



# ORDINARY MEETING OF COUNCIL MINUTES

27 JANUARY 2021

---

## TABLE OF CONTENTS

<b>1</b>	<b>DECLARATION OF OPENING.....</b>	<b>2</b>
<b>2</b>	<b>ACKNOWLEDGEMENT OF COUNTRY .....</b>	<b>2</b>
<b>3</b>	<b>RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE .....</b>	<b>2</b>
<b>4</b>	<b>DISCLOSURE OF INTERESTS.....</b>	<b>3</b>
<b>5</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....</b>	<b>3</b>
<b>6</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>3</b>
<b>7</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>4</b>
<b>8</b>	<b>PETITIONS, DEPUTATIONS .....</b>	<b>5</b>
<b>9</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>5</b>
<b>10</b>	<b>ANNOUNCEMENTS BY THE CHAIR AND PRESENTATIONS .....</b>	<b>6</b>
<b>11</b>	<b>UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS.....</b>	<b>7</b>
<b>12</b>	<b>REPORTS OF COMMITTEES AND OFFICERS .....</b>	<b>8</b>
	<b>12.1 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES .....</b>	<b>8</b>
	<b>12.2 REPORTS OF CORPORATE AND COMMERCIAL SERVICES .....</b>	<b>9</b>
	<i>CCS561 RATES EXEMPTION APPLICATION – CANCER COUNCIL WESTERN</i>	
	<i>AUSTRALIA (INC) .....</i>	<i>9</i>
	<i>CCS562 DELEGATION TO CHIEF EXECUTIVE OFFICER – DOG ACT 1976 .....</i>	<i>14</i>
	<i>CCS563 STATEMENT OF FINANCIAL ACTIVITY TO 31 DECEMBER 2020.....</i>	<i>18</i>
	<b>12.3 REPORTS OF INFRASTRUCTURE SERVICES.....</b>	<b>21</b>
	<b>12.4 REPORTS OF OFFICE THE CEO.....</b>	<b>22</b>
	<b>12.5 REPORTS TO BE RECEIVED .....</b>	<b>23</b>
	<i>RR21 REPORTS TO BE RECEIVED - JANUARY.....</i>	<i>23</i>
<b>13</b>	<b>MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>26</b>
<b>14</b>	<b>QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....</b>	<b>26</b>
<b>15</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING .....</b>	<b>26</b>
<b>16</b>	<b>MEETING CLOSED TO PUBLIC .....</b>	<b>26</b>
<b>17</b>	<b>CLOSURE .....</b>	<b>26</b>
	<b>APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED .....</b>	<b>27</b>

---

**CITY OF GREATER GERALDTON**  
**ORDINARY MEETING OF COUNCIL**  
**HELD ON WEDNESDAY, 27 JANUARY 2021 AT 5.00PM**  
**CHAMBERS, CATHEDRAL AVENUE**

**MINUTES**

The State of Emergency and Public Health Emergency declared by the State Government on 16 March 2020, remains in force. Please refer to the information on the current restrictions [COVID-19 coronavirus: What you can and can't do \(www.wa.gov.au\)](https://www.wa.gov.au/government/what-you-can-and-cant-do)

**DISCLAIMER:**

The Presiding Member advises that the purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) and Council's Meeting Procedures Local Laws establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The City of Greater Geraldton expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

**1 DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 5pm.

**2 ACKNOWLEDGEMENT OF COUNTRY**

I would like to respectfully acknowledge the Yamatji people who are the Traditional Owners and First People of the land on which we meet/stand. I would like to pay my respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of Yamatji people.

**3 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

Present:

Mayor S Van Styn  
Cr D J Caudwell  
Cr J Clune  
Cr N Colliver  
Cr S Douglas  
Cr S Elphick  
Cr P Fiorenza  
Cr R D Hall  
Cr S Keemink

Cr K Parker  
Cr T Thomas

Officers:

R McKim, Chief Executive Officer  
P Melling, Director of Development & Community Services  
P Radalj, Director of Corporate and Commercial Services  
C Lee, Director of Infrastructure Services  
N Jane, A/ Chief Financial Officer  
S Moulds, PA to the Chief Executive Officer  
B Pearce, Manager Corporate Compliance and Safety

Others:

Members of Public: 0  
Members of Press: 0

Apologies:

Cr V Tanti

Leave of Absence:

Cr J Critch

**4 DISCLOSURE OF INTERESTS**

Nil.

