally sustainable principles.

---

## Sustainability Implications

### Social Implications

22. Horse riders throughout the community should be afforded the opportunity to access the Dressage Arena be it either in a controlled manner or otherwise.

### Economic Implications

23. There are no economic implications evident.

### Environmental Implications

24. The provision of specific, maintained areas for horse riding enthusiasts minimises the impact on other environments such as bushland.

## OFFICER COMMENT

25. The terms within the existing licence agreement state that all grounds of the WRPC should be readily made available to the public at all times.

26. It should be noted that within the original Council report of 18 May 1987 relative to the authorisation of the licence, the report stated:

*One point which was conceded is to amend a clause now giving priority usage to the general public, to one which recognises the entitlement of the Lessee whilst, at the same time, conceding public usage by arrangement.*

27. Acknowledging the terms of the existing licence, given the specialised nature of the Dressage Arena and the independent report indicating risks to horses if the Arena is not maintained properly and consistently, the request warrants consideration.

28. The safety risks and need to properly maintain the dressage arena on a consistent basis has been confirmed by two specialists of the equine industry.

29. A range of Shire facilities and courts are readily accessible by the public. Many of which have consistent maintenance applied to their respective surfaces and are subject to booking processes with the lessee or licence holder.

30. Tennis and Lawn Bowls Clubs within the Shire are examples of clubs that provide restricted community or public access to their facilities, based on booking and/or key systems.

- 
31. In addition, the Licence has the Club indemnifying the Shire from and against all liability to any person whatsoever. This could be deemed inappropriate given the unsupervised and unrestricted access to the grounds.
  32. The Club maintains the Dressage Arena surface periodically and predominantly after its own activities, but currently has no influence to ensure users from the public adopt similar practices.
  33. If some form of regulation is put in place for access to the Dressage Arena, the Club then has opportunity to put measures in place, to ensure general public booking access are aware of associated risks and apply appropriate maintenance practices.
  34. Considering arrangements of other Shire sporting facilities, the Club's liability responsibility and the specialist nature of the facility, providing that the general public (not members only) have opportunity to access the Dressage Arena via a booking and key system, the request to lock the Dressage Arena should be reconsidered.
  35. If the request to lock the Dressage Arena is viewed favourably, it is important to ensure that conditions are put in place to ensure the general public can still use the facility via a fair and equitable bookings process administered by the WRPC.
  36. Alternatively, if the Dressage Arena remains unsecure and readily accessible in accordance with the existing Licence, potential risks for all parties remain apparent.

*A Councillor questioned whether the insurance fits in with the new Lease and Licence Policy review. This question was taken on notice.*

*A Councillor queried whether the recommendations being voted on tonight had been put to the Pony Club and how they viewed this response? The Manager Community Development indicated that there had been consultation with the Walliston Riding and Pony Club during the preparation of this item, the preference of the club was to have the control of locking the Dressage Arena in order to ensure the integrity of the surface.*

*A Councillor asked why should locking this area make a difference to the insurance when there are two larger areas already open to the public. The Chief Executive Officer indicated that this would be information which may require research prior to the Ordinary Council Meeting and the question was taken on notice.*

---

**COMMITTEE RECOMMENDATION TO COUNCIL (GS 9/2012)**

That Council:

1. Provides the Walliston Riding and Pony Club with permission to lock the Dressage Arena under the following conditions:
  - That the general public be given the opportunity to access the Dressage Arena by contacting the Walliston Riding and Pony Club to make a booking for usage without prejudice in a fair and equitable manner.
  - That a basic maintenance procedure for users, agreed to by the Shire, be developed and detailed by the Club on a visible sign at the Dressage Arena.
  - That the Walliston Riding and Pony Club develop and install signage detailing contact persons and available booking times, agreed to by the Shire, for public access to the Dressage Arena.
2. Review the decision to lock the Dressage Arena be reviewed after six months of operation at which time a decision to either maintain or amend the licence to reflect the review outcome is undertaken.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

---

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**10. Lease and Licence Policy Review**

Previous Items	OCM61 15 June 2009, OCM74 17 May 2010, OCM81 21 June 2010
Responsible Officer	Director Corporate and Community Services
Service Area	Leases and Licences Section
File Reference	OR-CMA-023
Applicant	N/A
Owner	N/A
Attachment 1	Comments received (with summary)
Attachment 2	Proposed Policy FAC12 – Lease and Licence Terms and Conditions of Council Owned or Controlled Properties (December 2011)

**PURPOSE**

1. To consider the adoption of Policy FAC12 – Lease and Licence Terms and Conditions of Council owned or controlled properties.

