

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD
22 MARCH, 2004, CIVIC CENTRE, OXLEY STREET,
CAMDEN**

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Present: Cr Anderson (Mayor/Chairperson), Cr Corrigan, Cr Patterson,
Cr Campbell, Cr Winn, Cr Batros, Cr Fekete, Cr McFadden.

Staff: General Manager, Director Governance & Outcomes, Director
Development & Environment, Director Works & Services,
Manager Environment & Health, Manager Development,
Manager Outcomes, Manager Assets, Manager Community
Services, Manager Engineering, Manager Corporate Services,
Senior Governance Officer.

APOLOGIES

An apology was received from Cr Senise from this meeting.

*Resolved on the Motion of Cr McFadden, seconded Cr Corrigan
that leave of absence be granted to Cr Senise.*

020/04

THE MOTION WAS **CARRIED**

**DECLARATION OF PECUNIARY OR CONFLICT OF
INTEREST**

Cr Campbell declared an pecuniary interest in relation to Item
1 as the matter relates to reimbursement of legal expenses.

GENERAL PUBLIC ADDRESSES

Mr Fred MacKenchnie addressed Council in relation to Item 4.

PUBLIC QUESTION TIME

There were no public questions.

CONFIRMATION OF MINUTES – 23RD FEBRUARY 2004

*Moved Cr Winn, seconded Cr Corrigan that the confirmation of
the Minutes of the Meeting of 23rd February, 2004, copies of
which have been circulated, be confirmed and adopted.*

021/04

THE MOTION WAS **CARRIED.**

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1. MAYORAL MINUTE - Final Statements

Tonight's Council meeting is the last of this term of the Council and is therefore the final time that at least five of our number will sit in this Chamber as Councillors. The other four of us will trust our future as Councillors to the electorate on polling day, Saturday 27 March, 2004.

In order to permit Councillors to make a final statement within these Chambers tonight I propose to move the suspension of standing orders at the conclusion of the meeting to allow brief, final remarks by any Councillor wishing to make them. I would seek Councillors support of the motion when it arises.

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**2. MAYORAL MINUTE – Proposal to Name Certain
Sporting Facilities**

(4235/1)

At the meeting of 28 April, 2003, Council resolved to exhibit the proposal to name the tennis court facility at Harrington Park after the Late John Mack and the sportsground (reserve) there, Fairfax Reserve. It further resolved to exhibit the proposal to name the cricket fields at Cut Hill Reserve, Cobbitty after the Late Frederick L Small.

The proposals were exhibited for one month, with comments sought up to 13 June, 2003. The exhibitions resulted in no comments being received from the general public. Comment in support of the proposal to name the cricket fields at Cut Hill Reserve, Cobbitty after the Late Frederick L Small was received from Cobbitty Park Cricket Club, Camden Cricket Club and Camden District Cricket Association.

Recommended: That

- (i) Council note the results of the public exhibition of the proposal to name the sporting facilities.
- (ii) Council endorse:
 - ◆ The naming of the tennis club facility at Harrington Park, after the Late John Mack;
 - ◆ The naming of the sportsground (reserve) at Harrington Park, Fairfax Reserve;
 - ◆ The naming of the cricket fields at Cut Hill Reserve, Cobbitty after the Late Frederick L Small.

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Moved Cr Anderson, seconded Cr Campbell that

(i) *Council note the results of the public exhibition of the proposal to name the sporting facilities.*

(ii) *Council endorse:*

- ◆ *The naming of the tennis club facility at Harrington Park, after the Late John Mack;*
- ◆ *The naming of the sportsground (reserve) at Harrington Park, Fairfax Reserve;*
- ◆ *The naming of the cricket fields at Cut Hill Reserve, Cobbitty after the Late Frederick L Small.*

022/04

THE MOTION WAS **CARRIED.**

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1. Reimbursement of Legal Expenses

Director – Governance & Outcomes

Purpose of the Report

To seek Council's approval for the reimbursement of Councillor Campbell's legal expenses in accordance with Council's policy.

Background

On two occasions over the past term of Council matters relating to Councillor Eva Campbell have been referred to the Department of Local Government. Those referrals, by unknown third parties, have been in relation to allegations of conflicts of pecuniary interest. Both matters were the subject of preliminary investigation by the Department with a view to determining whether they ought to be referred to the Local Government Pecuniary Interest Tribunal for hearing.

On each occasion Councillor Campbell has been required to show cause as to why the matters should not be referred to the Tribunal and on each occasion the Director-General of the Department has ultimately determined that the matter did not warrant that referral.

In "showing cause" Councillor Campbell has incurred legal expenses on each occasion and now seeks reimbursement under the Council's "Reimbursement of Expenses/Conferences" policy.