**5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

There are no questions from previous meetings.

**6 PUBLIC QUESTION TIME**

*Questions provided in writing prior to the meeting or at the meeting will receive a formal response. Please note that you cannot make statements in Public Question Time and such statements will not be recorded in the Minutes.*

*Our Local Laws and the Local Government Act require questions to be put to the presiding member and answered by the Council. No questions can be put to individual Councillors.*

*There were no question from the public.*

## 7 APPLICATIONS FOR LEAVE OF ABSENCE

### Existing Approved Leave

Councillor	From	To (inclusive)	Date Approved
Cr J Critch	26/01/2021	02/02/2021	15/12/2020

*\*Note: If Elected Members' application for leave of absence is for the meeting that the request is submitted, they will be noted as an apology until Council consider the request. The granting of the leave, or refusal to grant the leave and reasons for that refusal, will be recorded in the minutes of the meeting*

*If an Elected Member on Approved Leave subsequently attends the meeting, this will be noted in the Minutes.*

### EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 5.25 of the Local Government Act 1995 RESOLVES to:

1. APPROVE Leave of Absence for:
  - a. Cr N Colliver for the period 1 February 2021 to 15 March 2021;
  - b. Cr T Thomas for the period 3 February 2021 to 16 February 2021.

### COUNCIL DECISION

#### MOVED CR HALL, SECONDED CR KEEMINK

That Council by Simple Majority pursuant to Section 5.25 of the Local Government Act 1995 RESOLVES to:

1. APPROVE Leave of Absence for:
  - a. Cr N Colliver for the period 1 February 2021 to 15 March 2021; and
  - b. Cr T Thomas for the period 3 February 2021 to 16 February 2021.

### CARRIED 11/0

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.*

**8 PETITIONS, DEPUTATIONS**

Nil.

**9 CONFIRMATION OF MINUTES**

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 15 December 2020, as previously circulated, be adopted as a true and correct record of proceedings.

**COUNCIL DECISION**

**MOVED CR THOMAS, SECONDED CR COLLIVER**

**RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 15 December 2020, as previously circulated, be adopted as a true and correct record of proceedings.**

**CARRIED 11/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.*

**10 ANNOUNCEMENTS BY THE CHAIR AND PRESENTATIONS***Events attended by the Mayor or his representative*

<b>DATE</b>	<b>FUNCTION</b>	<b>REPRESENTATIVE</b>
16 December 2020	Climate Change Emergency – Photo for Media Release	Mayor Shane Van Styn
16 December 2020	Mid West Regional Development Update and Recognition of Mid West Development Commission (MWDC) CEO Retirement with Hon Alannah MacTiernan	Mayor Shane Van Styn
16 December 2020	Mid West Chamber of Commerce & Industry (MWCCI) December Business After Hours	Mayor Shane Van Styn
17 December 2020	Triple Radio Interview – Outcomes of Council Meeting	Mayor Shane Van Styn
18 December 2020	Durlacher/ Maitland Street Roundabout – Filming for Media Release	Mayor Shane Van Styn
18 December 2020	For Country, for Nation – Australian War Memorial Exhibition	Mayor Shane Van Styn
5 January 2021	GWN7 Interview – Australia Day Fireworks	Mayor Shane Van Styn
6 January 2021	Mid West Development Commission (MWDC) - Infrastructure WA Submission and other matters in common	Mayor Shane Van Styn
11 January 2021	Regular Catch up – Mayor / CEO	Mayor Shane Van Styn
11 January 2021	Regular Catch up – Media Team	Mayor Shane Van Styn
11 January 2021	Opening of the new Geraldton Step Up / Step Down service by Premier Mark McGowan MLA	Mayor Shane Van Styn
11 January 2021	Basketball Funding Announcement by Premier Mark McGowan MLA	Mayor Shane Van Styn
13 January 2021	Geraldton Guardian – Introduction of new Editor	Mayor Shane Van Styn
14 January 2021	5 Star Food Awards - Photos for Media Release <i>*winners names are confidential at this stage*</i>	Mayor Shane Van Styn
14 January 2021	Request for Assistance - Replacement of Basketball Hoops in Walkaway	Mayor Shane Van Styn
18 January 2021	Regular Catch up – Mayor / CEO	Mayor Shane Van Styn
18 January 2021	Regular Catch up – Media Team	Mayor Shane Van Styn
20 January 2021	Triple M Radio Interview - Australia Day	Mayor Shane Van Styn
21 January 2021	MWDC Business Leaders Lunch and Networking Session with Hon Alannah MacTiernan MLC, Minister for Regional Development	Mayor Shane Van Styn
25 January 2021	Regular Catch up – Mayor / CEO	Mayor Shane Van Styn
25 January 2021	Regular Meeting with Local Member - Hon Laurie Graham MLC, Member for the Agricultural Region	Mayor Shane Van Styn
26 January 2021	Australia Day Celebrations in Mullewa and Geraldton	Mayor Shane Van Styn
27 January 2021	Audit Committee Meeting	Mayor Shane Van Styn
27 January 2021	Ordinary Meeting of Council	Mayor Shane Van Styn