**BACKGROUND**

2. At the Ordinary Council Meeting of 15 June 2009 Council resolved (OCM61/09) –  
  
*That a separate review be conducted into rental fees charges in relation to leases, licence and other tenancy arrangements to ensure, fairness, consistency and transparency across all organisations using Council buildings.*
3. A review was conducted and a report presented to the 17 May 2010 Ordinary Council Meeting. Council resolved (OCM74/10) -  
  
*That this item be deferred to the June 2010 General Services Meeting.*
4. At the Ordinary Council Meeting on 21 June 2010 Council resolved (OCM81/10)  
  
*That Council adopt the amended Policy FAC12 Lease and License Terms and Conditions of Council Owned or Controlled Properties for the purpose of advertising and public consultation with effected groups and organisations for a period of 60 days from the date of the advertisement.*
5. The 60 day advertising period expired on 26 August 2010 and elicited feedback from several community sporting groups.

- 
6. Due to a number of more pressing priorities including the development and subsequent adoption of the Community Facilities Plan which will influence the manner in which leases and licences are issued, the consideration of the community consultation feedback and policy amendment was delayed.

#### **DETAILS**

7. Comments received as a consequence of the community consultation process are listed in (Attachment 1).

#### **STATUTORY AND LEGAL IMPLICATIONS**

8. Section 3.58 Disposing of Property in the *Local Government Act 1995* states: "Dispose includes to sell, lease or otherwise dispose of, whether absolutely or not."

#### **POLICY IMPLICATIONS**

9. The amendments to Policy FAC12 will assist staff to ensure uniformity and effective management of all leased and licenced facilities in the Shire. The Policy will provide the foundation for fairness, consistency and transparency sought by Council for community usage of the Shire's community building assets.

#### **PUBLIC CONSULTATION/COMMUNICATION**

10. Research was conducted into a range of Perth metropolitan local governments to determine policy best practice for managing municipal property.
11. The original Invitation for Comment was advertised in the Hills Gazette and Echo newspapers on 26 June 2010. In July 2011 all facility users were contacted in writing in respect to the ongoing policy review.

#### **FINANCIAL IMPLICATIONS**

12. Clearly defined responsibilities will ensure each Lessee and Licensee meets their financial obligations to the Shire of Kalamunda.
13. Pursuing an 'assistance/subsidy by donation' methodology for providing support to community and sporting groups occupancy of Shire facilities will ensure financial reporting measures are adhered to in recording grants and subsidies. It will also provide a greater level of transparency of assistance provided by Council to these groups.
14. Assistance grants to community groups for major maintenance or project works will be managed by application through the budget process aligned with current funding policies. The proposed policy will integrate with the Community Funding Policy adopted by Council earlier this year (OCM 67/2011).

- 
15. A more accurate recording of the cost of providing facilities to user groups will arise enabling more strategic decision making. The full cost of a facility will be recorded enabling an assessment of the "cost per user", the level of subsidy per user, and a comparison against other facilities in the Shire's property portfolio. This will be particularly important in pursuing the implementation of the Community Facilities Plan.
  16. There will be additional costs to the Shire for the Building Insurance and Emergency Services Levy for Group 3 and Group 4 lease and licence holders. However, in accordance with Council's resolution from the June 2011 Audit Committee (OCM 85/2011) community and sporting groups are not currently responsible for these costs.
  17. Due to the likely timeframe for Council's final adoption of the policy, it is anticipated that there will be minimal effect to the current 2011-2012 budget. Changes to the budget to accommodate the policy will be fully implemented for 1 July 2012 and beyond.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

18. *Shire of Kalamunda Strategic Plan 2009-2014:*
  - Goal 2 – BUILT ENVIRONMENT – An integrated built environment
    - 2.1.1 Develop and implement a policy and structure to ensure the effective management of Shire owned and managed land and buildings.

### **Sustainability Implications**

#### Social Implications

19. Equitable access to community and cultural infrastructure is seen as an essential ingredient in creating social capital and a safe, inclusive, accessible and sustainable community.

#### Economic Implications

20. There are no economic implications evident.

#### Environmental Implications

21. There are no environmental implications evident.

---

**OFFICER COMMENT**

22. The research into the practice by other metropolitan local governments showed that the majority of Councils do not have a comprehensive policy in respect to the management of leased and licenced properties. The proposed policy reflects elements of a number of policies used by other local governments that best fit the Shire of Kalamunda's circumstances.

23. Of the 97 leased and licenced organisations within the Shire of Kalamunda at the time of consultation, the following eight clubs/organisations responded to the invitation to comment:

- Kalamunda and Districts Basketball Association – Treasurer
- Kalamunda and Districts Basketball Association – President
- Kostera Oval Advisory Committee
- Kalamunda Junior Football Club
- Forrestfield Tennis Club
- Kalamunda Districts Hockey Club
- Kalamunda Tennis Club
- Lesmurdie Tennis Club (Inc.)

(Attachment 1), includes a summary of the written comments received and Shire officer response.

24. The comments are varied in content, however all are in favour of Council meeting the cost of Building Insurance and the Emergency Services Levy.

25. The comment made by the Treasurer of Kalamunda Districts Basketball Association in regards to the One off Assistance Grants is a valid one and the Grants section of the Policy should be amended to read:

*Grants*

*Organisations in Groups 3 and 4 may apply to Council for assistance grants for major works.*

*Applications will be assessed in accordance with Council's grant and funding Policies.*

*Merit worthy applications will be considered through the annual budget deliberation process.*

26. To provide clarity, the "Market value rental to be negotiated" in Groups 3 and 4 should be amended to read:

*Rental negotiations based on percentage of Facility Replacement/Insurable Value.*

This approach is seen to provide a more equitable application of rental without the influence of locational factors influencing the previously proposed Gross Rental Value methodology.



