

MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON TUESDAY 31 JULY 2012

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Page

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DECLARATION OF OPENING AND WELCOME	.1
DECLARATION OF INTEREST	.2
ATTENDANCE	.2
COUNCIL	.2
GALLERY	.2
APOLOGIES	.2
LEAVE OF ABSENCE	.2
PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	.2
AGENDA ITEMS	.3
SPECIAL ITEMS	.3
2012/2012 ANNUAL BUDGET ADOPTION	.3
2012/2012 FIRE BREAK ORDER	10
DECLARATION OF CLOSURE	16
	DECLARATION OF INTEREST

Minutes of a Special Meeting of Council held in the Council Chambers on TUESDAY, 31 JULY 2012 at 11:00 am

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Northam for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Northam disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Northam during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Northam. The Shire of Northam warns that anyone who has an application lodged with the Shire of Northam must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Northam in respect of the application.

1. DECLARATION OF OPENING AND WELCOME

Cr S B Pollard declared the meeting open at 11:06am

2. **DECLARATION OF INTEREST**

Parts of Division 6 Subdivision 1 of the Local Government Act 1995 requires Council members and employees to disclose any direct or indirect financial interest or general interest in any matter listed in this agenda.

The Act also requires the nature of the interest to be disclosed in writing before the meeting or immediately before the matter being discussed.

NB A Council member who makes a disclosure must not preside or participate in, or be present during, any discussion or decision making procedure relating to the disclosed matter unless the procedures set out in Sections 5.68 or 5.69 of the Act have been complied with.

3. **ATTENDANCE**

3.1 Council

President Councillors Cr S B Pollard T M Little **U** Rumjantsev R W Tinetti **K D Saunders** R M Head A W Llewellyn

Executive Manager Corporate Services D R Gobbart **Executive Manager Development Services** P B Steven Executive Manager Community Services J McGready Project Manager Community Infrastructure C B Hunt

3.2 Gallery

4. APOLOGIES

Councillor **Chief Executive Officer** Executive Manager Engineering Services

J E Williams N A Hale S Lee

5. LEAVE OF ABSENCE

Cr D Hughes – 27 July 2012 to 13 August 2012 Cr D G Beresford – 26 July 2012 to 19 August 2012

PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS 6.

7. AGENDA ITEMS

7.1. Special Items

7.1.1 2012/2013 ANNUAL BUDGET ADOPTION

Name of Applicant:	Council
Name of Owner	Internal Report
File Ref:	1.6.22
Officer:	Denise Gobbart
Officer Interest:	N/A
Policy:	Local Government Act 1995 and associated regs
Voting:	Absolute majority vote required (Some Parts)
Date:	30 July 2012

PURPOSE

To consider and adopt the Municipal Fund Budget for the 2012/13 financial year together with supporting schedules, including striking of the municipal fund rates, establishment of new reserve funds, setting of elected members fees for the year and other consequential matters arising from the budget papers.

BACKGROUND

The draft 2012/2013 budget has been compiled based on the principles contained in the 10 year financial plan. The 2012/13 draft budget has been prepared in accordance with the presentations made to councillors at the budget workshops held between June and July 2012.

The proposed differential rates were endorsed by the council on 4 July 2012 and advertised for public comment. No submissions were received by 27 July 2012 when the public comment period closed.

STATUTORY REQUIREMENTS

Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of the Local Government Act 1995 refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management)

Regulations 1996 details the form and content of the budget. The draft 2010/11 budget as presented is considered to meet statutory requirements.

CONFORMITY WITH THE PLAN FOR THE FUTURE

The draft 2012/13 budget has been developed based on existing strategic planning documents adopted by council.

BUDGET IMPLICATIONS

Specific financial implications are as outlined in the Detail section of this report and as itemised in the draft 2012/13 budget attached for adoption.

The draft 2012/13 budget has been developed based on sound financial management and accountability principles and is considered to deliver a sustainable economic outcome for council and the community.