**11 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

Nil.

## **12 REPORTS OF COMMITTEES AND OFFICERS**

### **12.1 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES**

Nil.

**12.2 REPORTS OF CORPORATE AND COMMERCIAL SERVICES****CCS561 RATES EXEMPTION APPLICATION – CANCER COUNCIL WESTERN AUSTRALIA (INC)**

<b>AGENDA REFERENCE:</b>	<b>D-21-000988</b>
<b>AUTHOR:</b>	<b>S Russell, Coordinator Rates</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>18 December 2020</b>
<b>FILE REFERENCE:</b>	<b>RV/4/0003-003</b>
<b>ATTACHMENTS:</b>	<b>Yes (x4)</b> <b>A. Statutory Declaration</b> <b>B. Australian Charities &amp; Not for profit Certificate</b> <b>C. Constitution and Rules for Cancer Council Western Australia</b> <b>D. Aerial Map of existing rateable property assessment</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to grant a rates exemption to Cancer Council of Western Australia (Inc), based on the charitable land use of Rates Assessment Number A30411 being part of Lot 1 (291) Marine Terrace, Geraldton. The Cancer Council will be leasing the property from 1 January 2021 and as per the terms of the lease will be responsible for the rates and charges.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Section 6.26(2)(g) of the Local Government Act 1995 RESOLVES to:

1. APPROVE a rates exemption to Cancer Council of Western Australia (Inc) on Rates Assessment Number A30411, being part of Lot 1 (291) Marine Terrace, Geraldton, on the basis that the property is being used exclusively for a charitable purpose; and
2. APPROVE the exemption to take effect from the commencement of the lease being 1 January 2021 and to remain in force for the duration of the current use of the property.

**PROPONENT:**

The proponent is Cancer Council of Western Australia (Inc).

**BACKGROUND:**

The property is a part of Lot 1 on Diagram 928 with a floor plan of approximately 127 square metres. A lease has been drawn up for a period of 26 months, commencing on and including 1 January 2021 and terminating on and including 28 February 2023, with an option to renew for a further two years. The permitted use of the lease is for an office and/or consulting room.

The property is privately owned and is currently being rated, however, as a portion of land is now being leased and being used for a charitable purpose with the Lessee being responsible for the payment of rates, Council may approve a rates exemption for the portion of land used for charitable purposes as per Section 6.26 of the Local Government Act 1995.

**6.26. Rateable land**

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*  
.....  
*(g) land used exclusively for charitable purposes;*

Cancer Council of Western Australia (Inc) is a non-government not for profit organisation and is a registered charity with the Australian Charities and Not-for-profits Commission, which relies upon community support to fund its work. The property will be used as an office operating during normal business hours to undertake education and support activities in the Geraldton region. Activities will be in the form of consultations as well as small education sessions and complementary health services for cancer patients which are provided at no cost.

The City periodically reviews properties previously classified as exempt to ensure that the use of land still qualifies as used for charitable purposes under Section 6.26(2)(g) of the Local Government Act 1995.

