



Date: 23 June 2016

**To: Shire President
All Councillors**

**Copy: Directors
Staff**

ORDINARY COUNCIL MEETING NOTICE AND AGENDA

An Ordinary Council meeting of the Shire of Waroona will be held at the Waroona Shire Offices on 28 June 2016 at 4.00pm to consider and resolve the matters set out in the attached Agenda.

A handwritten signature in black ink, appearing to read 'L J Tilbrook', is positioned below the meeting notice.

**L J TILBROOK
A/CHIEF EXECUTIVE OFFICER**

PUBLIC QUESTION TIME

AND

PUBLIC STATEMENT TIME

1. The order of business allows for a Public Question time and a Public Statement time at the beginning of the Meeting. The Presiding Member will announce these times.
2. If you wish to ask a Question or make a Statement about an Agenda Item BEFORE it is considered then it should be made at the Public Question and Public Statement Time at Item 4 on the Agenda Notice Paper in accordance with Council's Procedures and Guidelines for Public Question Time and Receiving Public Statements.
3. The visual or vocal recording of Council meeting proceedings is expressly prohibited, unless the prior approval of the Council has been given.

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AGENDA

1. **DECLARATION OF OPENING/ANNOUNCEMENTS**
2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**
3. **RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**
- 4.1 **PUBLIC QUESTION TIME**
- 4.2 **PUBLIC STATEMENTS**
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
6. **DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**

(Disclosure of interest MUST ALSO be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)
7. **PETITIONS/DEPUTATIONS/PRESENTATIONS**
8. **CONFIRMATION OF MINUTES**
- 8.1 **ORDINARY COUNCIL MEETING – 24 May 2016**

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 24 May 2016 be confirmed as being a true and correct record of proceedings.

- 9.0 **REPORTS OF OFFICERS AND COMMITTEES**

9.1 DIRECTOR TECHNICAL SERVICES

9.1.1 CLOSURE OF PORTION OF KYAMBA ROAD, HAMEL	
Reporting Officer / Officer's Interest:	Patrick Steinbacher – Director Technical Services / Nil
Responsible Officer / Officer's Interest:	Patrick Steinbacher – Director Technical Services / Nil
Proponent:	Christopher Dunlop
Landowner:	State of Western Australia
Date of Report: 9 February 2015	File No.: 132/1
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Land Administration Act 1997
Strategic Implications:	Shire of Waroona Strategic Community Plan 2014/15-2023/24
Financial Implications:	Cost of Advertising – Included in Operational Budget
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): Theme 4: Society / Community Wellbeing: Maintain a Strong sense of community; Effective Community Wellbeing	

PROPOSAL SUMMARY

Council is requested to consider a written proposal from a landowner adjoining Kyamba Road at Lot 84 Riley Road, Hamel requesting that a portion of the road be closed and the disposal thereof be negotiated between the proponent and the Department of Lands to facilitate the subdivision of the proponent's lot.

A copy of the location plan of the subject land is at **Appendix 9.1.1A**.

BACKGROUND / INITIAL COMMENTS

The subject road is currently undeveloped and void of vegetation. The land is flat and has historically been used for grazing.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Land Administration Act 1997 (the Act)

Section 58 of the Act sets out the community consultation required to be undertaken as part of the procedure for closing a road.

Section 74 of the Act provides the Minister with the powers to sell Crown land.

Section 87 deals with 'Minister may convey in fee simple or lease Crown land for subsequent amalgamation with adjoining land' and states that "*if the Minister considers that a parcel of Crown land is unsuitable for retention based on good land use and planning principles, the Minister may, by order amalgamate that parcel with the adjoining land*".

POLICY / PROCEDURAL ISSUES / IMPLICATIONS**Crown Land Administration and Registration Practice Manual (Manual)**

Section 5.9.2 of the Manual sets out the procedure for the closure and sale of a PAW as required under the Land Administration Act 1997. In assessing, advertising and making recommendations on the proposed closure the Shire is required to fulfil the obligations of the Act as set out in the Manual.