- 
27. The original draft of the Policy as previously presented to Council noted that capital works will be the responsibility of the Shire in respect to each Group category. To clarify the occasions where a lessee or licensee may wish to initiate capital works, the Policy has been amended to read:
- Capital works will be the responsibility of the Shire unless mutual agreement is reached on a case-by-case basis.*
28. Some minor structural changes have been made to the original draft policy to clarify the building, contents and emergency services levy responsibilities. The Policy has also been modified to comply with the revised policy format/layout.
29. The Groups have been modified to provide greater clarity. Group 2 has been changed to capture the Not for Profit Agencies with the Government Agencies. Such a category would include Red Cross, Mission Australia and Anglicare for example.
30. The term "Community" has been added to Groups 3 and 4 to more accurately show that this refers to local community based groups.
31. The reference to rates being levied and shown as a donation has been removed for ease of policy implementation. Recording the opportunity cost of rates is not seen as necessary for community and sporting group facilities. The condition in respect to donations for maintenance assistance has been refined and capped to \$1,000.
32. It is proposed that all new leases and licences reflect the terms and conditions of the new policy.
33. Given the duration of time passed (over 12 months) since this matter was previously put for public consultation and the minor changes recommended, a further period of consultation may be warranted. It is suggested that this be limited to a 30 day period as the policy as presented reflects a number of changes resulting from the initial consultation period and the remainder are minor in nature.
34. Approximately twenty-five lease and licence agreements are in a held-over state or their term or option for renewal become due in the next six months. A further eight fall due within the following eighteen months, and another fourteen within five years. Some recently renewed agreements, such as the Hartfield Country Club are not expected to change and unexpired agreements will remain in force unless the tenants request that they be moved to the new policy terms and conditions.
35. Council's June 2011 decision (OCM 85/2011) not to seek reimbursement of building insurance and the Emergency Services Levy will remain in force for existing community and sporting group agreement holders.
-

- 
36. The policy will provide a sounder foundation for improved cost recovery of community facilities. Shire officers are implementing cross-functional processes and procedures to ensure the integrity of cost recovery and levying of lease and licence fees.
37. Implementation of the policy will provide a greater recovery of costs, which is currently 'capped' due to Council's adoption of the June 2011 Audit Committee (OCM 85/2011) recommendation. This resolution limits cost recovery from 1 July 2011 to utility costs, telephone usage, rubbish, waste and recycling services, special cleaning and damage, lease/licence fees, and loan repayments. This means that the Shire is not recovering costs relating to the maintenance of the building and works have been restricted to addressing issues relating to the safety of users and security of the property.
38. Implementation of the Policy after final adoption by Council will be prioritised according to the following:
- Agreements currently "held-over", .i.e. expired term or option renewal.
  - Those groups not currently covered by an agreement.
  - Those groups that will benefit by moving to the new policy.
  - Those groups that might be adversely impacted by the new policy.
39. Council has delegated the authority to lease, sub-lease, or reassign a lease of property to the Chief Executive Officer. Council has also delegated to the Chief Executive Officer the authority to grant donations up to \$1,000 in compliance with Council's policies.
40. Donations to sporting and community groups will be assessed based on specific criteria in the management procedure, similar to that used for assessing applications for the Shire's community funding program, and may include but is not limited to:
- Number of members residing in the Shire of Kalamunda and non-resident members.
  - Projections for expanded membership.
  - Number of volunteers.
  - History of satisfactory tenancy including payment of fees and reimbursements.
  - Range and inclusivity of programs for the community, e.g. junior, seniors, special needs, etc.
  - Evidence of financial viability and long term planning.
  - Alignment with Shire's strategic objectives.
  - Community benefit / need.
  - Ability to source funding from alternative sources.
  - Maintenance requirements of the facility.
  - Single purpose or multi-use facility.
-

*Darren von Bergheim left the Chambers at 7.05pm*

**COMMITTEE RECOMMENDATION TO COUNCIL (GS 10/2012)**

That Council:

1. Adopts “in principle” Policy FAC12 – Lease and Licence Terms and Conditions of Council Owned or Controlled Properties as amended and presented in (Attachment 2) for the purpose of advertising and public consultation for a period of 30 days from the date of advertisement.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)**



---

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**11. Shopping Centre - Lot 34 (338) Hale Road, Wattle Grove**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	HL-01/338
Applicant	Fratelle Group
Owner	J A Al-Masri and W Gaffoor
Attachment 1	Locality Plan
Attachment 2	Wattle Grove Cell 9 Structure Plan
Attachment 3	Site Plan
Attachment 4	South and West Elevations
Attachment 5	North and East Elevations
Attachment 6	Perspective Plan

**PURPOSE**

1. To consider an application for a shopping centre at Lot 33 (332) Hale Road, Wattle Grove. Refer to the Locality Plan (Attachment 1).