OFFICER'S COMMENT

The budget has been prepared to include information required by the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The main features of the draft budget include:

2012/13 deficit is expected to be \$17,446 delivering all those services and facilities previously discussed with Council, with the budget providing for the following outcomes:

- Community grants as previously approved by Council;
- Building maintenance and improvements as previously considered by Council with some additional minor works included;

Key developments include:

- Killara Respite facility
- Wundowie waste water and storm water project to service Bakers Hill Oval water tank
- Bakers Hill Oval Reticulation
- Relocation of Shire Depot
- King Creek drainage project Supertowns funding
- Yilgarn Avenue drainage project Supertowns funding
- Town Centre drainage project Supertowns funding
- Bernard Park drainage project Supertowns funding
- Bernard Park Water Playground Supertowns funding
- Cemetery Niche Wall, Surrounds & Roof
- Northam Town Hall Roof Resilience
- Railway Precinct Upgrade

- Provision is made to engage a Human Resources position, as per endorsed Organisation Review outcomes, the administration officer for Development Services remains the only unfunded position in the endorsed structure.
- Regional Road Group projects will see further improvements to Wellington Street and Spencers Brook Road
- Blackspot funding has been provided for 5 new locations in Northam and includes completion of the significant improvements to Coates Road & the Irishtown & Hadrill Road Intersection
- Inkpen landfill site Shed/office improvements

Rate increase

The budget provides for an average 5.0% increase in rates collected, including newly rated properties. Increases to gross rental rating (GRV) and unimproved value rating (UV) vary across the Shire due to changes in valuations assessed by the State's Land Services. Since the revaluation of GRV properties effective 1 July 2011, the total GRV valuation has increased by 1.37%. This will cause some variances greater and less than the 5.0% average.

For UV properties the valuation was undertaken 1 August 2011 being effective 30 June 2012. There has been approximately a 7.66% decrease this year in the level of unimproved values affecting rural land within the shire.

Property owners may appeal against the valuation to Landgate the State Government agency that conducts the valuations. Minimum rates have been increased to \$760 (4.83% increase), an amount that in line with neighbouring local Governments and represents a more equitable contribution to the Shire's expenditure.

End of year position

The 2011/12 budgeted end of year surplus (net current asset position) C/fwd is estimated at \$13,874,094 compared with balanced budget estimated in the midyear Budget Review in March 2011. It is important to note that this amount includes significant unspent grant funds of \$12,817,842.

Annual fees and reimbursement of costs

The recommendations include the setting of annual sitting fees and allowances for members. This includes the Presidents allowance of \$40,000 the Deputy President's allowance \$10,000 and members annual sitting fees of \$7,000 and \$14,000 for the President. A \$3,400 allowance is included for each member to provide for costs associated with electronic and telephone costs incurred by members in carrying out their functions on behalf of the Shire. Other claims such as travelling will need to be submitted quarterly or more frequently should a member so require. All payments may be made direct to Members designated bank accounts. These fees and allowances are in accordance with Sec 5.99 and 5.99A of the Local Government Act and the Local Government (Administration) Regulations.

Reserve Funds

The budget provides similar transfers to and from reserves as in prior years, with the exception of the Recreation Reserve transfer. These funds are being utilised for the carried forward expenses from the new Northam Recreation facilities.

PART A – MUNICIPAL FUND BUDGET FOR 2012/13

RECOMMENDATION

Minute No C.1816

Moved: Cr Head Seconded: Cr Saunders

That Council, Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the council adopt the Municipal Fund Budget as contained in the Attachment of this agenda and the minutes, for the Shire of Northam for the 2012/13 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type on page (2) showing a net result for that year of \$4,011,794
- Statement of Comprehensive Income by Program on page (3) showing a net result for that year of \$4,011,794
- Statement of Cash Flows on page (4)
- Rate Setting Statement on page (5) showing an amount required to be raised from rates of \$7,361,190
- Notes to and Forming Part of the Budget on pages (6 to 39)
- Budget Program Schedules as detailed in pages (40 to 264)
- Transfers to / from Reserve Accounts as detailed in page (29)

ABSOLUTE MAJORITY REQUIRED

CARRIED 7/0

<u>PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT</u> <u>ARRANGEMENTS</u>

RECOMMENDATION

Minute No C.1817

Moved: Cr Head Seconded: Cr Rumjantsev

1. That Council, for the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general and minimum rates on Gross Rental and

Unimproved Values.

