



ORDINARY MEETING OF COUNCIL

AGENDA

28 NOVEMBER 2017

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**CITY OF GREATER GERALDTON**  
**ORDINARY MEETING OF COUNCIL**  
**TO BE HELD ON TUESDAY, 28 NOVEMBER 2017 AT 5.00PM**  
**CHAMBERS, CATHEDRAL AVENUE**

**A G E N D A**

**DISCLAIMER:**

The Chairman 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**

**2 ACKNOWLEDGEMENT OF COUNTRY**

I would like to respectfully acknowledge the Yamaji 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 Yamaji people.

**3 ATTENDANCE**

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Leave of Absence:

Cr R Hall

Cr D Caudwell

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

There are no questions from previous meetings.

**5 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.*

**6 APPLICATIONS FOR LEAVE OF ABSENCE****Existing Approved Leave**

<b>Councillor</b>	<b>From</b>	<b>To (inclusive)</b>	<b>Date Approved</b>
Cr R Hall	14 October 2017	1 December 2017	27/06/2017
Cr T Thomas*	27 October 2017	1 December 2017	17/10/2017
Cr D Caudwell	6 November 2017	18 December 2017	17/10/2017
Cr S Douglas	20 November 2017	24 November 2017	17/10/2017
Cr J Critch	15 December 2017	1 January 2018	17/10/2017

*\*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*

*\*Cr T Thomas has advised of her attendance at the Agenda Forum of 21 November and Council Meeting of 28 November 2017. The leave request will be removed from this record after this meeting.*

Cr S Keemink requests leave of absence for the period 12 December 2017 to 25 January 2018 be approved.

Cr M Reymond requests leave of absence for the period 24 March 2018 to 14 April 2018 be approved.

Cr Jennifer Critch requests leave of absence for the period 5 December 2017 to 5 December 2017 be approved.

Cr Jennifer Critch requests leave of absence for the period 12 January 2018 to 24 January 2018 be approved.

Cr Victor Tanti requests leave of absence for the period 21 January 2018 to 27 January 2018 be approved.

Cr Lewis Freer requests leave of absence for the period 4 July 2018 to 30 July 2018 be approved.

**7 PETITIONS, DEPUTATIONS OR PRESENTATIONS****8 DECLARATIONS OF CONFLICTS OF INTEREST**

Cr L Freer declared an Impartiality Interest in Item DCS351 Geraldton Triathlon Association Inc. Lease – Portion of Reserve 38438, as his parents are active members of the Geraldton Triathlon Club.

Cr G Bylund declared a Financial Direct Interest in Item DCS352 Proposed Lease – Portion of Lot 384, Chapman Road – Alfresco Deck - Murchison Tavern, as his company supplied costings and is in line to fabricate the structure.

**9 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – as circulated**

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 17 October 2017 and the Special Meeting of Council held on 23 November 2017, as previously circulated, be adopted as a true and correct record of proceedings.

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

DATE	FUNCTION	REPRESENTATIVE
18 October 2017	ABC Radio – Council Matters	Mayor Shane Van Styn
18 October 2017	Spirit Radio – Council Matters	Mayor Shane Van Styn
19 October 2017	Mid West Development Commission Board Strategy Session – Perth	Mayor Shane Van Styn
20 October 2017	ABC Interview – Beresford Update	Mayor Shane Van Styn
20 October 2017	Citizenship Ceremony	Mayor Shane Van Styn
20 October 2017	Opening of the Mullewa Entry Statement	Deputy Mayor Neil McIlwaine
21 October 2017	Local Government Election – Count of Votes/ Election Result	Mayor Shane Van Styn
21 October 2017	711 Squadron Formal Dinner & Cadet Ball	Mayor Shane Van Styn
23 October 2017	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
23 October 2017	Regular Catch up – Marketing & Media	Mayor Shane Van Styn
23 October 2017	Midwest Ports Authority Stakeholder Survey	Mayor Shane Van Styn
23 October 2017	Progress Midwest – Team Huddle	Mayor Shane Van Styn
23 October 2017	Special Meeting of Council – Swearing in Newly Elected Councillors and Elect a Deputy Mayor	Mayor Shane Van Styn
23 October 2017	CBD Underground Power Community Information Session	Mayor Shane Van Styn
24 October 2017	Clontarf Midwest Academy Awards Night	Deputy Mayor Neil McIlwaine
25 October 2017	Shadow Minister for Small Business and Tourism Libby Mettam and Ian Blayney MLA Member for Geraldton – Matters Relating to the Region	Mayor Shane Van Styn
26 October 2017	Midwest Economic Summit	Mayor Shane Van Styn
26 October 2017	TAFE's Scholarship Sponsors 'Thank You' Morning Tea	Cr Michael Reymond
26 October 2017	GWN Interview – Economic Summit	Mayor Shane Van Styn
26 October 2017	Central Regional TAFE Interactive Student Hub Official Opening	Cr Michael Reymond
26 October 2017	Honourable Alannah MacTiernan MLC Minister for Regional Development, Agriculture and Food – Matters Relating to Region	Mayor Shane Van Styn
26 October 2017	Judy Nunn – Author Presentation	Mayor Shane Van Styn
27 October 2017	Mid West Development Commission Board Meeting Geraldton	Mayor Shane Van Styn
27 October 2017	Lunch Event with Craig James, CommSec Chief Economist	Mayor Shane Van Styn
27 October 2017	Regular Meeting with Hon. Laurie Graham MLC, Member for the Agriculture Region and City of Greater Geraldton – Local Matters	Mayor Shane Van Styn
27 October 2017	QEII Seniors Art Exhibition Opening	Mayor Shane Van Styn
27 October 2017	Genesis & Worldline Exhibition Opening	Deputy Mayor Neil McIlwaine
29 October 2017	Friends of Point Moore Community Meeting	Mayor Shane Van Styn
29 October 2017	Seniors Week – Official Opening	Cr Steve Douglas
30 October 2017	Mayors Mystery Bus Tour	Mayor Shane Van Styn
30 October 2017	Regular Catch Up – Mayor & CEO	Mayor Shane Van Styn
30 October 2017	Progress Midwest Agenda Discussion with Trish Palmonari	Mayor Shane Van Styn
30 October 2017	Invitation: Inquiry into Regional Development and Decentralisation	Mayor Shane Van Styn
30 October 2017	Regular Catch Up – Marketing & Media	Mayor Shane Van Styn
2 November 2017	Progress Mid West Board Meeting	Mayor Shane Van Styn

2 November 2017	Cr David Caudwell – Local Government Matters	Mayor Shane Van Styn
2 November 2017	Investor Meet & Greet	Mayor Shane Van Styn
2 November 2017	Red Cross State Director – Meet & Greet	Mayor Shane Van Styn
2 November 2017	Rigters IGA – Sponsorship of 2018 Australia Day Celebrations – Promotion	Mayor Shane Van Styn
3 November 2017	Drummond Cove Beach Access	Mayor Shane Van Styn
3 November 2017	Seniors Lunch for Seniors Week	Deputy Mayor Neil McIlwaine
3 November 2017	Geraldton Senior High School Class visit with Cr Simon Keemink – Role of Local Government	Mayor Shane Van Styn
4 November 2017	WALGA Induction Training - Meeting Procedures and Debating	Mayor Shane Van Styn
5 November 2017	Open for Business – Official Opening of Extended Trading Hours	Mayor Shane Van Styn
6 November 2017	Regular Catch Up – Mayor and CEO	Mayor Shane Van Styn
6 November 2017	Regular Catch Up - Marketing & Media	Mayor Shane Van Styn
6 November 2017	Ulysees Motorcycle Club – Making Geraldton Motorcycle Friendly	Mayor Shane Van Styn
6 November 2017	Regular Meeting with Ian Blayney MLA, Member for Geraldton – Local Matters	Mayor Shane Van Styn
7 November 2017	Geraldton Lighthouse Precinct	Mayor Shane Van Styn
7 November 2017	B Nel - TMS Environmental	Mayor Shane Van Styn
8 November 2017	Presentation to Terry O'Toole by Consulate General of Japan	Mayor Shane Van Styn
8 November 2017	Concept Forum	Mayor Shane Van Styn
10 November 2017	Geraldton Senior High School Class Visit – Role of Local Government	Mayor Shane Van Styn
10 November 2017	Western Mulga – Meet & Greet	Mayor Shane Van Styn
10 November 2017	Citizenship Ceremony	Mayor Shane Van Styn
10 November 2017	CBD Revitalisation – Briefing on Mainstreet Conference by Director of Infrastructure Services	Mayor Shane Van Styn
10 November 2017	ACDC Marine Debris Exhibition Opening Night	Cr Michael Reymond
11 November 2017	Remembrance Day	Mayor Shane Van Styn
12 November 2017	RC Race Day, Challenge Cup – Geraldton Speedway	Mayor Shane Van Styn
13 November 2017	Regular Catch Up – Mayor and CEO	Mayor Shane Van Styn
13 November 2017	Regular Catch Up - Marketing & Media	Mayor Shane Van Styn
13 November 2017	C Duerremmatt – Development opportunities	Mayor Shane Van Styn
13 November 2017	Geraldton Visitors Centre – Bronze Award for Visitor Information Services Category	Mayor Shane Van Styn
13 November 2017	L Cannon - Watersports Proposal	Mayor Shane Van Styn
14 November 2017	Dongara Northampton Transport Corridor	Mayor Shane Van Styn
14 November 2017	Regional Capitals Australia Video Conference	Mayor Shane Van Styn
15 November 2017	Mid West Chamber of Commerce & Industry – Business & Regional Leaders Meeting	Mayor Shane Van Styn
15 November 2017	Australian Fire Cadet championship Presentation – Waggrakine Cadets	Cr Lewis Freer
16 November 2017	Batavia Regional Emergency Management Committee	Mayor Shane Van Styn
16 November 2017	Director General of Department of Water & Environmental Regulation – Meet & Greet	Mayor Shane Van Styn
19 November 2017	76th HMAS Sydney II Memorial Service	Mayor Shane Van Styn
20 November 2017	Mid West Development Commission, Shires of Chapman Valley, Irwin, Northampton, and City of Greater Geraldton – Local Matters	Mayor Shane Van Styn