**BACKGROUND**

2. The property is zoned Urban Development in Local Planning Scheme No. 3 ("the Scheme"), has a land area of 1.03 hectares and contains a single dwelling and associated outbuildings which are proposed to be demolished.
3. The property is identified on the Wattle Grove Cell 9 Structure Plan ("the Structure Plan") for a Neighbourhood Centre and Public Open Space. Refer to the Wattle Grove Cell 9 Structure Plan (Attachment 2).
4. The Shire is currently preparing the Wattle Grove Village Centre – Concept Master Plan which shows the desired land uses, building and car parking layout if the landowners of 302, 310, 318, 326, 332 and 338 Hale Road decide to redevelop. The proposed development is generally consistent with the draft Master Plan.
5. The site plan submitted shows a child care centre and medical centre at the rear of the property, however a separate planning application will be required to be submitted for these as this portion of the property is currently Public Open Space on the Structure Plan.
6. The Shire is in the process of transferring from the Australian Security Investment Commission (ASIC) Lot 0 Hale Road, which adjoins the south west (side) boundary of Lot 34 Hale Road. Lot 0 will eventually be transferred to the Crown as a 20m wide road reservation. The road will provide access to the Shopping Centre and the balance of the commercial area when it is

developed.

## DETAILS

7. Details of the application are as follows:

- A single storey shopping centre with a total retail floor area of 2,581sqm, consisting of 16 tenancies is proposed, one of the tenants being IGA.
- A total of 128 car parking bays are proposed to be available on site.
- Access to the property is proposed via two separate crossovers.
- One of the crossovers and an additional sixty six (66) car parking bays are proposed on the property adjoining the south-west (side) boundary. The Shire is in the process of acquiring this property for access purposes, and according to plans submitted the applicant is proposing to lease some of this land from the Shire.
- Pedestrian access is proposed through the property direct from Hale Road, with additional pedestrian access to the property being proposed from the north-east corner of the property to The Promenade.
- The shopping centre is proposed to operate daily between 7.00am and 9.00pm.
- A total of 40 employees are proposed to be on site at any one time.

8. The site set out has incorporated development requirements in the Structure Plan, being a 3 metre road widening to Hale Road and public open space at the rear. Refer to the Site Plan (Attachment 3), South and West Elevations (Attachment 4), North and East Elevations (Attachment 5) and Perspective Plan (Attachment 6).

9. A Traffic Impact Statement was submitted by the applicant, which concluded the following:

*"The development proposal includes a two crossover access system on Hale Road frontage. This system is necessary to reduce traffic loading on site crossovers and provide for efficient access, egress and circulation system, particularly for service vehicles.*

*The proposed development is estimated to generate approximately 2,562 total daily trips with approximately 295 trips during the critical peak weekday evening hour. However, allowing for the passing trade component of the traffic generation the actual traffic increase on Hale Road, east and west of the proposed development is about 1,090 vpd (vehicles per day). The traffic and capacity analysis undertaken shows satisfactory crossover operations during the critical Thursday evening peak hour."*

## STATUTORY AND LEGAL IMPLICATIONS

10. The property is identified as "Neighbourhood Centre" on the Structure Plan. The Scheme states that where a designation is shown on a Structure Plan, the permissibility of the use would be as if the land is zoned for that purpose.

11. Table 1 (Zoning Table) of the Scheme does not include the zoning Urban Development, and therefore does not stipulate which uses are permissible in that zoning. However, since the Structure Plan was adopted it has been the intention that the property be developed for commercial facilities serving the local area.
12. Under Table 2 (Site Requirements) of the Scheme, the following provisions apply to properties zoned for commercial purposes:

	<b>Scheme Requirement</b>	<b>Proposed</b>
<b>Front Setback</b>	15m Minimum	40.9m
<b>Side Setback</b>	0m	3.5m
<b>Rear Setback</b>	0m	58.5m
<b>Site Coverage</b>	60% Maximum	0.3
<b>Plot Ratio</b>	0.6 Maximum	33%
<b>Landscaping Strip (Road Frontage)</b>	3m Minimum	6m (3m of which will be used as part of the proposed widening of Hale Road)

13. Under Table 3 (Parking Requirements) of the Scheme, the following car parking standards for the use Shop apply:

<b>Scheme Car Parking Requirements</b>	<b>Net Lettable Area (NLA)</b>	<b>Car Bays Required</b>	<b>Car Bays Provided</b>
7 bays per 100sqm NLA.	2,581sqm	181 Bays Minimum	194 bays

14. Based on the Scheme car parking requirements, the proposed development requires one hundred and eighty one (181) car bays. One hundred and ninety four (194) car bays are proposed. Of these, sixty six (66) car bays will be located on Lot 0 when the land is transferred to the Crown for the future purpose of road reserve.
15. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

## **POLICY IMPLICATIONS**

### **Liveable Neighbourhoods (January 2009)**

16. *Liveable Neighbourhoods (January 2009)* is an integrated planning and assessment policy to assist with the design and assessment of structure and subdivision plans to guide urban development within metropolitan and regional Western Australia.