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

**Community:**

The Cancer Council provides education and support activities in the Geraldton region, including complementary health services for cancer patients. All services are provided to the community at no cost. The organisation relies upon community support to fund its work and is staffed by one full time and one part time employee as well as a volunteer receptionist.

**Environment:**

There are no adverse environmental impacts.

**Economy:**

There are no adverse economic impacts.

**Governance:**

The Local Government Act 1995 is currently under review. The issue of rates exemptions, who is eligible and who should determine the eligibility, is an issue highlighted by local governments during the feedback period. No time lines have been provided on when the new legislation will be released.

***Disclosure of Interest:***

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

**RELEVANT PRECEDENTS:**

This Council and its predecessor Councils have previously approved rate exemptions for property utilised exclusively for charitable purposes, consistent with section 6.26(2)(g) of the Local Government Act 1995.

Council approved a rates exemption on the basis of charitable purpose at the Ordinary Meeting of Council on 23 June 2020 – CCS511, Rates Exemption Application – The Menshed Geraldton Incorporated.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 6.26 of the Local Government Act 1995 provides broad definitions for rateable and non-rateable land. Section 6.26(2)(g) states that land is not rateable if it is “used exclusively for charitable purposes”.

‘Charitable purposes’ is not currently defined in the Local Government Act 1995 or other statutes; rather charity is defined at common law.

The definition of a charitable purpose is largely based on the preamble to the Statute of Elizabeth enacted by the English Parliament in 1601 and the judgment of Lord Macnaghten in *Commissioners for Special Purposes of Income Tax v Pemsel*. Lord Macnaghten classified the categories of charitable as trusts for one of the following:

- *the relief of poverty;*
- *the advancement of education;*
- *the advancement of religion; and*
- *other purposes beneficial to the community;*

The High Court of Australia incorporated the Statute of Elizabeth into Australian law, finding that in order for an institution to be charitable, it must be:

- (a) within the spirit and intendment of the Preamble to the Statute Elizabeth; and
- (b) for the public benefit.

The Western Australian case law (arising from both the Courts and the State Administrative Tribunal) summarise that for a purpose to be charitable:

- (a) it must fall within the purposes set out in the Statute of Elizabeth, or by Lord Macnaghten (above); and
- (b) there must be a public benefit, being a benefit directed to the general community, or to a sufficient section of the community to amount to the public.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

This portion of Lot 1 was previously rated along with the remainder of Lot 1 and Lot 2 with a rateable value of \$93,080 (GRV). A new valuation has been obtained from Landgate for the leased portion of Lot 1 which is \$21,060 and this amount will be deducted from the GRV of the remainder of the parent property assessment reducing to \$72,020.

This will result in a loss of revenue for the 2020-21 financial year of \$1,283.85. A full year loss of revenue based on these valuations calculates to \$2,588.99. Exempt properties are still required to pay the Emergency Services Levy and rubbish collection charge.

**INTEGRATED PLANNING LINKS:**

<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:**

Council by not approving the application for rate exemption may be required to defend its decision if the matter were to be appealed by the applicant to the State Administrative Tribunal and legal costs may be incurred as a result.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The alternative option is for Council to decline the application for a rate exemption on the basis that it considers Cancer Council of Western Australia (Inc) is not providing a charitable purpose to the community or that such charitable use relating to the property is not considered an exclusive use.

**COUNCIL DECISION****MOVED MAYOR, SECONDED CR COLLIVER**

That Council by Simple Majority pursuant to Section 6.26(2)(g) of the Local Government Act 1995 **RESOLVES** to:

- 1. APPROVE a rates exemption to Cancer Council of Western Australia (Inc) on Rates Assessment Number A30411, being part of Lot 1 (291) Marine Terrace, Geraldton, on the basis that the property is being used exclusively for a charitable purpose; and**
- 2. APPROVE the exemption to take effect from the commencement of the lease being 1 January 2021 and to remain in force for the duration of the current use of the property.**

**CARRIED 10/1**

Not Voted: 2

No Votes: 1

Yes Votes: 10

<b>Name</b>	<b>Vote</b>
<b>Cr. Douglas</b>	<b>YES</b>

<b>Cr. Parker</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>NO</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>NOT PRESENT</b>
<b>Cr. Fiorenza</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. Tanti</b>	<b>NOT PRESENT</b>
<b>Cr. Thomas</b>	<b>YES</b>

CCS562 DELEGATION TO CHIEF EXECUTIVE OFFICER – DOG ACT 1976
---

<b>AGENDA REFERENCE:</b>	<b>D-20-00699</b>
<b>AUTHOR:</b>	<b>M Adam, Coordinator Governance</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>4 January 2021</b>
<b>FILE REFERENCE:</b>	<b>GO/19/0009</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b> <b>Delegations City of Greater Geraldton - Dog Act 1976</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to delegate to the Chief Executive Officer (CEO) powers and duties under the provisions of the Dog Act 1976.