PLANNING – STRATEGIC IMPLICATIONS**Shire of Waroona Strategic Community Plan 2014/15-2023/24**

This item relates to achieving Theme 4: Society / Community Wellbeing: Maintain a Strong sense of community; Effective Community Wellbeing

COMMUNITY CONSULTATION

If Council resolves to initiate the closure of the road, community consultation will be undertaken in accordance with Section 58 of the Land Administration Act 1997, where adjoining landowners and relevant service providers will be given the opportunity to comment on the proposed closure of the road.

INTERNAL REFERRAL

Internal technical comments will be sought during the consultation period.

FINANCIAL ISSUES / IMPLICATIONS

Cost of Advertising – included in operational budget.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The road in question is an unconstructed road and is not identified for construction as part of the Shire's forward planning. The road is not required for permeability of the locality in order to access adjoining lots.

It is recommended that Council commence the public advertising of the requested closure of the PAW.

Following the closure of the advertising period a further report will be presented to Council, together with any submissions received.

Appendices Attached:	Yes	Appendices Numbers: 1
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VOTING REQUIREMENTS

Simple Majority



OFFICER RECOMMENDATION:

That in relation to the request for the closure of the subject portion of Kyamba Road, Council resolves:

- 1. To initiate the closure of portion of the road by publicly advertising the proposal in accordance with Section 58 of the Land Administration Act 1997.**

9.2 DIRECTOR DEVELOPMENT SERVICES

9.2.1 LOT 42, HENNING STREET, WAROONA – LANDOWNER’S CONSENT FOR PROPOSED SHADE STRUCTURE	
Reporting Officer / Officer's Interest:	Lucy Lyster – Town Planner; No Interest
Responsible Officer / Officer’s Interest	Louis Fouché – Director Development Services; No Interest
Proponent:	Waroona Playgroup Inc.
Landowner:	Shire of Waroona
Date of Report: 15 June 2016	File No.: TP1872
Previous Reference:	None
Policy Implications:	Local Planning Policy 1 – Community Consultation
Statutory Implications:	Building Act 2011 Peel Regional Scheme 2003; Shire of Waroona Town Planning Scheme No. 7 of 1996;
Strategic Implications:	Local Planning Strategy 2009 Shire of Waroona Strategic Community Plan 2011/15-2023/
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land <i>Theme 4: Society/Community Wellbeing – Maintain strong sense of Community; Effective Community Wellbeing</i>	

PROPOSAL SUMMARY

Applications for planning consent and building permit have been received for a shade structure on Lot 42, Henning Street, Waroona. The location plan, site plan and elevations can be seen in **APPENDIX 9.2.1**.

The shade structure is located on land owned by the Shire of Waroona; therefore the applicant seeks the Shire’s landowner’s consent.

The shade structure is to be utilised by the Waroona Playgroup.

BACKGROUND / INITIAL COMMENTS

Lot 42 has an area of 4414m² and slopes gently downwards from east to west. The lot is home to the Waroona Playgroup and the Community Resource Centre.

The Waroona Playgroup would like to place the shade structure in the same footprint as the existing shade sail which is being removed due to its current condition.

Previous Applications

- 1990038 – Building Permit approved for Patio Extension
- 1994071 – Building Permit approved for Brick Store Room
- 1996105 – Building Permit approved for Patio
- 98000023 – Building Permit approved for Shade Pergola



2003070 – Building Permit approved for Health Care Building
2010139 – Building Permit approved for Office Building

PLANNING – STRATEGIC IMPLICATIONS

Local Planning Strategy (LPS)

The subject lot is located within the Waroona Town Precinct of the LPS. It is the aim of the Shire to provide for the enhancement and the planned expansion of the Waroona town site.

Within the LPS the subject lot is designated as Public Purpose. The objective of this is to provide land for a variety of community and civic uses.