- 
17. The Policy requires commercial uses to be integrated into central locations to provide improved environmental, economic and social outcomes.

### **Directions 2031 and Beyond**

18. *Directions 2031 and Beyond* is a high level strategic plan that establishes a vision for future growth of the Perth metropolitan area.
19. The objectives of which include the following:
- Developing activity centres as attractive places in which to invest, live and work.
  - Ensuring that economic development and accessibility to employment inform urban expansion.

### **PUBLIC CONSULTATION/COMMUNICATION**

20. The proposal was not advertised as it has been intended that the property be used for commercial purposes since the Structure Plan was adopted in March 2009.

### **FINANCIAL IMPLICATIONS**

21. If approved, the proposal will incur developer contributions in accordance with the Cell 9 provisions contained in Schedule 11 of the Scheme.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

22. Nil.

#### **Sustainability Implications**

##### Social implications

23. Development of the property will provide a focal point for the Wattle Grove urban area and allow for access to facilities for residents, which are currently accessed outside of the locality. As the site is centrally located, it provides the best possible walkable catchment.

##### Economic Implications

24. The proposed development may provide local employment opportunities.



---

Environmental Implications

25. Some vegetation will need to be removed to facilitate the development. Discussions will be held with the owner of the property to ensure where practically possible, that mature vegetation is retained as shade trees for the car parking areas.

**OFFICER COMMENT**

26. The proposed development is consistent with the adopted Cell 9 Structure Plan; the objectives of Liveable Neighbourhoods, and Directions 2031 and Beyond; and complies with the provisions of the Scheme.
27. The land use, building and car parking layout is also generally consistent with the Wattle Grove Village Centre – Concept Master Plan currently being prepared by the Shire.
28. If the application is approved by Council, a lease arrangement will be required to be prepared between the applicant and the Shire so that the landowner of 338 Hale Road is responsible for maintaining the car parking bays on Lot 0 Hale Road.
29. In the regard to the traffic impact statement submitted by the applicant, Engineering Services have reviewed the document and determined that the additional traffic volume generated by the proposed development will require the installation of turning pockets on the road. These requirements will be discussed with the applicant following Councils decision on the application.
30. Considering the above, it is recommended that Council approves the application.

**OFFICER RECOMMENDATION (GS 11/2012)**

That Council:

1. Approves the proposed Shopping Centre on Lot 34 (338) Hale Road, Wattle Grove, subject to the following conditions:
- a. The provision and maintenance of a total of 194 car spaces including a minimum of two disabled car bays. All car parking and vehicle access ways being line marked, sealed and drained prior to the occupation of the building and maintained thereafter.
  - b. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained. The parking areas to include the provision of shade trees.

- 
- c. A detailed landscaping plan for the landscape area and shade trees, depicted on the approved plan shall be submitted and approved by the Shire prior to issue of a building licence.
  - d. Landscaping areas shall be planted within two months of practical completion of the proposed development and being maintained thereafter.
  - e. All existing vegetation within the proposed area of Public Open Space and road reserves to be maintained by the applicant to the Shire's satisfaction.
  - f. Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention prior to commencement of site work.
  - g. A contribution to the Shire of Kalamunda in accordance with Schedule 11 of the Shire of Kalamunda Local Planning Scheme No. 3 shall be paid for cell infrastructure costs for Wattle Grove Cell 9. The contribution shall be paid in full prior to the issue of a Certificate of Occupancy.
  - h. A lease arrangement being prepared by the applicant, and executed by the Shire prior to the building licence being issued, requiring all car parking bays on Lot 0 Hale Road, Wattle Grove being maintained by the landowner of 338 Hale Road, Wattle Grove to the satisfaction of the Shire.
  - i. All stormwater to be managed in accordance with the adopted Drainage Strategy for the Wattle Grove Cell 9 Structure Plan.
  - j. The land being graded and stabilized at the subdividers cost to the specifications and satisfaction of the Shire of Kalamunda.
  - k. A geotechnical report being submitted detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (clearance, quantity, soil permeability and location and size of soakwells).
  - l. Stormwater being detained on site and the subject lots being connected to the existing comprehensive drainage system at the subdividers cost to the satisfaction of the Shire of Kalamunda.
  - m. Pedestrian footpaths being provided to the specification and satisfaction of the Shire of Kalamunda.
  - n. Vehicle access ways being suitably constructed, sealed and drained to the specifications and satisfaction of Shire's Director of Development and Infrastructure Services.
-

- o. Cleared land being developed to a minimum standard of hydromulch containing couch seed and turf rye grass.
- p. The provision and installation of turning pockets on Hale road to access the crossovers to the specifications and satisfaction of the Shire of Kalamunda.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Justin Whitten**

Vote:

*An amendment to the Officer Recommendation, proposing additional conditions, was circulated to the members prior to the meeting. The proposed amendments were accepted by the Mover and Seconder and the follow Officer Recommendation was put to the meeting.*