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20 November 2017	White Ribbon Day – In Support of Women Affected by Domestic Violence	Mayor Shane Van Styn
20 November 2017	Progress Mid West – Team Huddle	Mayor Shane Van Styn
20 November 2017	Regular Catch Up – Mayor & CEO	Mayor Shane Van Styn
20 November 2017	Regular Catch Up – Marketing & Media	Mayor Shane Van Styn
20 November 2017	Agenda Forum	Mayor Shane Van Styn
22 November 2017	Reopening of the St Francis Xavier Cathedral	Deputy Mayor Neil McIlwaine
24 November 2017	Men's Breakfast 2017 – Desert Blue Connect – A Stand Against Family Violence	Mayor Shane Van Styn
24 November 2017	Wandina Primary School P&C Art Show	Mayor Shane Van Styn
27 November 2017	Drummond Cove Progress – Upcoming Works Promotion	Mayor Shane Van Styn
27 November 2017	Northern Country Zone Meeting - Mingenew	Ross McKim, Chief Executive Officer
27 November 2017	Ordinary Meeting of Council	Mayor Shane Van Styn

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## 11 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES

DCS351 GERALDTON TRIATHLON ASSOCIATION INC LEASE – PORTION OF RESERVE 38438
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<b>AGENDA REFERENCE:</b>	<b>D-17-85111</b>
<b>AUTHOR:</b>	<b>W Acton, Land Acquisitions and Disposals Officer</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>23 October 2017</b>
<b>FILE REFERENCE:</b>	<b>R38438</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Letter Geraldton Triathlon Licence Renewal</b>

### EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's approval to lease Reserve 38438 located at St Georges Beach to the Geraldton Triathlon Association Inc. for the purpose of sporting equipment storage.

### EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 3.58 of the Local Government Act 1995 RESOLVES to:

1. ENTER into a lease agreement with Geraldton Triathlon Association Inc. over Reserve 38438;
2. SET the conditions as:
  - a. Enter into a twenty-one (21) year lease term;
  - b. Commence the lease fee in line with the City of Greater Geraldton Schedule of Fees and Charges for 2017-18 reviewed annually;
  - c. Make the determination subject to consent from the Minister for Lands;
3. ADVISE the Lessee they are responsible for separately paying:
  - a. All applicable rates, taxes and other utilities; and
  - b. Legal expenses associated with the preparation and execution of the lease.

### PROPONENT:

The proponent is Geraldton Triathlon Association Inc.

### BACKGROUND:

Reserve 38438 has a Management Order in favour of the City of Greater Geraldton for the purpose of 'Boatshed' with the power to lease for a period of up to 21 years subject to Ministerial consent.

In 2014, the Council resolved to:

*ENTER into a licence agreement with Geraldton Triathlon Association Inc. over Reserve 38438;*

1. *SET the conditions as:*

- a. enter into a three (3) year licence term;
  - b. commence the licence fee in line with the City of Greater Geraldton Schedule of Fees and Charges for 2014/15 reviewed annually;
  - c. make the determination subject to consent from the Minister for Lands;
2. *LICENSEE* being responsible for separately paying;
    - a. all applicable rates, taxes and other utilities; and
    - b. legal expenses associated with the preparation and execution of the lease.

The current licence expires in January 2018. The club has written to the City seeking a new lease to enable their continued use of the shed located on the reserve for community activities and the storing of their sporting equipment. The letter request to enter into a new lease is attached as Attachment No. DCS351.



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

### **Community:**

The Club was founded in 1988 and has a strong following from its members by providing a variety of programs throughout the year for beginners through to professional competitors in the sport.

### **Environment:**

There are no environmental impacts.

**Economy:**

The Geraldton Triathlon Association hold at least one major event each year which brings competitors in from other areas generating economic benefits for the area.

**Governance:**

There are no governance impacts.

**RELEVANT PRECEDENTS:**

The Council leases and licences Reserves and Freehold land to community organisations for a variety of recreational purposes.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/Councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 3.58 of the Local Government Act 1995 – Disposal of Property.

Regulation 30 of the Local Government Functions and General Regulations 1996 describes dispositions of property excluded from section 3.58 of the Local Government Act 1995 for recreational, sporting and other like nature organisations.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The lease fee is set by the City of Greater Geraldton Schedule of Fees and Charges adopted by Council and reviewed annually. The commencement lease fee for 2017-18 is \$410.00 per annum inclusive of GST.

**INTEGRATED PLANNING LINKS:**

Title: Community	1.2 Recreation and Sport
Strategy 1.2.1	Supporting the strong sporting culture that has shaped Greater Geraldton's identity and lifestyle.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

There are no risks identified with this proposal as this Reserve is vested in the City by way of a Management Order for the purpose of Boat Shed with the power to lease/licence with Ministerial consent.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

City Officers did not consider any alternative options as the reserve is vested with the City for its current purpose and to not grant a new lease term would leave the shed unused which would be of no benefit to the community or the City.

**DCS352 PROPOSED LEASE – PORTION OF LOT 384, CHAPMAN ROAD  
– ALFRESCO DECK - MURCHISON TAVERN**

<b>AGENDA REFERENCE:</b>	<b>D-17-86702</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Land and Regulatory Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>19 October 2017</b>
<b>FILE REFERENCE:</b>	<b>A11725</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Proponent Application Letter and Design Drawings</b>

**EXECUTIVE SUMMARY:**

This report seeks the support of Council to approve the intent to grant a lease of an 86m<sup>2</sup> portion of land on Lot 384 Chapman Road, Geraldton, for the purpose of an alfresco deck for the Murchison Tavern.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Section 3.58 of the Local Government Act 1995 RESOLVES to:

1. GIVE local public notice of the intent to lease a portion of Lot 384 Chapman Road, Geraldton comprising a land area of 86m<sup>2</sup> for the purpose of an alfresco deck to Goldword Pty Ltd trading as the Murchison Tavern;
2. MAKE the determination subject to:
  - a. Advertising notice period of not less than 14 days inviting public submissions;
  - b. All development/building approvals.
3. SET the proposed conditions as:
  - a. enter into a 5 year lease agreement with a further term option of 5 years;
  - b. set the commencement lease fee at \$4,730 plus GST per annum;
  - c. adjust the lease fee annually as at 1 July in line with the preceding March Consumer Price Index for Perth.
4. ADVISE the lessee they are responsible for separately paying:
  - a. the preparation, execution and registration of the lease;
  - b. survey plans and market valuation costs of the lease area;
  - c. all other costs associated with the lease; and
5. REFER the matter back to Council for final consideration if any objecting submissions are received.

**PROPONENT:**

The proponent is Goldword Pty Ltd, trading as Murchison Tavern.

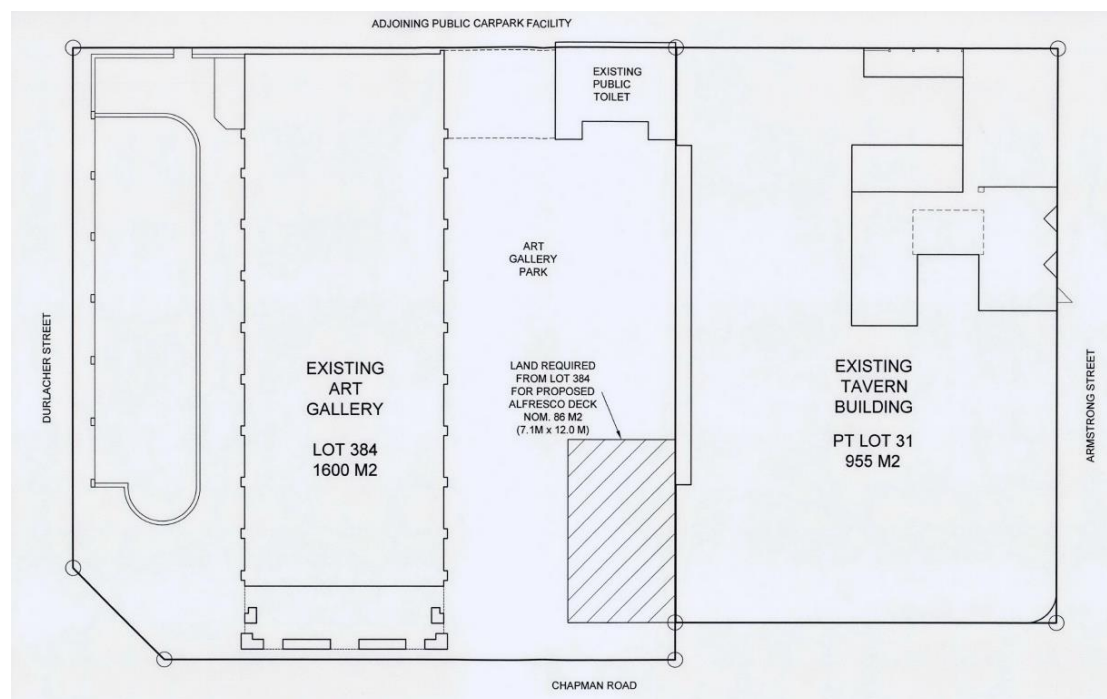
**BACKGROUND:**

An application has been received from the owners of the Murchison Tavern with a concept proposal to construct an alfresco deck on approximately 86m<sup>2</sup> on lot 384 that lies in between the Art Gallery and the Murchison Tavern.