INTERNAL REFERRALS

The proposal has been referred to the various internal departments, with the following comments having been received:

- Building Department - a Building Permit will be required.
- Health Services - If there is a septic system on the lot, then the leach drains are to be a minimum of 1.8m from structures and foundations and for tanks the minimum is 1.2m for structures and foundations.
- Technical Services Directorate – no objection.

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

Shire of Waroona Strategic Community Plan 2014/15-2023/24

This item contributes towards achieving Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land and Theme number 4: Society/Community Wellbeing – Maintain strong sense of Community; Effective Community Wellbeing.

FINANCIAL ISSUES / IMPLICATIONS

There will be no financial implications to the Shire with regard to the proposal or the maintenance thereof. Clause 2.4 of the lease between the Waroona Playgroup Committee and the Shire of Waroona notes as follows:

“to maintain and keep at the Lessee’s own expense the demised premises and all buildings, parking area and other improvements thereon including gardens thereon (if any) in good repair and condition. Cost of major structural damage or repairs required for the centre, excluding outbuilding, to be negotiated with the Lessor.”

POLICY ISSUES / IMPLICATIONS

Nil

STATUTORY ISSUES / ENVIRONMENT/IMPLICATIONS

Peel Region Scheme (PRS) 2003

Clause 12, Purposes of zones, states:



Land is classified into zones under the Scheme for the following purposes:

- (a) Urban – to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities.

Shire of Waroona Town Planning Scheme No. 7 1996 (TPS)

The subject lot is located within the 'Urban 2 – Community & Civic' zone of the Shire of Waroona Town Planning Scheme No. 7 (TPS 7) and is subject to Clause 4.6 of TPS 7, which relates specifically to that zoning.

Clause 6.1.1 of TPS 7 reads as follows:

Subject to Clause 6.1.2, a person shall not commence or carry out development on any land zoned or reserved by the Scheme without first having applied for and obtained the Planning Consent of the Council in accordance with the provision of the Scheme.

Clause 4.6.1, Objective and Policies states;

Council's objective for the zone is to encourage the establishment of civic and community use facilities in this area adjoining the Town Centre, and ensure that the amenity and streetscapes of the zone are satisfactorily enhanced. Council's policies will therefore be to:

- *permit a wide range of uses consistent with the zone objective;*
- *encourage the establishment of uses which contribute to the welfare and activity of the community;*
- *permit medium density housing to appropriate Residential Code standards;*
- *ensure that development attains a high standard of appearance and convenience of use.*

LEGAL ISSUES / IMPLICATIONS

The Waroona Playgroup Committee holds the lease over the subject site, executed with the Shire of Waroona.

COMMUNITY CONSULTATION

Local Planning Policy 1 – Community Consultation (LPP1)

The objective of this policy is to ensure that an appropriate level of community notification is undertaken to keep any potentially affected ratepayer aware of a development proposal and to allow them ample opportunity to make a submission to allow their concerns to be considered by Council prior to making a decision on the subject proposal.

The proposed land owner's consent does not require any community consultation.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

Peel Region Scheme (PRS) 2003

The proposed shade structure meets the requirements under the urban zone definition within the PRS, specifically the community facility land use.



TPS 7

The proposed shade structure is considered to be incidental to the existing development and use of the subject lot, which meets the objective of the Urban 2 – Community & Civic zone.

In accordance with Clause 6.1.1 and Clause 6.1.2, the proposed shade structure requires planning consent application as it is not listed as an exempted under Clause 6.1.2.

Local Planning Strategy (LPS)

The proposal meets the objective of the Public Purpose precinct, as the Waroona Playgroup provides a service to the local community.

Conclusion

The proposed shade structure is incidental development to the existing land use on Lot 42, Henning Street, Waroona. Landowner's consent is required in order to complete the applications. Should Council grant its consent as the landowner the Planning Consent and Building Permit applications can then be determined by delegated authority by officers in accordance with Council's Register of Delegations.