 1.1 Differential General Rates Residential (GRV) Commercial / Industrial (GRV) Agriculture Local (UV) Agriculture Regional (UV) Rural Small Holdings (UV) Springhill (UV) Princes Plant Nursery (UV) Ausbao/Bkr Hill Engineering (UV) Archer/Outback Mining (UV) 	9.1472 cents in the dollar 10.3056 cents in the dollar 0.4475 cents in the dollar 0.3615 cents in the dollar 0.5389 cents in the dollar 0.5300 cents in the dollar 2.5200 cents in the dollar 1.2150 cents in the dollar 0.8950 cents in the dollar
• Holcim (UV)	1.4137 cents in the dollar
1.2 Minimum Rates • Residential (GRV)	\$760 \$700
Commercial / Industrial (GRV)	\$760 \$760
Agriculture Local (UV)	\$760 \$760
Agriculture Regional (UV) Burgel Small Heldinge (UV)	\$760 \$760
Rural Small Holdings (UV) Springhill (UV)	\$760 \$760
• Springhill (UV)	\$760 \$760
Princes Plant Nursery (UV) Auchoe (Plan Uill Engineering (UV)	\$760 \$760
Ausbao/Bkr Hill Engineering (UV	•
Archer/Outback Mining (UV)	\$760 \$700
• Holcim (UV)	\$760

- 2. That Council, pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, offers a one, two and four instalment payment option, and nominates the following due dates for the payment in full by instalments:
 - Full payment & 1st instalment due date 24 September 2012
 - 2nd half instalment due date
 - 2nd quarterly instalment due date
- 26 November 2012 26 November 2012
- 29 January 2013
- 3rd quarterly instalment due date
- 4th & final quarterly instalment due date 29 March 2013
- 3. That Council, pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council adopts an instalment administration charge where the owner has elected to pay rates (and charges) through an instalment option of \$9 for each instalment after the initial instalment is paid.
- 4. That Council, pursuant to section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 5.5% where the owner has elected to pay rates and charges through an instalment option.

5. That Council, pursuant to section 6.51(1) and subject to section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government* (*Financial Management*) *Regulations 1996*, council adopts an interest rate of 11% for rates (and charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

ABSOLUTE MAJORITY REQUIRED

CARRIED 7/0

PART C – GENERAL FEES AND CHARGES FOR 2012/13

RECOMMENDATION

Minute No C. 1818

Moved: Cr Little Seconded: Cr Rumjantsev

Pursuant to section 6.16 of the *Local Government Act 1995*, council adopts the Fees and Charges included at pages 265 to 298 inclusive of the draft 2012/13 budget included as attached to this agenda and minutes.

ABSOLUTE MAJORITY REQUIRED

CARRIED 7/0

PART D – ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2012/13

RECOMMENDATION

Minute No C.1819

Moved: Cr Saunders Seconded: Cr Tinetti

1. That Council, pursuant to section 5.99 of the *Local Government Act* 1995 and regulation 34 of the *Local Government (Administration) Regulations* 1996, council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

President	\$14,000
Councillors	\$7,000

2. That Council, pursuant to section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration)*

Regulations 1996, council adopts the following annual allowances for elected members:

Telecommunications Allowance	\$2,400
Information Technology Allowance	\$1,000

3. That Council, pursuant to section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

President

\$40,000

4. That Council, pursuant to section 5.98A of the *Local Government Act 1995* and regulations 33A of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:

Deputy President

\$10,000

ABSOLUTE MAJORITY REQUIRED

CARRIED 7/0

PART E – MATERIAL VARIANCE REPORTING FOR 2012/13

RECOMMENDATION

Minute No C.1820

Moved: Cr Head Seconded: Cr Rumjasntsev

That Council, In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2012/13 for reporting material variances shall be a percentage of ten (10) or a minimum of \$20,000, whichever is greater.

SIMPLE MAJORITY REQUIRED

CARRIED 7/0

7.1.2 2012/2013 FIREBREAK ORDER

Name of Applicant:	Council
Name of Owner:	Internal Report
File Ref:	5.1.5.1
Officer:	Felix McQuistan
Officer Interest:	N/A
Policy:	N/A
Voting:	Simple Majority
Date:	31/07/2012

PURPOSE

For Council to consider a proposed amendment to the Firebreak Order for 2012 / 2013.

BACKGROUND

At the BFAC held at the Shire of Northam Council Chambers on the 30th July 2012 the BFAC reviewed the existing Fire break requirements and the consistency throughout the Firebreak order coming to the following resolution:

1. That Council adopt the attached firebreak order for the 2012 - 2013 fire season.

Please see the proposed firebreak order attached.

STATUTORY REQUIREMENTS

Bush Fire Act 1954

CONFORMITY WITH THE PLAN FOR THE FUTURE

Key Result Area: Land Use & Infrastructure

Outcome: Adequate provisions for Bushfire protection are provided, monitored and improved.

BUDGET IMPLICATIONS

There is a cost for printing and distributing the firebreak order, and enforcing compliance. This is off-set by income from firebreak infringements.