The intention is to have this area as part of the licenced premises of the adjoining Murchison Tavern that will be an open air alfresco with a proposed steel framed structure with shade sail protection from the sun and constructed from coloured FRP (fibreglass reinforced plastic) panels that can be easily demountable.

The deck is immediately accessed from the tavern's restaurant/dining area and would add and promote a visual vibrancy to the existing Art Gallery park, without restricting public thoroughfare and access.

Lot 384 was acquired by the City by way of a Crown Grant on the 22 August 1906. The lot comprises the Geraldton Art Gallery and surrounding grassed areas. It also provides a linkage through to the adjoining City car park.



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

There are no known community impacts.

**Environment:**

There are no environmental impacts relating to this proposal.

**Economy:**

This proposal has the potential to enhance the service delivery of the Murchison Tavern and add to the economic vibrancy and vitality of our community in the CBD area.

**Governance:**

There are no governance impacts relating to this proposal.

**RELEVANT PRECEDENTS:**

The City provides leases and licences over Crown and freehold land for commercial business opportunities.



**COMMUNITY/COUNCILLOR CONSULTATION:**

There is support for the proposal from the Manager Community & Cultural Development and Coordinator Art Gallery who see this proposal as an opportunity to provide activation of the grass space between the Murchison Tavern and Art Gallery that provides opportunity for art gallery visitation.

There has been no Councillor consultation on this proposal.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 3.58 of the Local Government Act 1995 – **Disposing of Property**

- (1) *In this section –*  
*“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;*  
*“property” includes the whole or any part of the interest of a local government in property, but does not include money*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*  
 (a) *it gives local public notice of the proposed disposition –*  
     (i) *describing the property concerned; and*  
     (ii) *giving details of the proposed disposition; and*  
     (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*  
 (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the Council or a Committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

**FINANCIAL AND RESOURCE IMPLICATIONS:**

A licensed valuation of the proposed lease area of 86m<sup>2</sup> has determined a lease ground rent of \$4,730 plus GST per annum. This equates to \$55 per square metre.

The lessee would also be responsible for separately paying all other costs associated with the lease and its preparation.

**INTEGRATED PLANNING LINKS:**

Title: Economy	3.1 Growth
Strategy 3.1.1	Promoting Greater Geraldton and its potential business opportunities to facilitate targeted economic development
Strategy 3.1.2	Fostering a community where local business is supported
Title: Economy	3.2 Lifestyle and Vibrancy
Strategy 3.2.3	Revitalising the CBD through economic, social and cultural vibrancy

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

There are no consequent risks inherent in approving, or not approving, the recommendation.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The other option for consideration by Council is to not approve the proposal for a lease and decline the proposal as submitted. This is not supported as the proposal has the potential to increase business opportunity and economic development activation in the CBD.



DCS353 LEASE AREA EXTENSION – GERALDTON YACHT CLUB INCORPORATED
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<b>AGENDA REFERENCE:</b>	<b>D-17-86190</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Land &amp; Regulatory Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development &amp; Community Services</b>
<b>DATE OF REPORT:</b>	<b>24 October 2017</b>
<b>FILE REFERENCE:</b>	<b>A11470</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>
	<b>Application by Proponent</b>

**EXECUTIVE SUMMARY:**

This report seeks Council support to grant the surrender of the current lease and approve the application of extension of the lease area and the issue of a new lease for the Geraldton Yacht Club Incorporated on Lot 814 Marine Terrace, Geraldton and portion of Crown Reserve 50100.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Section 3.58 of the Local Government Act 1995 RESOLVES to:

1. GRANT approval to surrender the current lease and enter into a new lease agreement with the Geraldton Yacht Club Incorporated;
2. APPROVE the extension of the lease area for an additional 350m<sup>2</sup> to comprise a total new lease area of 2350m<sup>2</sup>;
3. SET the conditions for the new lease as follows:
  - a. Surrender of the current lease;
  - b. Enter into a new 42 year lease agreement;
  - c. Set the lease fee in line with the City of Greater Geraldton Schedule of Fees and Charges reviewed annually;
4. MAKE the determination subject to the consent of the Minister for Lands;
5. ADVISE the Lessee that they are responsible for separately paying:
  - a. All applicable rates, taxes and other utilities; and
  - b. Legal and survey expenses associated with the surrender, preparation, execution and registration of the surrendered lease and new lease document.

**PROPONENT:**

The proponent is Geraldton Yacht Club Incorporated.

**BACKGROUND:**

The Geraldton Yacht Club have submitted a Development Application (TP16/294) for proposed extensions and alterations to their building. These include a lift and ablution alterations. Also proposed is a future courtyard area and decking to be used as a public function/entertainment area along with a balcony.

To facilitate these modifications the Geraldton Yacht Club have requested an extension of their lease area by an additional seven (7) metres or 350m<sup>2</sup> in total by excising a portion of the foreshore reserve existing Lot 506. The project budget is \$470,000 of which the applicant will self-fund the lift and ablution alterations, while the courtyard and balcony works are proposed as part of a self-supporting loan that will be addressed in Council Item CCS296.

This will also necessitate a modification to the prepared, as yet to be lodged, Deposited Plan 404989. The proponent's letter is attached as Attachment No. DCS353.



Council at its meeting on the 28 July 2009 resolved the following:

1. *APPROVE a lease for the Geraldton Yacht Club for an area comprising 2000m<sup>2</sup> situated on Lot 814 and Pt Lot 815 Marine Terrace, Geraldton for a period of 42 years from the 1 July 2009;*
2. *SURRENDER the current lease due to expire on the 30 June 2010;*

3. *APPROVE the lease fee rental as \$295 per annum in accordance with the City's adopted Annual Schedule of Fees and Charges; and*
4. *APPROVE the draft lease for the Geraldton Yacht Club that incorporates lessee improvement works and responsibilities.*

As the current lease area comprises a small portion of the adjoining foreshore Reserve 50100 with the Management Order granting power to lease (or sub-lease or licence) for a term not exceeding 42 years, Council and the Minister approved the current lease term. Town Lots 814 and Pt Lot 815 were gifted to the City in fee simple by the State to be used and held upon trust solely for the purposes of Municipal Endowment. In 2009, the Yacht Club submitted a development application for club refurbishment works that included the construction of a new entrance, refurbishment of external wall surfaces of the recreational hall and clubhouse, new garden walls and gates and general landscaping.

Approval by the City was also required for a chain mesh fence upon the adjoining Lot 815 to incorporate a boat enclosure and extended club lease area. Part Lot 815 was then incorporated into Lot 814 with the new lease entered into comprising a total land lease area of 2000m<sup>2</sup>. The longer term of lease was considered appropriate at the time recognising the importance and significance, investment and the heritage significance of the yacht club hall and associated activities.

The Department of Planning, Lands and Heritage have indicated verbal support for the proposal and have specified that the land adjustment would be dealt with at the time of dealing with the deposited plan and its final lodgement with Landgate. The proposal however, would be dependent on formal approval from the Minister of Lands.

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

### **Community:**

The proposed changes are regarded as being positive for the two adjoining buildings with their ongoing usage and interface in the West End Foreshore Precinct. The changes will provide for greater interaction, both physical and visual, between the buildings and the Foreshore.

The Yacht Club Hall is included in the City of Greater Geraldton Municipal Inventory as Place No. 304 wherein it has been assigned a management category of 2x in recognition of its heritage values. The most prominent facades, being the Art Deco style frontage addressing Marine Terrace and the side facade which is visible from the park will not be impacted by the proposed changes. The Business Case presented states "the project has been designed as an initiative that supports vibrant and inclusive community development through appropriate infrastructure and services. The proposed project is expected to significantly increase accessibility of the foreshore area".

**Environment:**

There are no environmental impacts.

**Economy:**

One key economic impact of the proposed project as per Business Case is to increase visitor numbers to the region through the expansion of interactive visitor facilities, event space and boating facilities. The project is expected to facilitate additional tourism expenditure in the region due to increases in visitation that in turn supports higher business turnover and increased employment opportunities.

**Governance:**

There are no governance impacts.