**EXECUTIVE RECOMMENDATION:**

That Council by Absolute Majority pursuant to Section 10AA of the Dog Act 1976 and Section 1.4 of the Local Government Act 1995 RESOLVES to:

1. DELEGATE the local government functions under the provisions of the Dog Act 1976 section 26(3) from the Council to the Chief Executive Officer (as per Attachment No. CCS562); and
2. AMEND the Register of Delegation Council to CEO 2020-21 accordingly.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The City of Greater Geraldton Dogs Local Law 2020 came into operation on 25 September 2020.

Clause 2.2 (2) of the local law places a limit on the number of dogs which may be kept on any premises:

- (2) *The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act is two (2) dogs over the age of 3 months and the young of those dogs under that age unless—*
  - (a) *the premises are on land situated within a part of the district where kennels are permissible under a Local Planning Scheme of the City; and*
  - (b) *the premises are licensed as an approved kennel establishment.*

However in accordance with the provisions of the Dog Act 1976 section 26(3) a local government may grant an exemption in respect of the number of dogs which may be kept on a premises:

- (3) *Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied*

*in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —*

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and*
  - (b) cannot authorise the keeping in or at those premises of —*
    - (i) more than 6 dogs that have reached 3 months of age; or*
    - (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;**and*
  - (c) may be revoked or varied at any time.*
- (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —*
- (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —*
    - (i) a local law mentioned in subsection (1); or*
    - (ii) an exemption granted under subsection (3);**or*
  - (b) more than —*
    - (i) 2 dangerous dogs (declared); or*
    - (ii) 2 dangerous dogs (restricted breed); or*
    - (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or*
  - (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.*

Section 10AA of the Dog Act 1976 provides for delegation of powers and duties from a Local Government to the CEO.

**10AA. Delegation of local government powers and duties**

- (1) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, delegate to its chief executive officer any power or duty of the local government under another provision of this Act.*
- (2) The delegation must be in writing.*
- (3) The delegation may expressly authorise the delegate to further delegate the power or duty.*
- (4) A local government's chief executive officer who is exercising or performing a power or duty that has been delegated as authorised under this section, is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.*
- (5) Nothing in this section limits the ability of a local government's chief executive officer to perform a function through an officer or agent.*

Delegation of the powers under section 10AA of the Dog Act 1976 will therefore enable the CEO to consider an application for an exemption to the limit of dogs kept on premises, without the need for the application to be presented to the Council for consideration.

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

### **Community:**

Without the ability to delegate to the CEO, Council would be required to process all delegation related decisions, this may reduce efficiency and impede the ability to deliver effective services to the community.

### **Environment:**

There are no adverse environmental impacts.

### **Economy:**

There are no adverse economic impacts.

### **Governance:**

The Dog Act 1976 makes provisions for delegation of the exercise of any of its powers or the discharge of any of its duties to the Chief Executive Officer.

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

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

## **RELEVANT PRECEDENTS:**

The Council endorsed delegations to the Chief Executive Officer on 22 September 2020 - CCS533, Annual Review Delegations – Council to the Chief Executive Officer.

## **COMMUNITY/COUNCILLOR CONSULTATION:**

The City of Greater Geraldton Dogs Local Law 2020 was advertised for public consultation from 29 May 2020 to 13 July 2020, and Council considered the local law for adoption at the Ordinary Meeting of Council on 25 August 2020 – CCS523, Proposed Dogs Local Law 2020.

## **LEGISLATIVE/POLICY IMPLICATIONS:**

Section 10AA and Section 26(3) of the Dog Act 1976.

Clause 2(2) of the City of Greater Geraldton Dogs Local Law 2020.