*A Councillor queried why the owner of the High Wycombe Shopping Centre had been required to provide parking according to the formula. Yet it is proposed that a discount be offered to the owner of this Shopping Centre. This question was taken on notice, however the Chief Executive Officer noted that there will be a Report in the March round of meetings as to whether parking should have been provided in High Wycombe.*

#### **COMMITTEE RECOMMENDATION TO COUNCIL (GS 11/2012)**

That Council:

1. Approves the proposed Shopping Centre on Lot 34 (338) Hale Road, Wattle Grove, subject to the following conditions:
  - a. The provision and maintenance of a total of 194 car spaces including a minimum of two disabled car bays. All car parking and vehicle access ways being line marked, sealed and drained prior to the occupation of the building and maintained thereafter.
  - b. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained. The parking areas to include the provision of shade trees.
  - c. A detailed landscaping plan for the landscape area and shade trees, depicted on the approved plan shall be submitted and approved by the Shire prior to issue of a building licence.
  - d. Landscaping areas shall be planted within two months of practical completion of the proposed development and being maintained thereafter.

- 
- e. All existing vegetation within the proposed area of Public Open Space and road reserves to be maintained by the applicant to the Shire's satisfaction.
  - f. Measures being taken to ensure the identification and protection of any vegetation on **Lot 0 and Lot 34 Hale Road, Wattle Grove** worthy of retention prior to commencement of site work.
  - g. A contribution to the Shire of Kalamunda in accordance with Schedule 11 of the Shire of Kalamunda Local Planning Scheme No. 3 shall be paid for cell infrastructure costs for Wattle Grove Cell 9. The contribution shall be paid in full prior to the issue of a Certificate of Occupancy.
  - h. **Prior to issuing the building licence for the proposed development on Lot 34 (338) Hale Road, Wattle Grove, the owner of the Land shall enter into a deed of agreement with the Shire of Kalamunda for the use of a portion of the road reserve abutting the western boundary of the Land (road reserve) for the purpose of providing additional car parking for the proposed development on the Land. The agreement shall require the owner as terms and conditions of the proposed use of the road reserve to, amongst other things, (but not limited to the following):**
    - (i) **indemnify the Shire against any loss or damage caused to the road reserve or other property of the Shire or to any person or property of any person arising out of the construction of car parking forming part of the development on the road reserve and/or the use of the road reserve for parking in connection with the development;**
    - (ii) **take out and maintain a policy of public liability insurance with a reputable insurer in an amount satisfactory to the Shire to insure the Shire and the owner against all claims for loss or damage or injury occurring to the road reserve or property of the Shire or any person or property of any person as a result of the construction of car parking on the road reserve and/or in respect of the use of the road reserve for parking in connection with the development;**
    - (iii) **maintain the car parking constructed on the road reserve at the owner's cost to the satisfaction of the Shire;**
-

- 
- (iv) acknowledge that a shortfall in car parking exists in respect of the development on the Land and the road reserve is required to provide car parking to accommodate the shortfall in car parking for the development on the Land and in the event the road reserve is not available to provide car parking for the development on the Land for any reason whatsoever or the road reserve is required to be used as a road by the Shire or some other statutory authority, the owner shall be required to provide alternate car parking to make up any shortfall in car parking for the development on the Land to the satisfaction of the Shire; and**
  
  - (v) charge the owner's interest in the Land in favour of the Shire with the owner's obligations under the agreement and permitting the Shire to lodge an absolute caveat over the title to the Land to ensure that any subsequent owner of the Land and/or transferee of the Land enters into a deed of agreement with the Shire in respect of the use of the road reserve for car parking to ensure that the road reserve is available to provide car parking for the development.**

**The agreement shall be prepared by the Shire's solicitors to the satisfaction of the Shire and the owner shall be responsible to pay all costs associated with the Shire's solicitor's costs of and incidental to the preparation of (including all drafts) and stamping of the agreement and the lodgement of the absolute caveat at Landgate.**

- i. All stormwater to be managed in accordance with the adopted Drainage Strategy for the Wattle Grove Cell 9 Structure Plan.
- j. The land being graded and stabilized at the subdividers cost to the specifications and satisfaction of the Shire of Kalamunda.
- k. A geotechnical report being submitted detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (clearance, quantity, soil permeability and location and size of soakwells).
- l. Stormwater being detained on site and the subject lots being connected to the existing comprehensive drainage system at the sub-dividers cost to the satisfaction of the Shire of Kalamunda.
- m. Pedestrian footpaths being provided to the specification and satisfaction of the Shire of Kalamunda.

