

CCSO11 THE GERALDTON-GREENOUGH RIFLE CLUB (INC) – REQUEST FOR DONATION TO COVER RATES
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<b>AGENDA REFERENCE:</b>	<b>D-13-70446</b>
<b>AUTHOR:</b>	<b>M Jones, Senior Treasury Officer</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director of Corporate &amp; Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>10 October 2013</b>
<b>FILE REFERENCE:</b>	<b>FM/19/0006</b>
<b>APPLICANT / PROPONENT:</b>	<b>Geraldton Greenough Rifle Club Inc.</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

The Geraldton-Greenough Rifle Club (Inc) has requested that Council continue to reimburse payment of rates for its properties at Lots 77 & 1106 McCartney Road, Greenough by way of an annual donation. This report seeks Council to consider if this agreement previously put in place by the Shire of Greenough, in response to transfer of parts of the land holding structures of significant heritage value to the Shire is to continue and for what period.

**PROPONENT:**

The proponent is the Geraldton Greenough Rifle Club Inc.

**BACKGROUND:**

In 1992 the West Australian Rifle Association purchased the land at Lots 77 & 1106 McCartney Road, Greenough on a trust basis for the Geraldton Greenough Rifle Club (Inc) (GGRC). Chronological background to the acquisition and subsequent arrangements is provided as an attachment to this report.

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 agreed to waive rates on the land used as the Rifle Range.

From 1992 until 2006 the Shire of Greenough waived rates on the rifle range. Since 2006 the City of Geraldton Greenough and the City of Greater Geraldton have reimbursed the GGRC the cost of their annual rates as a Mayoral Donation. That mode of concession is no longer appropriate, as funds appropriated for the purposes of Mayoral Donations are not intended to be the source of annual recurrent concessions. An application was submitted to fund this reimbursement of the rates via a recurrent grant and at the meeting of the Community Grants Committee on 10<sup>th</sup> October 2013, it was recommended not to support such a request via a recurrent grant on the basis that this request did not fit within the general intent applied to this stream of funding by Council to the Community.

**COMMUNITY CONSULTATION:**

There has been no community consultation.

**COUNCILLOR CONSULTATION:**

There has been no specific Councillor consultation.

**STATUTORY 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.

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

Approval of this request will cost the City \$4,304.66 in 2013-14 if the rates are reimbursed (note: the Association is responsible to pay for the ESL which is a nominal amount – currently \$60). This represents an additional budget expense and will require Council authorisation to amend the Current Budget.

If Council was to decide to grant a concession to waive rates then this would impact on rates revenue for 2013-14 as per the amount noted above.

**STRATEGIC & REGIONAL OUTCOMES:****Strategic Community Plan Outcomes:**

Goal 3	Social
Outcome 3.1	Recreation & Sport
Strategy 3.1.1	Supporting the strong sporting culture that has shaped Greater Geraldton's identity and lifestyle

**Regional Outcomes:**

There are no regional outcomes associated with this matter.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

There are no economic impacts associated with this matter.

**Social:**

The City notes that the Rifle Club allows use of the range by Federal and State agencies, and makes ongoing provision for use of part of its land by the Archery Club.

**Environmental:**

There are no environmental impacts associated with this matter.

**Cultural & Heritage:**

There are no cultural or heritage impacts associated with this matter.

**RELEVANT PRECEDENTS:**

There are no directly relevant precedents wherein the Council or its predecessor Councils have resolved to provide for reimbursement of rates or to waive rates, on freehold land held by a sports or recreation body, in return for transfer of certain land portions with structures of heritage value to the Council for the National Trust. This matter, originally determined by the Shire of Greenough in 1992, is unique.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Absolute majority is required to grant a concession on rates and/or reimburse via donation back to the Association.

**OPTIONS:****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 77 & 1106 McCartney Road, Greenough;
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:

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1. WAIVE rates on the properties at Lots 77 & 1106 McCartney Road, Greenough;
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**CONCLUSION:**

The transfer of land in 1992 to the previous Shire of Greenough for the National Trust has been considered as appropriate justification by Councils since 1992 to waive or reimburse annual rates on the WA Rifle Association properties utilised by the Geraldton Greenough Rifle Club. Whether that justification remains appropriate is a matter for Council determination.

**EXECUTIVE RECOMMENDATION:**

That Council by Absolute Majority under section 6.8 of the Local Government Act 1995 RESOLVES to:

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.
2. MAKES the determination to grant this donation for the following period:
  - a. To be determined by Council.

**COUNCIL DECISION****MOVED CR CLUNE, SECONDED CR FIORENZA**

That Council by Absolute Majority under section 6.8 of the Local Government Act 1995 RESOLVES to:

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.

**CARRIED BY ABSOLUTE MAJORITY 13/0**

Mayor Carpenter	YES
Cr. Fiorenza	YES
Cr. Douglas	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Keemink	YES

<b>Cr. Thomas</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. McIlwaine</b>	<b>N/V</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. deTrafford</b>	<b>YES</b>
<b>Cr. Van Styn</b>	<b>N/V</b>