**RELEVANT PRECEDENTS:**

The City has many previous precedents of Crown lease extensions and lease renewals with the Department of Planning, Lands and Heritage.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no consultation with the community. Council at its Concept Forum on the 03 October 2017 received a presentation from representatives from the Geraldton Yacht Club on their proposed club development and refurbishment, which incorporates the proposed lease area extension.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 3.58 of the Local Government Act 1995 – Disposal of Property.

Regulation 30 of the Local Government Functions and General Regulations 1996, describes dispositions of property excluded from section 3.58 of the Local Government Act 1995 for recreational, sporting and other like nature organisations.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The lease fee is set by the City of Greater Geraldton Schedule of Fees and Charges adopted by Council and reviewed annually. The commencement lease fee for 2017-18 is \$410.00 per annum inclusive of GST.

**INTEGRATED PLANNING LINKS:**

Title: Community	1.1 Our Heritage and the Arts.
Strategy 1.1.1	Recording, recognising and preserving our social, environmental and built heritage.
Title: Community	1.2 Recreation and Sport
Strategy 1.2.1	Supporting the strong sporting culture that has shaped the Greater Geraldton's identity and lifestyle.
Title: Economy	3.1 Growth
Strategy: 3.1.1	Promoting Greater Geraldton and its potential business opportunities to facilitate targeted economic development.

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Strategy: 3.1.3	Developing and maintaining infrastructure that increases the potential for business and investment.
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**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

There are no consequent risks inherent in approving, or not approving, the recommendation.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The other option for consideration by Council is to not approve the extension of the lease area and decline the proposal as submitted. This is not supported as the proposal will provide for greater interaction, both physical and visual, between the buildings and the Foreshore.

## 12 REPORTS OF CORPORATE & COMMERCIAL SERVICES

CCS296 SELF SUPPORTING LOAN GERALDTON YACHT CLUB
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<b>AGENDA REFERENCE:</b>	<b>D-17-86428</b>
<b>AUTHOR:</b>	<b>P Radalj, Manager Treasury &amp; Finance</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate &amp; Commercial</b>
<b>DATE OF REPORT:</b>	<b>7 November 2017</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-05</b>
<b>ATTACHMENTS:</b>	<b>Yes (x5)</b> <b>A. Self-Supporting Loan Application</b> <b>B. Business Case/Financials</b> <b>C. GYC Committee Meeting Minutes</b> <b>D. Letters of Support</b> <b>E. Council Policy 1.8</b>

### EXECUTIVE SUMMARY:

The purpose of this report is to seek a Council determination on an application from the Geraldton Yacht Club for a self-supporting loan of \$250,000 for building modifications.

### EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 6.8(1) and Section 6.20(1)(2) of the Local Government Act 1995 RESOLVES to:

1. APPROVE a Self Supporting Loan in the amount of \$250,000 in this financial year to the Geraldton Yacht Club;
2. GIVE Public Notice of Council's intention to provide this Self-Supporting Loan; and
3. DIRECT the Chief Executive Officer to initiate a review of Council Policy 1.8 (Minor Sporting Facilities and Self Supporting Loans) as part of an overall Council review relating to Community Funding.

### PROPONENT:

The proponent is the Geraldton Yacht Club.

### BACKGROUND:

A self-supporting loan is a debt facility where Council takes out a loan with WA Treasury Corp on behalf of the approved applicant. Council then establishes an individual agreement with the approved applicant to service these borrowings, based on the term and payment schedule of the loan. Effectively, Council acts as guarantor for the loan with the applicant responsible to service and pay the scheduled payments per the terms of the loan.

Geraldton Yacht Club's (GYC) proposed building modifications encompass the construction of a balcony to the north of the existing club building and installation of a lift and disability toilets. The project budget is \$470,000 of which the applicant will self-fund the lift and toilets (\$220,000) and the balcony is to be funded by the proposed self-supporting loan of \$250,000.

One requirement before the balcony component of the building modifications can be progressed is for the existing lease area to be extended by 350 square metres. That matter is separately addressed in Council Item DCS353.

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

### **Community:**

Business Case presented states “the project has been designed as an initiative that supports vibrant and inclusive community development through appropriate infrastructure and services. The proposed project is expected to significantly increase accessibility of the foreshore area”.

### **Environment:**

There are no environmental impacts.

### **Economy:**

One key economic impact of the proposed project as per Business Case is to increase visitor numbers to the region through the expansion of interactive visitor facilities, event space and boating facilities. The project is expected to facilitate additional tourism expenditure in the region due to increases in visitation that in turn supports higher business turnover and increased employment opportunities.

### **Governance:**

There are no governance impacts.

## **RELEVANT PRECEDENTS:**

Council has previously supported community/sporting organisations via a Self-Supporting Loan (SSL) facility. Council previously provided the applicant with a \$100,000 SSL in January 2010 which has been satisfactorily serviced by the club to date.

## **COMMUNITY/COUNCILLOR CONSULTATION:**

GYC Committee endorsed the SSL application and capital works at their meeting 24 October 2017.

GYC provided an overview of the proposed project to Councillors at the 3 October 2017 Concept Forum.

City Officers in liaison with GYC have developed forward financial plans that incorporate the proposed capital works including SSL commitment.

## **LEGISLATIVE/POLICY IMPLICATIONS:**

The legislative implications are as per section 6.20 (1) and (2) of the Local Government Act 1995 that relate to the power to borrow and Section 6.8 (1) that relate to expenditure from municipal fund not included in the annual budget.

Section 6.20 (2) requires Council to give one month's local public notice if the SSL proposal is approved.

The following denotes guidelines and limits as set out in Council Policy CP1.8 relating to Self-Supporting Loans:

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**Guidelines**

*The City is not a lender-of-last-resort for community or sporting groups and will only provide access to self-supporting loans in exceptional circumstances, when financial circumstances permit and when there is compelling evidence of positive benefits to the community. Council will only ever consider providing self-supporting loans to community or sporting groups:*

- *In exceptional circumstances to mitigate, serious risks and/or meet urgent capital requirements that will deliver substantial benefits to the community consistent with the City's Strategic Community Plan and priorities identified in the Corporate Business Plan.*
- *Where the self-supporting loan forms part of a matching community grant component (e.g. CSRFF)*
- *Where in the view of Council, the use of City borrowings for the intended purpose will deliver benefits to the community materially outweighing likely benefits from the alternative purposes from which the said borrowings would have to be diverted.*
- *Where in the view of Council there is compelling justification for the City to act as lender instead of a bank or other financial institution.*

**Limits**

- *The level of consolidated self-supporting assistance to groups in any one year may not exceed annual repayment of principal and interest of more than 0.5 per cent of rates revenue (**currently at 0.19% - SSL proposal would raise this to 0.25%**).*
- *Funding to any one (1) applicant is to be limited to \$200,000 at any time (**applicant would exceed this prescribed limit**).*
- *The term of borrowing will be limited to a ten (10) year period or such lesser period as may be determined by the prevailing terms of the City's debt financier*

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The proposed Self Supporting Loan for \$250,000 would be over a term of ten (10) years. GYC currently has an existing SSL related to refurbishments undertaken in 2010. The balance remaining on this loan is \$28,168 and is due to be settled on 15/1/2020. GYC has a good credit history with Council and no defaults have been recorded.

The current level of exposure (principal outstanding) that Council has on all self-supporting loans amounts to \$225,299.



The following schedule details and profiles all existing self-supporting loans including when the debt is due to be closed:

	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
	\$000s	\$000s	\$000s	\$000s	\$000s
<b>LOAN PRINCIPAL REPAYMENTS</b>					
Loan 082 Tarcoola Park Tennis - Principal Outstanding	8	5	1		
Principal Paid	3	4	1		
Principal Outstanding	5	1	-		
Loan 251 Geraldton Hockey - Principal Outstanding	70	40	8		
Principal Paid	30	32	8		
Principal Outstanding	40	8	-		
Loan 253 Geraldton Yacht Club - Principal Outstanding	34	22	10		
Principal Paid	12	12	10		
Principal Outstanding	22	10	-		
Loan 257 Geraldton Hockey - Principal Outstanding	127	101	74	45	16
Principal Paid	26	27	29	30	16
Principal Outstanding	101	74	45	16	-
<b>Total Self-Supporting Loans</b>					
Principal Outstanding	239	168	93	45	16
Principal Paid	71	75	48	30	16
Principal Outstanding - End Of Year	168	93	45	16	-

Detail analysis of the current financial position of GYC and future financial projections (forward financial plans provided in attachments) indicate both a secure capacity and low risk to Council to guarantor these new borrowings.

#### INTEGRATED PLANNING LINKS:

Title: Community	1.2 Recreation and Sport
Strategy 1.2.1	Supporting the strong sporting culture that has shaped Greater Geraldton's identity and lifestyle
Title: Environment	2.3 Built Environment
Strategy 2.3.1	Promoting a built environment that is well planned and meets the current and future needs of the community
Strategy 2.3.2	Providing accessible community spaces, parks, natural areas, sport and recreational facilities that equitably service the whole community

#### REGIONAL OUTCOMES:

The foreshore is the City's premier activity and event space. Any project that value adds to the range of facilities available is a positive in relation to the activation of the area, vibrancy and attraction.

#### RISK MANAGEMENT:

City Officers have undertaken a thorough review of past, current and future projections on the revenue and expenditure trends of the Geraldton Yacht Club

including cash flow projections and current balance sheet position to determine the financial capacity of the applicant to service this new commitment.