It is recommended that Council grant land owner's consent for the proposed development on the lot.

Appendices Attached: Yes	Appendices Numbers: 9.2.1
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council, in relation to the proposed Shade Structure on Lot 42, Henning Street, Waroona, resolves to:

- A. Grant landowner's consent for an application for planning consent for the shade structure.**
- B. Grant landowner's consent for a building permit application for the shade structure.**

9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.3.1 ACCOUNTS FOR PAYMENT	
Reporting Officer / Officer's Interest:	Kathy Simpson, Finance Officer / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Financial Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 20/06/16	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached:	Yes	Appendices Numbers:	9.3.1
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<u>OFFICER RECOMMENDATION</u>		
That Vouchers numbered:		
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 8307 - 8326	\$64,853.05
Trust (Cheque/EFTs)	EFT 22662, 22695, 22696 & 22770 Chqs: 11086 - 11089	\$64,666.16
Electronic Transfers Municipal Fund	EFT 22649 to 22834	\$981,963.04
Direct Wages	01/05/2016 – 31/05/2016 inclusive	\$164,797.20
Direct Debits	01/05/16 – 31/05/16	\$2,391.58
GRAND TOTAL:		<u>\$1,278,671.03</u>
and attached at Appendix 9.3.1 be endorsed.		



9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2015 TO 31 MAY 2016	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Financial Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 20/6/16	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached: Yes	Appendices Numbers: 9.3.2
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OFFICER RECOMMENDATION

That the Monthly Statements of Financial Activity for the period 1 July 2015 to 31 May 2016 be received and noted.



9.3.3 OCCUPATIONAL SAFETY & HEALTH POLICY STATEMENT	
Reporting Officer / Officer's Interest:	Laurie Tilbrook, Deputy CEO/Director Corporate Services; Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook, Deputy CEO/Director Corporate Services; Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 20/6/16	File No.: 153/1
Previous Reference:	Nil
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	Nil.
Financial Implications:	Nil.
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): <i>No 6 Active Civic Leadership, Good Governance, & Excellence in Management</i>	

PROPOSAL SUMMARY

The Council is required to endorse changes to the Occupational Safety & Health Policy Statement (Policy No.2.24).

BACKGROUND / INITIAL COMMENTS

The OHS Policy together with all other Council policies is required to be reviewed and endorsed on an annual basis usually in October each year.

Any modifications outside of the annual review process require separate endorsement.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

This Policy is subject to consideration by the Council Occupational Safety and Health Committee. This occurred at a meeting of the Committee held 9 June 2016.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 6 – Good Governance: Active and Responsible Civic Leadership, and Excellence in Management.

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The OHS Policy together with all other Council policies is required to be reviewed and endorsed on an annual basis usually in October each year.

Any modifications outside of the annual review process require separate endorsement.

LEGAL ISSUES/IMPLICATIONS

The Policy is recognition by the Council of its obligations and responsibilities in accordance with the OHS Act 1984 and OHS Regulations 1996.

A copy of the policy is attached at **Appendix 9.3.3**.

COMMUNITY CONSULTATION

Not required.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The Policy contains the following modifications:

- Recognition of promoting and encouraging communication at all levels of the organisation, all stakeholders and by supporting the OHS Committee.
- Measuring our success by compliance with the Occupational Health & Safety Management Systems Standard (AS/NA4801). This will be regarded as the minimum standard required to meet the Council’s objectives of zero lost time injuries.

Appendices Attached:	Yes	Appendices Numbers:	9.3.3
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VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the Council endorse modifications to Council Policy 2.24 as appended at Appendix 9.3.3 and the Council Policy Manual be updated accordingly.