## **FINANCIAL AND RESOURCE IMPLICATIONS:**

Delegation of the exercise of powers and duties will enable efficient and effective use of City resources.

**INTEGRATED PLANNING LINKS:**

<b>Title: Governance</b>	<b>4.5 Good Governance &amp; Leadership</b>
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

Delegation of the exercise of powers and duties under the provisions of the Dog Act 1976 will ensure that the City may effectively assess an application for exemption from clause 2(2) of the local law in accordance with the provisions of the Dog Act 1976, for the benefit of the community.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

There were no alternative options considered by City Officers.

**COUNCIL DECISION****MOVED CR KEEMINK, SECONDED CR COLLIVER**

**That Council by Absolute Majority pursuant to Section 10AA of the Dog Act 1976 and Section 1.4 of the Local Government Act 1995 RESOLVES to:**

- 1. DELEGATE the local government functions under the provisions of the Dog Act 1976 section 26(3) from the Council to the Chief Executive Officer (as per Attachment No. CCS562); and**
- 2. AMEND the Register of Delegation Council to CEO 2020-21 accordingly.**

**CARRIED BY ABSOLUTE MAJORITY 11/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.*

**CCS563 STATEMENT OF FINANCIAL ACTIVITY TO 31 DECEMBER 2020**

<b>AGENDA REFERENCE:</b>	<b>D-21-002147</b>
<b>AUTHOR:</b>	<b>N Jane, Acting Chief Financial Officer</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>7 January 2021</b>
<b>FILE REFERENCE:</b>	<b>FM/17/0004</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>
	<b>Monthly Management Report for period ended 31 December 2020</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to provide Council with a comprehensive report on the City's finances to 31 December 2020.

The statements in this report include no matters of variance considered to be of concern for the current budgeted end of year position.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996 RESOLVES to:

1. RECEIVE the monthly financial statement of activity dated 31 December 2020, as attached.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The financial position at the end of December 2020 is detailed in the attached report and summarised as follows. The variances are between Year-to-Date (YTD) budgeted forecasts and actuals (including commitments):

Operating Income	\$	799,167	1.30%	over YTD Budget	☑
Operating Expenditure	\$	205,232	0.5%	under YTD Budget	☑
Net Operating	\$	1,004,399	4.9%	over YTD Surplus	☑
Capital Expenditure	\$	37,693	0.3%	over YTD Budget	☑
Capital Revenue	\$	235,488	8.3%	over YTD Budget	☑
Cash at Bank – Municipal	\$	34,714,705			
Cash at Bank – Reserve	\$	23,008,955			
Total Funds Invested	\$	57,293,148			
Current Rates Collected				82.11%	
Current Rates Collected to December 2019				81.09%	
Rates Arrears Collected				33.59%	
Rates Arrears Collected to December 2019				36.11%	

The attached report provides explanatory notes for items greater than 10% or \$50,000. This commentary provides Council with an overall understanding of how the finances are progressing in relation to the budget. The financial position represented in the December financials shows a YTD positive variance of \$1,004,399 in the net operating surplus (deficit) result (this takes into account commitments).

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

### **Community:**

There are no adverse community impacts.

### **Environment:**

There are no adverse environmental impacts.

### **Economy:**

There are no adverse economic impacts.

### **Governance:**

The Financial Management Regulations require presentation each month of a Statement of Financial Activity accompanied by other supporting information that is considered relevant. In addition to the compliance requirements, the purpose of regularly reporting on the financial activities of the City is to enable Elected Members to monitor and review the allocation of financial and other resources against the budget. Reporting on a regular basis evidences ongoing financial management and the performance of the accounting systems. The monthly report provides a summary of the organisation's liquidity and going concern status

#### *Disclosure of Interest:*

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

## **RELEVANT PRECEDENTS:**

Council is provided with financial reports each month.

## **COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

## **LEGISLATIVE/POLICY IMPLICATIONS:**

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that as a minimum Council is to receive a Statement of Financial Activity.

## **FINANCIAL AND RESOURCE IMPLICATIONS:**

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month.

