

**CCS371 GERALDTON-GREENOUGH RIFLE CLUB (INC) – REQUEST FOR DONATION TO COVER RATES**

<b>AGENDA REFERENCE:</b>	<b>D-18-084686</b>
<b>AUTHOR:</b>	<b>P Radalj, Manager Treasury and Finance</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate and Commercial</b>
<b>DATE OF REPORT:</b>	<b>5 October 2018</b>
<b>FILE REFERENCE:</b>	<b>FM/19/0006</b>
<b>ATTACHMENTS:</b>	<b>Yes (x3)</b> <b>A. Letter Requesting Donation</b> <b>B. CCS011 – Previous Council Item Request for Donation</b> <b>C. Transfer of Ownership</b>

**EXECUTIVE SUMMARY:**

The Geraldton-Greenough Rifle Club (Inc) has approached the City with an updated request that Council continue to reimburse payment of rates for its properties at Lots 500 (previously denoted as Lot 77) & 1106 McCartney Road, Greenough by way of an annual donation (previous resolution expired 2017-18). This report seeks Council to consider this request and/or other options to waive or exempt rates levied on these properties.

**EXECUTIVE RECOMMENDATION:**

That Council by Absolute Majority pursuant to Section 6.8 of the Local Government Act 1995 RESOLVES to:

1. AUTHORISE an annual donation to the Geraldton Greenough Rifle Club (Inc) equivalent to the rates levied on Lot 500 & Lot 1106 McCartney Road, Greenough, subject to the condition that the properties in question are continued to be used for their current purposes; and
2. MAKES the determination to grant this donation for the following period:
  - a. for a further period of five (5) years.

**PROPONENT:**

The proponent is the Geraldton Greenough Rifle Club Inc.

**BACKGROUND:**

Council on the 22 October 2013 resolved the following:

1. *AUTHORISE an annual donation to the Geraldton Greenough Rifle Club equivalent to the rates levied on the properties Lot 77 & Lot 1106 McCartney Road Greenough, subject to the condition that the property in question is used for its current purposes; and*
2. *MAKES the determination to grant this donation for the following period: a. Council felt that the annual donation should continue for the period of five years to recognise the gifting of lots 77 and 1106 McCartney Road by the Geraldton Greenough Rifle Club to the Shire of Greenough who subsequently handed it to the National Trust.*

In 1992, the West Australian Rifle Association purchased the land at Lots 500 & 1106 McCartney Road, Greenough on a trust basis for the Geraldton Greenough Rifle Club (Inc). The Rifle Association subsequently transferred two parcels of land located on the range containing structures of heritage value to the Shire of Greenough. Value of

the land transferred to the Council exceeded \$100,000. In exchange for the transfer, the Shire of Greenough originally agreed to waive rates on the land used as the Rifle Range. From 1992 and up to the financial year ending 30 June 2018, Council has basically forgone the collection of rates revenue associated with these properties by various methods. The latest method as per the resolution denoted previously in this report, was via an annual donation.

The title of the Greenough Rifle Range changed its "mix" of ownership from the 11 August 2015. The title changed from an entire West Australian Rifle Association ownership to:

- West Australian Rifle Assn - 1/20<sup>th</sup>
- Geraldton Greenough Rifle Assn – 17/20<sup>ths</sup>
- North West District Rifle Clubs Assn - 2/20<sup>ths</sup>

The new ownership structure reflects the memorandum of understanding made between the associations in 1993 when the West Australian Rifle Association purchased the land under its auspices, as at that time, the local club could not raise a mortgage. Since then, the Geraldton Greenough Rifle Club has paid back the loan.

The majority of sporting and community group are exempt from rates under a Council Decision 27 March 2001, which was effective from 1 July 2001 and states:-

*That Council cease to rate community and sporting clubs occupying Council or DOLA lease land as of the beginning of the 2001-2002 year.*

There are only a handful of other sporting or community groups that are on freehold land i.e. Tenindewa, Tardun, Pindar Progress Associations and Macedonian Society of Geraldton – they have all been granted individual exemptions by past Council resolutions, except for the Geraldton Hot Rod Club which pays rates on their land.

## **COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:**

### **Community:**

As reported previously in the Council Item (CCS011 – October 2013), the Rifle Club continues to allow use of the range by Federal and State agencies, and makes ongoing provision for use of part of its land by the Archery Club.

### **Environment:**

There are no adverse environmental impacts.

### **Economy:**

There are no adverse economic impacts.

### **Governance:**

There are no adverse governance impacts.

### ***Disclosure of Interest:***

No officer involved in the preparation of this report has a declarable interest in this matter.

**RELEVANT PRECEDENTS:**

This precedent is unique and is only relevant to Council's previous resolution of October 2013.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 6.26(2) of the Local Government Act 1995 defines land that is not rateable land. The land in question does not satisfy any of the provisions of sections 6.26(2) of the Act, and is therefore rateable land. Council is therefore obliged to impose rates on the land.

Section 6.47 of the Act empowers a Council to waive rates or grant other concessions:

**6.47. Concessions**

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge. \* Absolute majority required.*

Section 6.8 of the Local Government Act 1995 requires any expenditure not included in the annual budget to be authorised by Absolute Majority.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications as the existing budget (\$4,741.54) and long term financial plan make provision for this annual donation.

**INTEGRATED PLANNING LINKS:**

<b>Title: Community</b>	<b>1.2 Recreation and Sport</b>
Strategy 1.2.1	Supporting the strong sporting culture that has shaped Greater Geraldton's identity and lifestyle.
<b>Title: Community</b>	<b>1.5 Recognise, value and support everyone</b>
Strategy 1.5.1	Supporting and strengthening community groups, organisations and volunteer services.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT**

No risks identified.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

The following options were considered by City Officers:

**Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority under section 5.20 of the Local Government

Act 1995 RESOLVES to:

1. DEFER consideration of the application by the GGRC for reimbursement of their rates on the properties at Lots 500 & 1106 McCartney Road, Greenough; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**Option 3:**

That Council by Absolute Majority under section 6.47 of the Local Government Act 1995 RESOLVES to:

1. WAIVE rates on the properties at Lots 500 & 1106 McCartney Road Greenough; and
2. MAKES the determination based on the following reasons:
  - a. That the aforementioned land continues to be used as an active rifle range and ownership remains vested Geraldton Greenough Rifle Club (Inc).

*Cr Keemink left Chambers at 8.06pm, after the motion was moved.*

*Cr Colliver left Chambers at 8.06pm, after the motion was moved.*

*Cr Keemink returned to Chambers at 8.07pm, during the debate.*

*Cr Colliver returned to Chambers at 8.08pm, during the debate.*

**COUNCIL DECISION**

**MOVED CR REYMOND, SECONDED CR CLUNE**

That Council by Absolute Majority pursuant to Section 6.8 of the Local Government Act 1995 RESOLVES to:

1. AUTHORISE an annual donation to the Geraldton Greenough Rifle Club (Inc) equivalent to the rates levied on Lot 500 & Lot 1106 McCartney Road, Greenough, subject to the condition that the properties in question are continued to be used for their current purposes; and
2. MAKES the determination to grant this donation for the following period:
  - a. for a further period of five (5) years.

**CARRIED BY ABSOLUTE MAJORITY 14/1**

Time: 8:09 PM

Not Voted: 0

No Votes: 1

Yes Votes: 14

<b>Name</b>	<b>Vote</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Freer</b>	<b>YES</b>
<b>Cr. Elphick</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. McIlwaine</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>NO</b>
<b>Mayor Van Styn</b>	<b>YES</b>