- 
- n. Vehicle access ways being suitably constructed, sealed and drained to the specifications and satisfaction of Shire's Director of Development and Infrastructure Services.
  - o. Cleared land being developed to a minimum standard of hydromulch containing couch seed and turf rye grass.
  - p. The provision and installation of turning pockets on Hale road to access the crossovers to the specifications and satisfaction of the Shire of Kalamunda.
  - q. **Prior to issuing the building licence, the owner of Lot 34 (338) Hale Road, Wattle Grove, shall grant to the Shire of Kalamunda and the public at large an easement in gross pursuant to sections 195 and 196 of the Land Administration Act 1997 over the Land for the purposes of vehicular and pedestrian access (Easement). The Easement shall be prepared by the Shire's solicitors and shall be in accordance with the specifications of and to the satisfaction of the Shire. The owner of the Land shall be responsible to pay all costs associated with the Shire's solicitor's costs of and incidental to the preparation of (including all drafts), stamping and registration of the Easement at Landgate.**

Moved: **Cr Noreen Townsend**

Seconded: **Cr Justin Whitten**

Vote: **For**  
**Cr Geoff Stallard**  
**Cr Allan Morton**  
**Cr Noreen Townsend**  
**Cr Justin Whitten**  
**Cr Bob Emery**  
**Cr Dylan O'Connor**  
**Cr Martyn Cresswell**

**Against**  
**Cr Frank Lindsey**  
**Cr Margaret Thomas**

**CARRIED (7/2)**

---

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**12. Quarterly Progress Report – October to December 2011**

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of CEO
File Reference	OR-CMA-009
Applicant	N/A
Owner	N/A
Attachment 1	Quarterly Progress Report October - December 2011

**PURPOSE**

1. To report to Council on the Shire's progress towards achieving its strategic goals.

**BACKGROUND**

2. In July 2009, the Shire implemented an integrated planning software package, "interplan". Interplan links the actions that each staff member works on within their business unit to the Strategic Plan. This ensures that each employee is working towards achieving the strategic direction of the Council.
3. A new budgeting module, the Budget Management Centre (BMC) is in the process of being implemented. This will enable staff to monitor budgets more easily, and provide a simpler process for reviewing and creating budgets. This will also integrate with interplan, Integrated Project Manager, and the Shire's workforce planning system, to provide a complete strategic and business planning system.
4. The person responsible for an action or task in interplan is required to provide an update each month, giving an indication of how the action is progressing. Key Performance Indicators ("KPIs") are also updated. This information is collected by interplan to provide an overview of how the organisation is performing.

**DETAILS**

5. The quarterly progress report for the period October to December 2011 is presented at (Attachment 1). This report shows the progress of certain major projects and capital works for 2011/2012, budget summaries, KPI performance and the progress of the Shire against the five goals set out in the Strategic Plan.

---

### Quarterly Progress Against Goals

6. Each business unit in the Shire has a business plan, which contains the actions to be achieved in the 2011/12 year. Each of these actions is linked to a strategy, outcome and goal in the Strategic Plan adopted by Council. All goals are progressing well. Of the 645 actions monitored across the organisation, 498 (or 77%) are at 90% or more of their progress target to date.

### Key Performance Indicators

7. Performance against the Shire's corporate KPIs is shown. Of the 19 KPIs presented, for the period 1 October – 31 December:

- Nine are at or exceeding their target.
- Two are within 5% of their target.
- Eight are below 5% of their target.

This has not changed since last quarter.

8. The "traffic light" indicators shown in the report apply to the month of December only, rather than the October – December quarter. The "Period Target" and "Period Actual", however, relate the whole quarter.
9. It should be noted that high targets have been set (for example, 98% of all incoming correspondence is to be responded to within five working days). These KPIs are monitored and reported on monthly.

### Major Projects

10. The progress of a number of major projects for 2011/12 is shown. All projects are at 90% or more of their progress target for the year to date, with the following three exceptions:
- Undertake investigations into future planning options for the Wattle Grove Area located south of Welshpool Road and west of Tonkin Highway. (73%)
  - Oversee the design for the upgrade of Abernethy Road to dual carriageway (from railway bridge to Kalamunda Road). (89%)
  - Ensure that the Kalamunda Integrated Planning and Performance Management Framework meets the requirements of the State's Integrated Planning and Reporting Framework and Guidelines. (not started)
11. All of the projects are within budget (actual expenditure for the year to date is less than the budgeted expenditure).



---

### **Divisional Summary**

12. A summary of progress for the quarter is presented for each of the Directorates.

### **Directorate Budgets**

13. The actual and budgeted year-to-date figures are shown for each Directorate.

### **Financial Report – Organisational Summary Graph**

14. The actual and budgeted year-to-date expenditure figures are shown for the Shire as a whole. Expenditure is currently below budget.

### **Financial Report – Organisational Summary Table**

15. Actual and budgeted income and expenditure is shown for each business unit. The variance is also shown. Income – expenditure is shown at the bottom of the table (“Overall Net”). For the period October – December 2011:

- The budgeted income was \$1,919,852 and the actual income \$513,449.19.
- The budgeted expenditure was \$5,553,572 and the actual expenditure \$4,927,536.73.
- This is an overall net figure of \$3,633,720 budgeted and \$4,414,087.54 actual.

As a result of the recent budget review, revenue and expenditure are very close to the budgeted amount for the year to date (variance is \$13.96).