Clauses and/or conditions contained within the self-supporting agreement between the City and approved applicant will provide default powers. For example, if the applicant defaults on the loan, the City may demand and require that the applicant vacate and deliver to the City, or to any person appointed by the City, full and undisturbed possession of the Property.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

GYC had originally considered an option to seek a self-supporting loan just to undertake works to install disability toilets and the lift. This option did not provide the broader benefits when compared to the proposed option.

The option to not approve this SSL application was considered based on the existing Council Policy however the mechanism to provide funding via this facility to support community/sporting growth without any cost to the City and without having any real impact on the City's borrowing capacity and LTFFP and with minimal risk delivers a more positive outcome to the community.

It is proposed in the recommendations to review the existing Council Policy in relation to self-supporting loans as part of an overall review of the current mechanisms and provisions in place to deliver Community funding.

**CCS297 RATES EXEMPTIONS – COMMUNITY HOUSING LIMITED**

**AGENDA REFERENCE:** D-17-86790  
**AUTHOR:** S Russell, Rates Coordinator  
**EXECUTIVE:** B Davis, Director Corporate & Commercial Services  
**DATE OF REPORT:** 8 November 2017  
**FILE REFERENCE:** RV/4/0003  
**ATTACHMENTS:** Yes (x3)  
 A. List Properties & Rates Levied  
 B. Statement of CHL's Operations  
 C. Community Housing Paper on LG Rates

**EXECUTIVE SUMMARY:**

Community Housing Ltd have submitted 2 new applications for rates exemption to Council to be deemed as 'non-rateable' land by reason of section 6.26(2)(g) of the *Local Government Act 1995* ("LGA") (being land used exclusively for charitable purposes) and therefore exempt from paying rates for the following properties:

- A16222 – 107 Gertrude Street, Geraldton; and
- A15947 – Unit 1/178 Brede Street, Geraldton.

**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 for Community Housing Limited on the following properties on the basis that the properties are being used exclusively for a charitable purpose:
  - a. A16222 – 107 Gertrude Street, Geraldton; and
  - b. A15947 – Unit 1/178 Brede Street, Geraldton.

**PROPONENT:**

The proponent is Community Housing Limited.

**BACKGROUND:**

The City has received 2 new applications for rates exemption under Section 6.26(2)(g) of the Local Government Act being land used exclusively for charitable purposes.

Community Housing Ltd is a not for profit organisation which provides affordable housing for people on low to middle incomes. Originating in Australia in 1993, Community Housing is a registered charity and Public Benevolent company. All financial surpluses remain in the company to be reinvested in quality affordable housing for people in need.

Both properties are currently being used to provide housing for people with disabilities referred either, by the Disability Services Commission or the Mental Health Commission Independent Living Program since March 2017.

On the basis of this it has been evaluated that both of these properties have met the requirements of Section 6.26(2)(g) of the Local Government Act as land used exclusively for a charitable purpose. It is considered that disability housing is a charitable purpose and is a purpose beneficial to the public.

Both of these properties are owned by the Department of Housing and were formerly leased to Baptistcare (Disability services and support organisation) prior to the transfer of the lease to Community Housing Ltd. The lease is for a period of 10 years commencing 6 March 2017 with the target group being people with disability referred either, by the Disability Services Commission or the Mental Health Commission Independent Living Program. While these properties were a part of the portfolio of Baptistcare they were being rated by Council due to no applications for exemption having been received by Council.

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

#### **Community:**

There are no community impacts.

#### **Environment:**

There are no environmental impacts.

#### **Economy:**

There are no economic impacts.

#### **Governance:**

There are no governance impacts.

### **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.

This Council granted a rates exemption to Community Housing Limited at the ordinary meeting of Council on 22 November 2016 on 11 of their properties based on their current use, which is crisis accommodation, disability housing and accommodation for the aged.

In September 2017 Council approved a rates exemption for a further 12 properties which were all being used as affordable accommodation for people with disabilities.

### **COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no Community/Councillor consultation.

### **LEGISLATIVE/POLICY IMPLICATIONS:**

Section 6.26 of the Local Government Act 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:**

The annual value of the exemption based on the 2017-18 rates billing is estimated to be \$6,869.61.

#### **INTEGRATED PLANNING LINKS:**

Title: Community	1.5 Recognise, value and support everyone
Strategy 1.5.1	Supporting and strengthening community groups, organisations and volunteer services.

#### **REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

#### **RISK MANAGEMENT:**

If Council declines this application then the City could be required to defend this position to the State Administrative Tribunal.

#### **ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

Council may decline the application for rate exemption on the basis that it considers Community Housing Limited is not providing a charitable purpose to the community or that such charitable use relating to the property is not considered an exclusive use.

CCS298 RATES CONCESSIONS 2017-18, 2018-19 and 2019-20 MURCHISON REGION ABORIGINAL CORPORATION
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<b>AGENDA REFERENCE:</b>	<b>D-17-86835</b>
<b>AUTHOR:</b>	<b>B Davis, Director Corporate &amp; Commercial Services</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate &amp; Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>10 November 2017</b>
<b>FILE REFERENCE:</b>	<b>RV/4/0003</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Properties Owned by MRAC in the CGG District</b>

**EXECUTIVE SUMMARY:**

This report seeks Council approval of Rates concessions proposed for the 2017-18 financial year, and subsequent 2018-19 and 2019-20 financial years, for properties owned by the Murchison Region Aboriginal Corporation (MRAC).

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Section 6.47 of the Local Government Act 1995 RESOLVES to:

1. GRANT 80% Rates concessions for the 2017-18 financial year for the properties owned by the Murchison Region Aboriginal Corporation (MRAC) within the district of the City as detailed in Attachment A;
2. AUTHORISE payment of a refund of rates already paid to date by the Murchison Region Aboriginal Corporation, to give effect to the rates concessions granted for 2017-18; and
3. GRANT 80% Rates concessions for the 2018-19 and 2019-2020 financial years for the properties owned by the Murchison Region Aboriginal Corporation (MRAC) within the district of the City and used for provision of rental accommodation for Aboriginal people.

**PROPONENT:**

The proponent is the Murchison Region Aboriginal Corporation.

**BACKGROUND:**

Earlier in 2017, in relation to rates imposed for the 2016-17 year, the Murchison Region Aboriginal Corporation (MRAC) made submissions to Council seeking exemption from rates for its properties detailed on the grounds of exclusive use of the properties for a charitable purpose, the provision of housing for Aboriginal people. The Corporation owns properties within the City, and elsewhere in neighbouring Murchison Shires, for the purpose of providing rental accommodation for eligible Aboriginal tenants.

At the Ordinary meeting of Council of 26 April 2017, Council resolved to decline that request. MRAC subsequently made application to the State Administrative Tribunal (SAT) challenging the City's rate book for 2016-17, seeking to have the decision of Council overturned, and the properties determined to be exempt

from rates. At directions hearings, with the City represented by McLeods Lawyers, SAT ordered that the parties enter mediation and opportunity arose for negotiation with MRAC.

On the law as it currently stands, and having regard to precedent decisions, the provision of housing for Aboriginal people is seen by the Courts and SAT to satisfy the provisions of the Local Government Act as to 'charitable purposes'.

In summary terms, the position the City took in the negotiation process was that the Ratepayers who are effectively left to subsidise the provision of municipal services, facilities and amenities for residents of any land purportedly used for charitable purposes, should be entitled to be provided with verifiable evidence of the exclusive charitable purpose in *actual use of the land throughout the year*.

The City's consistent view has been that for a property to be exempt from City rates for 52 weeks of the year, the land should *actually be used* for that purpose for 52 weeks of the year, with onus on the proponent to provide evidence of actual use, to support any such claim.

Similarly, rates exemptions or concessions should logically not apply to periods when a property is vacant and thus not being actually used for the intended purpose or, in this particular case, if a property is occupied by any non-Aboriginal tenants, with evidence to be provided to the City on those matters.

In essence, the City believes it has reasonable grounds to question a blanket year-long rates exemption on each and every one of the MRAC rental properties, in the absence of any evidence burden resting on MRAC to prove actual use, rather than just claiming *intended* use, to justify the significant cost of the subsidy, which must be met in effect by increasing the level of rates to be paid by all other Ratepayers, to cover the costs of municipal services, and the use of City infrastructure, facilities and amenities by tenants of those properties.

In response to the City's position, and without prejudice to its rights associated with other years, as a result of the negotiation process MRAC put a proposal to the City via their lawyers that it would agree to withdraw its SAT appeal against Council's April decision, if the City would agree to provide a concession on rates for the properties for the 2016-17 financial year, to total value of \$50,000, spread proportionally across the properties as then held by MRAC on the basis of GRV valuation, and enter negotiations in relation to concessions to apply to the 2017-18 and subsequent financial years.

City Officers, assisted as required by McLeods solicitors, subsequently negotiated with solicitors representing MRAC. It was agreed to put the final position of MRAC, for 80% rates concessions, for a three year period commencing with the 2017-18 financial year, to Council for consideration.