**INTEGRATED PLANNING LINKS:**

<b>Title: Governance</b>	<b>4.4 Financial Sustainability and Performance</b>
Strategy 4.4.1	Preparing and implementing short to long term financial plans.
Strategy 4.4.3	Delivering and ensuring business systems and services support cost effective Council operations and service delivery.
<b>Title: Governance</b>	<b>4.5 Good Governance &amp; Leadership</b>
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

There are no risks to be considered.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

There are no alternative options to consider.

**COUNCIL DECISION****MOVED CR HALL, SECONDED CR THOMAS**

That Council by Simple Majority pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996 **RESOLVES** to:

1. **RECEIVE** the monthly financial statement of activity dated 31 December 2020, as attached.

**CARRIED 11/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.*

### **12.3 REPORTS OF INFRASTRUCTURE SERVICES**

Nil.

**12.4 REPORTS OF OFFICE THE CEO**

Nil.

**12.5 REPORTS TO BE RECEIVED****RR21      REPORTS TO BE RECEIVED - JANUARY**

<b>AGENDA REFERENCE:</b>	<b>D-21-003460</b>
<b>AUTHOR:</b>	<b>R McKim, Chief Executive Officer</b>
<b>EXECUTIVE:</b>	<b>R McKim, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>15 January 2021</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-007</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2) 1 x Confidential</b>
	<b>A. DCSD166 - Delegated Determinations and Subdivision Applications for Planning Approval</b>
	<b>B. CCS564 – Confidential Report – List of Accounts Paid Under Delegation December 2020</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to receive the Reports of the City of Greater Geraldton.

**EXECUTIVE RECOMMENDATION:****PART A**

That Council by Simple Majority pursuant to Section 5.22 of the Local Government Act 1995 RESOLVES to

1. RECEIVE the following appended reports:
  - a. Reports – Development and Community Services:
    - i. DCSD166 - Delegated Determinations and Subdivision Applications for Planning Approval.

**PART B**

That Council by Simple Majority, pursuant to Sections 5.13 and 34 of the Local Government (Financial Management) Regulations 1996 RESOLVES to:

1. RECEIVE the following appended reports:
  - a. Reports – Corporate and Commercial Services:
    - i. CCS564 – Confidential Report – List of Accounts Paid Under Delegation December 2020.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

Information and items for noting or receiving (i.e. periodic reports, minutes of other meetings) are to be included in an appendix attached to the Council agenda.

Any reports received under this Agenda are considered received only. Any recommendations or proposals contained within the “Reports (including Minutes) to be Received” are not approved or endorsed by Council in any way. Any outcomes or recommendations requiring Council approval must be presented separately to Council as a Report for consideration at an Ordinary Meeting of Council.

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

There are no adverse community impacts.

**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:**

Reports to be received by Council at each Ordinary Meeting of Council.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**INTEGRATED PLANNING LINKS:**

<b>Title: Governance</b>	<b>4.5 Good Governance &amp; Leadership</b>
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

There are no risks to be considered.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

No alternative options were considered by City Officers.

**COUNCIL DECISION****MOVED CR COLLIVER, SECONDED CR HALL****PART A****That Council by Simple Majority pursuant to Section 5.22 of the Local Government Act 1995 RESOLVES to**

- 1. RECEIVE the following appended reports:**
  - a. Reports – Development and Community Services:**
    - i. DCSD166 - Delegated Determinations and Subdivision Applications for Planning Approval.**

**PART B****That Council by Simple Majority, pursuant to Sections 5.13 and 34 of the Local Government (Financial Management) Regulations 1996 RESOLVES to:**

- 1. RECEIVE the following appended reports:**
  - a. Reports – Corporate and Commercial Services:**
    - i. CCS564 – Confidential Report – List of Accounts Paid Under Delegation December 2020.**

**CARRIED 11/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.*

**13 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**14 QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

Nil.

**16 MEETING CLOSED TO PUBLIC**

Pursuant to Section 5.2 (i) of the Meeting Procedures Local Law February 2011, please note this part of the meeting *may* need to be closed to the public, *if* confidential discussion is required.

*No confidential discussion was required.*

**17 CLOSURE**

There being no further business the Presiding Member closed the Council meeting at 5.10pm.

**APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED**

Attachments and Reports to be Received are available on the City of Greater Geraldton website at: <https://www.cgg.wa.gov.au/council-meetings/>