### **Engineering Financial Summary**

16. The major engineering projects for 2011/12 are shown in a table, following the budget summary graph. Budgeted and actual amounts, and the variance, are shown for each of the projects. Where the variance is a negative figure, the actual year to date expenditure is less than the budgeted amount. A positive variance indicates that the actual year to date expenditure is higher than the budgeted amount.

### **Asset Financial Summary**

17. The major asset-related projects for 2011/12 are shown in a table, following the budget summary graph. Budgeted and actual amounts, and the variance, are shown for each of the projects. Again, a positive variance indicates that the action is over-expended for the year to date. A more detailed list, outlining the progress of each project, follows the table.

---

**Capital Works**

18. A graph showing budgeted and actual expenditure on capital works is shown. Expenditure is currently over budget. Following the graph, a table of the major capital works projects for 2011/12 is presented, showing budgeted and actual amounts, and the variance, for each project. Seven of the listed actions are over budget. A summary of the progress of these projects follows, and then a more detailed list including progress comments.

**STATUTORY AND LEGAL IMPLICATIONS**

19. Nil.

**POLICY IMPLICATIONS**

20. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

21. Nil.

**FINANCIAL IMPLICATIONS**

22. Nil. The interplan system allows expenditure to be monitored continuously through the year.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****Strategic Planning Implications**

23. All actions within interplan are linked to the Strategic Plan. This ensures that all projects and tasks that are carried out are done so with the strategic direction of Council in mind.

**Sustainability Implications**Social implications

24. Nil.

Economic Implications

25. Nil.

Environmental Implications

26. Nil.

**OFFICER COMMENT**

27. Nil.

**COMMITTEE RECOMMENDATION TO COUNCIL (GS 12/2012)**

That Council:

1. Receives the Quarterly Interplan Progress Report for October – December 2011.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**



---

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**13. CONFIDENTIAL REPORT – provided under separate cover  
Update on Shire of Kalamunda Property Projects**

Reason for confidentiality

*Local Government Act s 5.23(2)(c).* A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

*No discussion took place regarding this item and it was dealt with in sequence and did not go behind closed doors.*

**COMMITTEE RECOMMENDATION TO COUNCIL (GS 13/2012)**

That Council:

1. Receives the Update on Shire of Kalamunda Property Projects Report (Confidential Attachment 1).

Moved: **Cr Noreen Townsend**

Seconded: **Cr Bob Emery**

Vote: **CARRIED UNANIMOUSLY (9/0)**



---

**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

11.1 Nil.

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

12.1 Cr O'Connor – Council Email News Alert

Q. I have asked two other Councillors if they receive the News Alert to their email addresses and they did not, why don't all Councillors receive this?

A. For clarity the Chief Executive Officer requested that Cr O'Connor forward a copy to him and he will investigate.

**13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

13.1 Nil.

**14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

14.1 Nil.

**15.0 MEETING CLOSED TO THE PUBLIC**

**MOTION**

1. That the meeting be closed to the public to discuss Report 6. Dome Coffees Australia Pty Ltd – 31 (Lot 56) Canning Road, Kalamunda (Kalamunda Police Station).

Moved: **Cr Noreen Townsend**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

The meeting closed to the public at 7.16pm, all Councillors and staff remained in the Chambers. Darren Von Bergheim returned to the Chambers at 7.20pm.

**MOTION**

1. That the meeting reopen to the public after discussing Report 6. Dome Coffees Australia Pty Ltd – 31 (Lot 56) Canning Road, Kalamunda (Kalamunda Police Station).

Moved: **Cr Allan Morton**

---

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

The Chairman read the Committee Resolution at 7.22pm.

15.1 **Dome Coffees Australia Pty Ltd – 31 (Lot 56) Canning Road  
Kalamunda (Kalamunda Police Station)**

**COMMITTEE RECOMMENDATION TO COUNCIL GS 6/2012**

That Council:

1. Agrees to provide public parking bays to the area shown highlighted in green in (Attachment 2), at an estimated cost of \$10,000.
2. Agrees to provide a further 31 public parking bays to the area shown highlighted in pink on (Attachment 2), at an estimated cost of \$40,000.00 to be provided for in the 2012/2013 budget process with the required works commencing after the demolition of the existing Men's Shed.
3. Agrees to provide Dome Coffees Australia Pty Ltd access to the premises to commence redevelopment in accordance with the Development Approval.
4. Approves the erection of banner across the façade of the building announcing that Dome is Opening Soon (or words to that effect).
5. Re-confirms the authorisation for the Chief Executive Officer to sign the lease once title documents have been issued.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Bob Emery**

Vote: **For**  
**Cr Geoff Stallard**  
**Cr Allan Morton**  
**Cr Noreen Townsend**  
**Cr Justin Whitten**  
**Cr Bob Emery**  
**Cr Dylan O'Connor**  
**Cr Margaret Thomas**  
**Cr Martyn Cresswell**

**Against**  
**Cr Frank Lindsey**

**CARRIED (8/1)**



---

**16.0 CLOSURE**

There being no further business, the Chairman declared the meeting closed at 7.23pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Committee.

Signed: \_\_\_\_\_  
Chairman

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2012