OFFICER'S COMMENT

As with previous years the BFAC is provided with an opportunity to provide feedback on the proposed firebreak order accordingly, BFAC is requested to make a recommendation for the adoption of the attached draft firebreak order

Council's endorsement is sought in order to allow the printing of firebreak orders for distribution with the Shire Rates Notices.

RECOMMENDATION

Minute No C.1821

Moved: Cr Little Seconded: Cr Llewellyn

That Council endorse the recommendation from BFAC and approve the attached Fire Break Order for 2012/2013.

CARRIED 7/0



IMPORTANT NOTICE TO ALL OWNERS AND OCCUPIERS OF LAND WITHIN THE SHIRE OF NORTHAM

FIREBREAK ORDER 2012/2013

BUSH FIRES ACT, 1954 (As Amended) Section 33

FIREBREAKS MUST BE COMPLETED BY <u>1st NOVEMBER</u> EVERY YEAR AND MAINTAINED CLEAR OF ALL FLAMMABLE MATERIAL UP TO AND INCLUDING <u>30th APRIL</u> FIRST AND FINAL FIRE NOTICE



SHIRE OF NORTHAM 395 FITZGERALD STREET NORTHAM WA 6401 RANGERS PHONE: 9622 7267 OFFICE PHONE: (08) 9622 6100 OFFICE FAX: (08) 9622 1910 EMAIL: records@northam.wa.gov.au WEBSITE: http://www.northam.wa.gov.au

HARVEST BAN STATUS PHONE LINE (08) 9621 1120



TO REPORT A FIRE DIAL "000"

FIREBREAK/FUEL REDUCTION REQUIREMENTS

The following requirements must be installed by November 1st 2012 and maintained up to and including April 30th 2013. Failure to comply with these requirements can result in penalties prescribed by the Bush Fires Act.

TOWN SITE LAND

(includes the town sites/localities of Northam, Grass Valley, Seabrook, Spencers Brook, Clackline, Bakers Hill and Wundowie)

LAND AREA LESS THAN 1 HECTARE

- All hazardous material must be removed from the whole of the land except living trees, shrubs and plants. In this area remaining vegetation except living trees, shrubs and plants is to be maintained to a height of no greater than 7.5cm
- It is recommended that a 2 metre wide firebreak should also be installed, clear of all flammable material, immediately within the external boundaries of the lot.
- As a guideline property owners or occupiers of land are requested, in addition to the applicable firebreak, to clear any flammable material or obstructions (overhanging branches of trees) which may impede the travel of fire fighting personnel and fire appliances.

LAND AREA GREATER THAN 1 HECTARE

- Install a 2 metre wide firebreak, clear of all flammable material, immediately within the external boundaries of the lot and;
- Maintain a 15 metre wide low fuel area with a maximum vegetation height (excepting living trees, shrubs and plants) of 7.5 cm around all buildings.
- As a guideline property owners or occupiers of land are requested, in addition to the applicable firebreak, to clear any flammable material or obstructions (overhanging branches of trees) which may impede the travel of fire fighting personnel and fire appliances.

ALL OTHER LAND

(includes the Rural Smallholdings zones of Koojedda Hills, Red Courte Estate, Glenmore Park, Mokine, Clackline)

LAND AREA LESS THAN 5 HECTARES

- Install a 2 metre wide firebreak, clear of all flammable material, immediately within the external boundaries of the lot and;
- Install a 2 metre firebreak, clear of all flammable material around and within 7 metres of all buildings and fuel storage areas and maintain a 15 metre wide low fuel area with a maximum vegetation (excepting living trees, shrubs and plants) height of 7.5 cm.
- As a guideline property owners or occupiers of land are requested, in addition to the applicable firebreak, to clear any flammable material or obstructions (overhanging branches of trees) which may impede the travel of fire fighting personnel and fire appliances.

LAND AREA GREATER THAN 5 HECTARES

- Install a 2 metre wide firebreak clear of all flammable material,
- Install a 2 metre firebreak, clear of all flammable material around and within 7 metres of all buildings and maintain a 15 metre wide low fuel area with a maximum vegetation height (excepting living trees, shrubs and plants) of 7.5 cm and;
- Firebreaks 2 metres wide shall be cleared and maintained within 7 metres around haystacks, fuel storage areas and buildings including a 15 metre wide low fuel zone with a maximum vegetation (excepting living trees, shrubs and plants) height of 7.5cm;

- A lot greater than 200 hectares requires a 2 metre firebreak to be installed around all parcels of 200 hectares or less;
- A 2 metre firebreak is required around all stationary motors
- A 2 metre firebreak is required around all internal fences that are constructed of rubber tyres and;
- Any fences constructed of rubber tyres shall be kept clear of all flammable materials.
- As a guideline property owners or occupiers of land are requested, in addition to the applicable firebreak, to clear any flammable material or obstructions (overhanging branches of trees) which may impede the travel of fire fighting personnel and fire appliances.