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

Provision of rates exemptions or concessions for any group, entity or purpose always requires subsidy by all other Ratepayers. Developed residential properties for which rates are not payable or are reduced, and the residents of such land whether permanent or rental tenants, still require the provision of municipal services, infrastructure, facilities and amenities. Every charitable subsidy effectively requires an increase in the Rates payable by every other Ratepayer.

However, Local Governments and their Residents and Ratepayers in WA currently have no say whatsoever in relation to which charitable purposes if any they may wish to subsidise. In the absence of clear and unambiguous definition in Local Government legislation of what should constitute 'charitable purposes' for the purposes of rates exemptions or concessions, the determination of which properties may or may not be exempt from rates is undertaken in fact by Courts and Tribunals, far removed from communities, rather than being decided by any Community of ratepayers that is actually paying for the charitable subsidy.

Less well-off ratepayers in lower socio-economic groups (not just the better off) are impacted by every subsidy or concession provided by a Council to another group. Such disbenefits to a community, inherent in its members effectively being obliged to subsidise other residents, without having any say in the matter, apparently have no weight in the judicial processes associated with determining 'charitable purposes' in WA. For that reason, in concert with other Councils, the City will continue to advocate for legislative amendments.

**Environment:**

There are no environmental issues.

**Economy:**

There are no economic impacts.

**Governance:**

The broader matter of ambiguities in relation to the definition of charitable purposes and the rateability of land is being pursued via City submissions already made to the Minister for Local Government, and further submissions proposed via the State Government's process recently initiated for review of the Local Government Act.

**RELEVANT PRECEDENTS:**

Council has power under section 6.47 to grant concessions against rates or service charges. Agenda reference for Council's decision providing rates concessions to MRAC for 2016-17 financial year was CCS277.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no broader community consultation on this matter. The matter was previously discussed with Councillors when first put to Council in April

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2017, and most recently discussed for the purposes of a process update at the November 2017 Concept Forum.

#### **LEGISLATIVE/POLICY IMPLICATIONS:**

There are no policy implications.

The City has already made submissions to the State Government regarding need to amend the Local Government Act in relation to rates exemptions for certain charitable purposes, and will make further submissions as part of the new Government's announced review of the Act.

#### **FINANCIAL AND RESOURCE IMPLICATIONS:**

In relation to the 2017-18 financial year, Rates imposed on the 63 properties in question totalled \$94,754.90. Endorsement of 80% concession on rates would reduce net revenue from rates on the 63 properties by \$75,803.92 to \$18,950.98.

MRAC will still pay imposed charges for waste, and the ESL.

#### **INTEGRATED PLANNING LINKS:**

Title: Governance	4.4 Financial Sustainability and Performance
Strategy 4.4.2	Ensuring the City's long term financial planning delivers the community goals and aspirations in a sustainable and affordable manner

#### **REGIONAL OUTCOMES:**

There are no significant impacts on Regional outcomes.

#### **RISK MANAGEMENT:**

MRAC previously applied to SAT to overturn Council's April 2017 decision on 2016-17 rates exemptions. The matter was withdrawn in SAT by mutual consent after agreement to provide concessions on MRAC's 2016-17 rates. The risk inherent in rejecting the current offer is that, as was the case in relation to 2016-17, SAT could support an MRAC application, and determine rates *exemption* on the 63 properties for 2017-18 and future years, with no opportunity for the City to negotiate a concessions-based compromise with MRAC for 2017-18 or later years. Accepting the MRAC offer at 80% concession mitigates the risk of higher revenue loss to the City.

Notably, having regard to settlement of the previous case for 2016-17 rates by consent orders, SAT could issue a costs order against the City.

#### **ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The alternative to entering an agreement with MRAC based on rates concessions is to reject their position and allow the matter to be dealt with by SAT. Legal counsel to the City is that, even though there is an arguable position in relation to evidence of *actual use* versus intended use, it is highly likely that the City would lose on the basis of related Court and SAT precedent decisions. SAT could (and likely would) deal with the matter on just the law. The City could

lose the matter, have rates exemption for all of the properties imposed by SAT for 52 weeks of every year going forward, and run the risk of having SAT issue a costs order against the City. Appeal to the Supreme Court with associated time delays and costs, would then be the only option left for the City, with that Court likely to find on the basis of its own and other Court precedents.

The option of rates exemption was not considered. The City continues to hold a strong view on the difference between *intended* use of the properties versus *actual* use for the intended purposes, for 52 weeks of the year. It is patently reasonable of the City to require any claimed charitable purpose to be supported by evidence, *to justify the subsidy to be met by all other City ratepayers*. The emergence of a good-faith offer for 2016-17 from MRAC indicated their willingness to negotiate and perhaps suggests some recognition on their part of the onerous information requirement, if they were to be obliged to provide the City with evidence, in respect of every year, of actual use of each separate property, per the intended charitable purpose, for 52 weeks of every year.

Accordingly, the Executive Recommendation is to agree to the MRAC position, and for the City to provide 80% rates concessions for the three years 2017-18 through 2019-2020.

**CCS299 STATEMENT OF FINANCIAL ACTIVITY TO 31 OCTOBER 2017**

**AGENDA REFERENCE:** D-17-86817  
**AUTHOR:** N Jane, Senior Treasury Officer  
**EXECUTIVE:** B Davis, Director Corporate and Commercial Services  
**DATE OF REPORT:** 9 November 2017  
**FILE REFERENCE:** GO/6/0012-05  
**ATTACHMENTS:** Yes (x1)  
 Monthly Management Report for Period to 31 October 2017

**EXECUTIVE SUMMARY:**

The attached financial reports provide a comprehensive report on the City's finances to 31 October 2017. The statements in this report include no matters of variance considered to be of concern.

**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 statements of activity dated 31 October 2017, as attached.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The financial position at the end of October is detailed in the attached report and summarised as follows, relative to year-to-date budget expectations:

Operating Income	\$9,734	0.0%	Over YTD Budget
Operating Expenditure	\$177,460	-0.6%	Over YTD Budget
Net Operating	\$167,726	0.6%	Negative variance
Capital Expenditure	\$17,293	-0.1%	Over YTD Budget
Capital Revenue	\$27,445	-5.8%	Over YTD Budget
Cash at Bank – Municipal	\$34,529,972		
Cash at Bank – Reserve	\$22,318,463		
Total Funds Invested	\$51,692,341		
Net Rates Collected	73.4%		
Net Rates Collected in October 2016	74.86%		

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 revised budget.

The financial position represented in the October financials shows a variance of \$167,726 in the net operating result (this takes into account commitments).

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

There are no community impacts.

**Environment:**

There are no environmental impacts.

**Economy:**

There are no economic impacts.

**Governance:**

There are no governance impacts.

**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:**

Title: Governance	4.4 Financial Sustainability and Performance
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.
Title: Governance	4.5 Good Governance and Leadership
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.

**13 REPORTS OF INFRASTRUCTURE SERVICES**

Nil.

**14 REPORTS OF OFFICE OF THE CEO****CEO048 RE-ESTABLISHMENT OF COUNCIL COMMITTEES**

<b>AGENDA REFERENCE:</b>	<b>D-17-86913</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>10 November 2017</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-05</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b> <b>A. Extract of Committee Book – Terms Of Reference (TORs)</b> <b>B. Council Policy 4.4 – Establishment and Operation of Committees</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to re-establish required Council Committees and delegates for the City of Greater Geraldton until they expire in October 2019.

**EXECUTIVE RECOMMENDATION:**

Part A

That the Council by Absolute Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to:

1. RE-ESTABLISH the following listed internal Committees:
  - a. CEO Performance Review Committee;
  - b. City of Greater Geraldton Audit Committee;
  - c. Part a. Greenough Bushfire Advisory Committee;
  - d. Part b. Mullewa Bushfire Advisory Committee;
  - e. Greater Geraldton Crime Prevention Committee;
  - f. Greater Geraldton Community Grants Committee;
  - g. Greater Geraldton Reconciliation Committee;
  - h. Geraldton Regional Art Management Committee;
  - i. Queen Elizabeth II Seniors and Community Centre Advisory Committee;
  - j. Sister City Economic and Cultural Development Advisory Committee;
  - k. Greater Geraldton Roadwise Committee;
  - l. Heritage Advisory Committee; and
  - m. HMAS Sydney II Memorial Advisory Committee.

**Part B**

That the Council by Absolute Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to:

1. AMEND the Terms of Reference to reflect Elected Members membership as resolved in Part C;
2. REQUIRE each internal Council Committee at the first meeting held following this resolution to:
  - a. APPOINT by Committee resolution an Elected Member as Chairperson, and Elected Member as a proxy Chairperson for the Committee; and
  - b. REVIEW the terms of reference of the Committee and report to Council any required changes in relation to membership of the Committee.