9.4 CHIEF EXECUTIVE OFFICER

9.4.1 2016-17 BUDGET – PROPOSED RATING AND FEE/CHARGE EXEMPTIONS	
Reporting Officer / Officer's Interest:	Laurie Tilbrook, Acting CEO; Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook, Acting CEO; Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 20/6/16	File No.: 1/7
Previous Reference:	Nil
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): <i>No 6 Active Civic Leadership, Good Governance, & Excellence in Management</i>	

PROPOSAL SUMMARY

The Council is requested to consider the granting of an exemption in the 2016/17 financial year from rates instalment charges and interest in relation to properties affected by the January 2016 bushfire natural disaster.

In addition it is considered appropriate to endorse other actions in respect to adoption of the 2016/17 budget being:

- General rate income increase proposed;
- Loan borrowings proposed.

BACKGROUND / INITIAL COMMENTS

As Councillors would be aware the impact of the fire and associated recovery has had a significant impact on the Council's resources and in particular its financial position as we transition from one financial year to the next.

Fortunately Council staff with the benefit of experience from previous fires have been able to maintain excellent records which have assisted the Council's Fire Recovery Coordinator and insurance assessor etc.

PLANNING – STRATEGIC IMPLICATIONS

N/A

REFERRALS

N/A

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 6 – Good Governance: Active and Responsible Civic Leadership, and Excellence in Management.



FINANCIAL ISSUES/IMPLICATIONS

The proposal to assist fire affected property owners contained within this report is expected to cost the Council in 2016/17 up to \$17,000.

It should be noted that this estimate is based on all eligible ratepayers availing themselves of the Council's offer. Obviously this will be difficult to estimate therefore it is likely that the budget will be based on the highest scenario.

The estimated cost will be recorded as an expense within the 2016/17 budget and subsidised within the balanced budget rate setting process.

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The Council is required to endorse its fees and charges on an annual basis during the budget preparation process. As such it will be necessary for the Council to formally endorse any write off (or waiver) of the rates instalment charge / interest during the budget adoption process to coincide with the adoption of rates.

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Should the Council resolve to offer the exemption as proposed then it is normal for extensive advertising to take place to coincide with budget adoption. In this circumstance additional information will be provided in the form of media releases and information from the Shire President.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The following additional information is provided to assist consideration of this report:

- The proposed rate of income increases of 6.95% for 2016/17 is consistent with the Council's Long Term Financial Plan projections.
- It will be necessary to formally "define" the fire affected properties which will be eligible to receive the fee and charge exemption. As such it is proposed to utilise the "fire footprint" which has been successfully incorporated into the Council's GIS system by Shire of Murray officers. Properties rated by Gross Rental Value (GRV) method of rating and properties owned by Alcoa of Australia are highlighted for non-inclusion.
- The final amount proposed to be borrowed by way of a debenture loan will only be that which is necessary to ensure a "balance" of overall fire recovery expenses after taking into account income from grants and insurance. The loan will be taken out in Feb 2017 and therefore no repayments will be included with the 2016/17 budget estimates.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the 2016/17 draft budget be prepared on the basis of (but not limited to) the following factors:

- 1. That the overall rate income increase for the 2016/17 financial year be consistent with that provided within the Council's Corporate Business Plan (CBP) as adopted by the Council as the OCM held August 2015 (6.95%)**
- 2. That ratepayers who's properties were affected by the January 2016 natural disaster bushfire be granted exemption from the payment of rates instalment interest and instalment charges where such ratepayers elect (on or before the rates assessment due date) to pay their 2016/17 rates by the instalment options (as determined by the Council at budget adoption).**

Affected properties shall be those contained within the designated fire footprint but shall not include properties rated by Gross Rental Value (GRV) and shall not include properties owned by Alcoa of Australia.

- 3. That a Treasury Loan be considered to provide for the offset of expenses associated with January 2016 bushfire and that such loan be reduced by the obtaining of funding from insurance or grant sources prior to the raising of the loan in February 2017.**

10. CONFIDENTIAL REPORTS

Nil.

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING

12. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION

12.1 ELECTED MEMBERS

12.2 OFFICERS

13. CLOSURE OF MEETING