ACCESS TO PROPERTY

All buildings and constructions within the Shire of Northam shall have a minimum 3 metre wide access-way with a 3 metre high vertical clearance from the property's legal access point to the buildings. The purpose of this access-way is to enable access to property improvements by emergency service vehicles and personnel in an emergency situation.

FAILURE TO COMPLY

Failure to comply with a Firebreak and/or a Fire Hazard Notice carries a maximum fine of \$1000 or a prescribed penalty of \$250 on service of an infringement.

A person in default is also liable whether prosecuted or not to pay the costs of performing the work directed by this notice if it is not carried out by the owner/occupier by the date required by the notice.

DEFINITIONS

For the purposes of this order the following definitions apply:

Firebreak—means ground from which inflammable material has been removed and in which no inflammable material (which includes vegetation) is permitted.

Hazardous Material—relates to any matter or material that can catch alight. It includes garden waste, rubbish and unslashed / long grass.

Low Fuel Area—means an area of land which has no hazardous material within it and is maintained on an ongoing basis during the firebreak period.

ALTERNATIVE ARRANGEMENTS

If it is considered impractical or undesirable to provide firebreaks as required within this order, the approval of Council must be obtained for any variation.

Approval will only be granted up to or before the 7th of November of any year, and will not be obtained unless the prior consent of the appropriate fire control officer has been obtained.

If approval is granted it will be issued in writing and remain until revoked by Council.

HARVEST, MOVEMENT OF VEHICLES AND HOT WORKS BANS

A ban on harvesting, the movement of vehicles in paddocks (except for essential watering of stock) and certain activities in open areas can be imposed during the Restricted or Prohibited burning period when the weather conditions are or are forecast to be very high or above fire danger.

All landowners, occupiers and contractors within the Shire are required to comply with these bans under the provisions of the Bush Fires Act.

A harvest ban requires the cessation of all harvesting operations within the Shire of Northam. A vehicle movement ban does not permit the movement of vehicles on properties within the Shire of Northam except for the essential watering of stock. A hot works ban is defined as a ban on the outdoor use of all welding, grinding and abrasive tools on properties within the Shire of Northam. Exemptions in accordance with Council Policy may be available. Further information is available by contacting Ranger Services on (08) 9622 7267.

The need for a ban will be advertised on ABC Radio 531AM and RadioWest 864 AM. Ban updates can be obtained 24 / 7 from the Harvest Ban Phone Line on (08) 9621 1120 or via a free SMS service which is available upon request from the Shire of Northam (08) 0622 6100

GENERAL ADVICE

This notice gives the minimum requirements for fire control within the Shire of Northam and all residents and ratepayers are encouraged to undertake additional fire protection measures to ensure the safety of property and life. Further additional information to that contained in this notice can be obtained from the Fire and Emergency Services Authority website www.fesa.wa.gov.au or from the Shire of Northam website www.northam.wa.gov.au.

A permit to burn must be obtained during the Restricted Burning Period. Permits are generally subject to a number of conditions, but will not be issued for burning on Sundays or Public Holidays, unless approved by the Chief Bush Fire Control Officer.

Gas and electric barbeques are permitted at any time during the Restricted Period, but care should be exercised when using them. Solid fuel barbeques and incinerators are prohibited during the Restricted Period on days of very high or extreme fire danger. A properly constructed incinerator must be used.

Do not light any fires or use Solid fuel barbeques during the prohibited burning period. This includes open cooking or campfires. Do not burn the road verge without the permission of the Shire and a permit. Check the weather forecast before undertaking any burning.



The above dates may change due to seasonal fire conditions in which case the details of the changes will be published in the local press.

Permits must be issued by a designated Fire Control Officer. A list of all Fire Control Officers is available on the Shire of Northam website or by contacting your local Bush Fire Brigade or Council Offices. Burning permits are issued free of charge.

4.

8. DECLARATION OF CLOSURE

There being no further business the Presiding Officer declared the meeting closed at 11:21am.

"I certify that the Minutes of the Ordinary Meeting of Council held on Tuesday, 31 July 2012 have been confirmed as a true and correct record."
______ President
_____ Date