**Part C**

That the Council by Absolute Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to:

1. APPOINT the following elected members to the following Committees;
  - a. CEO Performance Review Committee:
    - i. Mayor S Van Styn
    - ii. Cr N McIlwaine
    - iii. Cr R Hall
    - iv. Cr D Caudwell
    - v. Cr T Thomas
    - vi. Cr M Reymond
  - b. City of Greater Geraldton Audit Committee:
    - i. Mayor S Van Styn
    - ii. Cr N McIlwaine
    - iii. Cr D Caudwell
    - iv. Cr L Freer
  - c. Greenough Bushfire Advisory Committee:
    - i. Cr R Hall
    - ii. Cr J Clune
    - iii. Cr M Reymond
  - d. Mullewa Bushfire Advisory Committee:
    - i. Cr T Thomas
    - ii. Cr J Critch
    - iii. Cr J Clune
    - iv. Cr N Colliver
  - e. Greater Geraldton Crime Prevention Committee:
    - i. Cr R Hall
    - ii. Cr J Critch
    - iii. Cr N Colliver
    - iv. Cr V Tanti
    - v. Cr M Reymond
  - f. Greater Geraldton Community Grants Committee:
    - i. Cr S Douglas

- ii. Cr J Critch
- iii. Cr L Freer
- iv. Cr V Tanti
- v. Cr S Keemink
- vi. Cr M Reymond
- g. Greater Geraldton Reconciliation Committee:
  - i. Cr R Hall
  - ii. Cr S Elphick
  - iii. Cr N Colliver
  - iv. Cr M Reymond
- h. Geraldton Regional Art Gallery Management Committee:
  - i. Cr N Mcilwaine
  - ii. Cr S Douglas
  - iii. Cr S Elphick
  - iv. Cr S Keemink
  - v. Cr M Reymond
- i. Queen Elizabeth II Seniors and Community Centre Advisory Committee:
  - i. Cr R Hall
  - ii. Cr S Douglas
  - iii. Cr V Tanti
  - iv. Cr S Keemink
- j. Sister City Economic and Cultural Development Advisory Committee:
  - i. Cr R Hall
  - ii. Cr S Douglas
  - iii. Cr J Critch
  - iv. Cr L Freer
  - v. Cr M Reymond
- k. Greater Geraldton Roadwise Committee:
  - i. Cr R Hall
  - ii. Cr T Thomas
  - iii. Cr V Tanti
  - iv. Cr M Reymond
- l. Heritage Advisory Committee:
  - i. Cr S Douglas
  - ii. Cr T Thomas
  - iii. Cr L Freer
  - iv. Cr V Tanti
  - v. Cr G Bylund
  - vi. Cr M Reymond
- m. HMAS Sydney II Memorial Advisory Committee:
  - i. Cr R Hall
  - ii. Cr N Colliver
  - iii. Cr L Freer
  - iv. Cr V Tanti
  - v. Cr G Bylund
  - vi. Cr M Reymond



**Part D**

That the Council by Absolute Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to:

1. APPOINT the Chief Executive Officer or his delegate as Executive Support and Coordinator of each Internal Council Committee; and
2. AMEND the Committee book accordingly.

**PROPONENT:**

The Proponent is the City of Greater Geraldton.

**BACKGROUND:**

Council Committees dissolve at the time of a Local Government Election, which occur every two years, and therefore cannot meet until re-established by a Council decision. The Local Government Elections were held on 21 October 2017.

The City of Greater Geraldton is required to re-establish the Committees and delegates after the Council election.

Section 5.8 of the Local Government Act 1995 allows Council to establish, by absolute majority, Committees of three or more persons to assist Council and to exercise the powers and discharge the duties of the local government that can be delegated to Committees.

The following Committees have been addressed in this report:

- a. CEO Performance Review Committee;
- b. City of Greater Geraldton Audit Committee;
- c. Part a. Greenough Bushfire Advisory Committee;
- d. Part b. Mullewa Bushfire Advisory Committee;
- e. Greater Geraldton Crime Prevention Committee;
- f. Greater Geraldton Community Grants Committee;
- g. Greater Geraldton Reconciliation Committee;
- h. Geraldton Regional Art Management Committee
- i. Queen Elizabeth II Seniors and Community Centre Advisory Committee;
- j. Sister City Economic and Cultural Development Advisory Committee;
- k. Greater Geraldton Roadwise Committee;
- l. Heritage Advisory Committee; and
- m. HMAS Sydney II Memorial Advisory Committee.

As the above are Committees of Council, Elected Members are to be elected as Chairs at their first meeting ensuring that the members follow Council Policy 4.4 Establishment and Operation of Committees and Meeting Procedures Local Law 2011.

Prior to the Committees being dissolved, the following were chaired by external members:

- Geraldton Bush Fire Advisory Committee
- Mullewa Bush Fire Advisory Committee
- HMAS Sydney II Memorial Advisory Committee

These Committees must now be chaired by an Elected Member.

Attachment A shows the number of Councillors that were elected to each committee during the period 2015-17. A number of nominations have been received that oversubscribe membership to some Committees. Council can determine to continue with the current number of members or increase the membership and reflect the changes in the TORs where required.

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

#### **Economic:**

The re-establishment of these committees may provide economic benefits to the community.

#### **Social:**

The re-establishment of these Committees may provide social benefits to the community.

#### **Environment:**

The re-establishment of these Committees may provide environmental benefits to the community.

#### **Cultural & Heritage:**

The re-establishment of these Committees may provide cultural and heritage benefits to the community.

### **RELEVANT PRECEDENTS:**

Council Committees were last endorsed by Council 24 November 2015 via report CEO037 Re-establishment of Council Committees. The tenure of the Council committees expired 21 October 2017 due to the half-Council election.

### **COMMUNITY/COUNCILLOR CONSULTATION:**

Where appropriate, each Committee has existing community representation. Consultation with the Mayor and Councillors was undertaken via Briefing Note sent to Councillors 30 October 2017 and at the Concept Forum held on 8 November 2017

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 5.8 of the Local Government Act 1995 allows Council to establish Committees to assist it in discharging its duties under the Act, with a minimum number of three (3) or more persons.

*5.8 A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

Council Policy CP4.4 details the Establishment and Operation of Committees.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

Committees established by Council all require allocation of officer resources, for secretariat support and Committee coordination and, in relation to the business of a Committee as provided in its terms of reference, allocation of officer resources for preparation of necessary reports.

**INTEGRATED PLANNING LINKS:**

Title: Governance	4.3 Advocacy and Partnerships
Strategy 4.3.1	Active participation in regional, state and national alliances

**REGIONAL OUTCOMES:**

The establishment of Committees provides for regional issues relevant to the purposes of a particular Committee to be addressed in a consultative manner.

**RISK MANAGEMENT:**

Section 5.8 of the *Local Government Act 1995* provides that Council Committees may be established to assist the Council and to exercise the powers and discharge duties that may be delegated to Committees.

Some Committees, such as the Audit Committee, must be established under statutory or regulatory provisions, and their role is prescribed. Current terms of reference of the Audit Committee comply with the regulated prescriptions. Other Committees may be established at the discretion of the Council but must have their terms of reference and any delegated authority formally determined by Council resolution.

Council Committees have an important role in assisting Council to undertake its duties efficiently and effectively. In the absence of Council Committees established to address matters not necessarily requiring resolution by Council as a whole, or established to create conduits for community and other stakeholder input, or established to inform and advise the Council in particular fields, additional pressure may be placed on Council ordinary meetings and support processes, with inherent risks associated with workload pressures on the full Council.

Good risk management practice is for Committee workloads to be fairly shared across the elected members of Council. This ensures that individual Councillors

do not suffer inequitable workload pressures. It also helps ensure that decision-making influence remains equitable across all Councillors.

Having regard to the need to avoid inadvertent disenfranchisement of elected members from decisions processes that warrant deliberation by the full Council, the Council reserves to itself the power to make decisions by formal resolution as to adoption or otherwise of recommendations made by its Committees.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

Committees are required to support the business of Council. This report addresses re-establishment of Committees that previously existed and have an ongoing requirement to support Council business.

**CEO049 APPOINTMENT OF DELEGATES TO EXTERNAL COMMITTEES**

<b>AGENDA REFERENCE:</b>	<b>D-17-86917</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>10 November 2017</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-05</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>
	<b>Extract of Committee Book – TORs</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to appoint City of Greater Geraldton Council representatives to external Committees until their representation expires on October 2019.

**EXECUTIVE RECOMMENDATION:**

That the Council by Simple Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to:

**Part A:**

That the Council by Simple Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to:

1. RE-ESTABLISH representation on the following listed External Committees:
  - a. WA Regional Capitals Alliance;
  - b. WA Museum Geraldton Advisory Committee;
  - c. Forum of Regional Councils; Waste Management
  - d. Batavia Regional Emergency Management Committee
  - e. Mid West Regional Road Group;
  - f. Mid West Joint Development Assessment Panel
  - g. Mid West Academy of Sport Board of Management
  - h. Mid West Sports Federation Inc Board of Management
  - i. Regional Capitals Alliance;
  - j. Mullewa Community Farm Trust;
  - k. WALGA – Northern Zone WA Local Government Association; and
  - l. WALGA – Municipal Waste Advisory Council.

**Part B:**

That the Council by Simple Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to:

1. APPOINT the following elected members to the respective Committees:
  - a. WA Regional Capitals Alliance:
    - i. Mayor S Van Styn
    - ii. Cr N McIlwaine (proxy)
  - b. WA Museum Geraldton Advisory Committee:
    - i. Cr V Tanti (Proxy)
    - ii. Cr S Keemink (Proxy)

- iii. Cr M Reymond  
*Membership is x1 Elected Member and x1 proxy BALLOT required for proxy.*
- c. Forum of Regional Councils; Waste Management:
  - i. Cr G Bylund
  - ii. Cr J Clune
  - iii. Cr M Reymond  
*Membership is x1 Elected Member and x1 proxy - BALLOT REQUIRED*
- d. Batavia Regional Emergency Management Committee:
  - i. Mayor S Van Styn
  - ii. Cr R Hall
- e. Mid West Regional Road Group:
  - i. Cr R Hall
  - ii. Cr S Douglas
  - iii. Cr T Thomas
  - iv. Cr M Reymond  
*Membership is x1 Elected Member and x1 proxy - BALLOT REQUIRED*
- f. Mid West Joint Development Assessment Panel:
  - i. Mayor Shane Van Styn
  - ii. Cr N McIlwaine
  - iii. Cr S Douglas – alternative Representative
  - iv. Cr R Hall – alternative Representative
- g. Mid West Academy of Sport Board of Management:
  - i. Cr G Bylund
- h. Mid West Sports Federation Inc. Board of Management:
  - i. Cr G Bylund
  - ii. Cr N Colliver (Proxy)
- i. Regional Capitals Alliance:
  - i. Mayor S Van Styn
  - ii. Cr N McIlwaine (Proxy)
- j. Mullewa Community Farm Trust:
  - i. Cr T Thomas
  - ii. Cr J Critch
- k. WALGA – Northern Zone WA Local Government Association:
  - i. Mayor Van Styn
  - ii. Cr T Thomas (proxy)
- l. WALGA Municipal Waste Advisory Council:
  - i. Cr G Bylund
  - ii. Cr R Hall (Proxy)
  - iii. Cr M Reymond  
*Membership is x1 Elected Member and x1 proxy - BALLOT REQUIRED – Cr Hall selected Proxy on his nomination form*

**Part C:**

That the Council by Simple Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to:

1. APPOINT the Chief Executive Officer or his delegate as Executive Support and Coordinator of each external Committee;
  2. ADVISE the external Committee of Council's Representatives; and
  3. AMEND the Committee book accordingly.
-

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

In order to ensure that Council's position on different aspects of its business is understood, Council appoints delegates to Committees external to Council. These delegates are to represent Council's views on relevant topics and to report back to Council on the outcomes of meetings held.

Appointments and removal of representation to the following external Committees have been addressed in this item:

- a. WA Regional Capitals Alliance;
- b. WA Museum Geraldton Advisory Committee;
- c. Forum of Regional Councils; Waste Management
- d. Batavia Regional Emergency Management Committee
- e. Mid West Regional Road Group;
- f. Mid West Joint Development Assessment Panel
- g. Mid West Academy of Sport Board of Management
- h. Mid West Sports Federation Inc. Board of Management
- i. Regional Capitals Alliance;
- j. Mullewa Community Farm Trust;
- k. WALGA – Northern Zone WA Local Government Association; and
- l. WALGA – Municipal Waste Advisory Council.

The Mayor has direct appointments to the following Committees:

Mid West Development Commission Board  
Guilderton to Kalbarri Planning Reference Group  
Federal Government Cities Reference Group

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

The re-establishment of representation on these Committees may provide social benefits to the community.

**Environment:**

The re-establishment of representation on these Committees may provide environmental benefits to the community.

**Economy:**

The re-establishment of representation on these Committees may provide economic benefits to the community.

**Governance:**

The re-establishment of representation on these Committees may provide governance frameworks to support a growing region.

**RELEVANT PRECEDENTS:**

External Committees were last endorsed by Council 24 November 2017 CEO038 Re-establishment of Council Committees. The tenure of representation of Councillors on these Committees expired 21 October 2017.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Where appropriate, each Committee has existing community representation. Consultation with the Mayor and Councillors was undertaken via Briefing Note sent to Councillors 30 October 2017 and at the Concept Forum held on 8 November 2017

**LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative requirements on representation to External Committees.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

Committees representation by Council may require allocation of officer resources, for secretariat support and Committee coordination and, in relation to the business of a Committee as provided in its terms of reference, allocation of officer resources for preparation of necessary reports. There are minor travel cost implications in the appointment of delegates to external Committees.

**INTEGRATED PLANNING LINKS:**

Title: Governance	4.3 Advocacy and Partnerships
Strategy 4.3.1	Active participation in regional, state and national alliances

**REGIONAL OUTCOMES:**

Appointees to these Committees provide a regional voice to issues affecting the region and the State.

**RISK MANAGEMENT:**

Not appointing representatives will alienate Council having an input on issues of importance affecting the region and the State.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

No alternative options were considered.



**15 REPORTS TO BE RECEIVED****NOVEMBER 2017 - REPORTS TO BE RECEIVED**

<b>AGENDA REFERENCE:</b>	<b>D-17-87355</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>13 November 2017</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-04</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x3) Confidential x 1</b>
	<b>A. DCSDD128 - Delegated Determinations and Subdivision Applications</b>
	<b>B. CCS300 - Corporate Business Plan First Quarter Report</b>
	<b>C. CCS301 – Confidential Report – List of Accounts Paid Under Delegation October 2017</b>

**EXECUTIVE SUMMARY:**

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 & Community Services:
    - i. Report - DCSDD128 - Delegated Determinations and Subdivision Applications; and
    - ii. Report - CCS300 - 2017-18 Corporate Business Plan First Quarter Report.

**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. Report - CCS301 – Confidential Report – List of Accounts Paid Under Delegation October 2017.

**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/COUNCILLOR CONSULTATION:**

Not applicable.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Not applicable.

**16 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

**18 URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING**

**CCS302 LATE ITEM - REVIEW OF LOCAL GOVERNMENT ACT**

<b>AGENDA REFERENCE:</b>	<b>D-17-90728</b>
<b>AUTHOR:</b>	<b>M Adam, Coordinator Governance</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>27 November 2017</b>
<b>FILE REFERENCE:</b>	<b>GO/10/0001</b>
<b>ATTACHMENTS:</b>	<b>Yes x1</b>
	<b>Local Government Act 1995 Review Discussion Paper</b>

**EXECUTIVE SUMMARY:**

This report seeks Council endorsement of a position statement for the purposes of the Local Government Act Review initiated by the State Government.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Section 5.20 of the Local Government Act 1995 RESOLVES to:

1. ENDORSE the attached position paper on the Local Government Act review; and
2. DIRECT the CEO to make the position statement available to WALGA and the State Government, and to make representations on behalf of Council at Local Government Act review workshops.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

In July 2017 the Department of Local Government, Sport, and Cultural Industries announced its intention to conduct a review of the *Local Government Act 1995*, with two stages, stage one focusing on modernising Local Government, with policy work and consultation to be completed in 2017.

Key topics in stage one are the increase of elector participation, electronic disclosure (making information more readily available), simplifying the disclosure of gifts and some reducing red tape provisions.

WALGA subsequently provided a discussion paper to assist Local Government Authorities (LGA's) to consider the relevant issues, in July 2017, and invited LGAs to submit their views to WALGA for inclusion in a submission to the Department. In October 2017 the Department provided additional information on the review via a series of fact sheets on the relevant issues and notified the City that a public review workshop will be held in Geraldton on 7 December 2017.

In late October WALGA provided the City with a copy of the City of Bunbury submission on the review discussion paper. All documents were provided to Councillors for their consideration and the matter was discussed at the Concept Forum on 8 November 2017. Subsequently Councillors were invited to complete a survey on the key issues noted in the discussion documents.

Following due consideration of all matters Councillors have nominated a position on the review as documented in attachment CCS302, for consideration by Council.

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

#### **Community:**

There are no community impacts.

#### **Environment:**

There are no environment impact.

#### **Economy:**

There are no economic impacts.

#### **Governance:**

Amendments to the Local Government Act will directly address issues of governance for all Councils in WA.

### **RELEVANT PRECEDENTS:**

Governments from time to time review existing legislation and consult with relevant stakeholders to obtain their views. Local Government Councils are included in the consultation processes when reviews relevant to Local Government are undertaken.

### **COMMUNITY/COUNCILLOR CONSULTATION:**

The review of the *Local Government Act 1995* was discussed by Councillors at the Concept Forum on 8 November 2017 and on 15 November 2017 Councillors were requested to complete a Survey of the key issues from the review stage one.

### **LEGISLATIVE/POLICY IMPLICATIONS:**

This report proposes a formal Council position statement on issues related to the review of the Local Government Act 1995, initiated by the State Government.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications noted at present, financial and resource implications resulting from any changes made to the Local Government Act 1995 will be considered when the Act review is finalised.

**INTEGRATED PLANNING LINKS:**

Title: Governance	4.5 Good Governance & Leadership
Strategy 4.5.3	Providing leadership for the community in sustainability issues and local government reform matters.

**REGIONAL OUTCOMES:**

There are no immediate impacts on regional outcomes.

**RISK MANAGEMENT:**

The Local Government regulatory framework detailed within the Local Government Act 1995 governs the strategic and operational activities and outcomes of the City. The opportunity to make a submission into the review of the *Local Government Act 1995* provides the City with an avenue to address existing risk issues which initiate from current legislative requirements, thereby reducing potential City risks in the future.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

There were no alternative options considered by City Officers. Matters addressed in the proposed position statement are matters for Council.

**19 CONFIDENTIAL MATTERS**

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

*Livestreaming will be turned off.*

**20 CLOSURE**

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

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