Council's Policy

The relevant section of Council's policy provides that:

"Payment of Legal Expenses Incurred by Councillors

The Council may by way of resolution indemnify or reimburse the reasonable legal expenses of:

- (a) A Councillor defending an action arising from the performance in good faith of a function under the Local Government Act 1993 or any other Act for and on behalf of Council; or*
- (b) A Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Local Government Act 1993; and*
- (c) A Councillor for proceedings before the Local Government Pecuniary Interest Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith by the Councillor of a function under the Local Government Act 1993 and the Tribunal or*

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investigative body makes a finding substantially favourable to the Councillor.”

Essentially, there are four tests to be applied in cases such as these before Council may reimburse legal expenses.

Firstly, that the expenses have been incurred and are reasonable. Councillor Campbell has provided copies of the accounts for payment of legal expenses in relation to both matters. The costs involved were \$2,365.88 in the 2001 matter and \$1,831.50 in the 2003 matter. As to the reasonableness of the costs, they would appear to be within the realms of costs incurred on Council matters in other jurisdictions however the matter is difficult to assess with any accuracy.

Secondly, that the proceedings were related to an action undertaken in good faith of a function under the Local Government Act or one of the other jurisdictions specifically mentioned in the policy. Though these matters did not proceed to the Pecuniary Interest Tribunal they are clearly related to the councillor's functions under the Act.

Thirdly, that the councillor has received a substantially favourable finding in the matter. Correspondence has been received from the Department of Local Government indicating that the Director-General has determined that in the first matter there was insufficient evidence to establish the alleged breaches and in the second that the matters raised would not be reasonably likely to result in an appreciable financial gain or loss to the councillor. This may be inferred as a “substantially favourable” findings as unfavourable findings would have resulted in referral to the Tribunal.

Finally, Council must determine “by way of resolution” to reimburse the expenses. This is the subject of this report.

Conclusion

This report does not seek to exercise any judgement over these matters, but rather to test the application for reimbursement against the policy requirements. Under the circumstances, it is considered that it does so on this occasion and, accordingly, the reimbursement is recommended.

Recommended: That Council reimburse the sum of \$4,197.38 to Councillor Eva Campbell for legal expenses incurred in defending allegations of pecuniary interest and in which there were findings substantially favourable to her.

(Cr Campbell, having previously declared a pecuniary interest, took no part in debate or voting on this matter, and left the Chamber, the time being 8.10pm).

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Resolved on the Motion of Cr Fekete, seconded Cr Batros that Council reimburse the sum of \$4,197.38 to Councillor Eva Campbell for legal expenses incurred in defending allegations of pecuniary interest and in which there were findings substantially favourable to her.

023/04

THE MOTION WAS **CARRIED.**

(Cr Campbell returned to the Chamber – the time being 8.18pm).

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2. 2004/05 Budget Strategy

(Director – Governance & Outcomes)

Introduction

As part of the annual budget preparation process, a budget strategy is formulated to detail the specific outcomes that will be achieved during the next financial year.

The budget strategy is an integral part of the budget planning process, it provides the ‘glue’ between the annual budget and management plan. It also lends unequivocal support to the broader objectives of Council’s Strategic Plan and promotes a fair and equitable evaluation of project bid submissions.

A copy of the budget strategy was sent to Councillors in late January 2004 for information and feedback. The following section outlines each of the budget strategy items within Council’s 5 principal outcomes.

1. Managing Urban Growth

- ◆ Residents embrace the sustainable living concepts of new developments.
- ◆ The built form and housing choice facilitates the life cycles of communities.
- ◆ Cultural landscapes are managed and integrated in the creation of new places.
- ◆ Community infrastructure is provided as soon as funds are available.
- ◆ Planning for the ‘lower John Street’ place is resolved.
- ◆ Amenity will be improved through increased monitoring and enforcement of development applications conditions
- ◆ Camden Council will be actively involved in the planning for Bringelly
- ◆ Development in Elderslie and Spring Farm delivers the community expectations as espoused in the Master Plan

2. Accessibility

- ◆ Camden’s transport needs are recognised in State and regional planning.
- ◆ There is better public transport “on the ground”.
- ◆ The range of community transport options is enhanced.
- ◆ The Bike Plan reflects the changing needs of new and existing communities.
- ◆ Community access is available electronically to a greater range of Council services and information. (by June, 2005)
- ◆ Leash free areas are identified across the local government area.

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- ◆ Improved opportunities for public transport services and utilisation will be realised
- ◆ There will be better access for people with mobility difficulties to nominated public facilities
- ◆ Pedestrian mobility and accessibility will have been improved.
- ◆ Convenient and accessible parking in Camden Town Centre will be achieved through the provision of a decked parking structure.

3. Environmental Systems

- ◆ A greater number of environmentally significant areas on private lands are conserved and managed.
- ◆ Biodiversity is protected through the reduction of noxious weeds on private lands are reduced.
- ◆ Council uses less non-renewable, natural resources.
- ◆ Less pollutants enter receiving waters from existing areas.
- ◆ There is increased recycling and re-use of demolition and construction waste.
- ◆ The community has a greater awareness of how to live sustainably.
- ◆ Unauthorised land filling activity is controlled.
- ◆ Our rural areas are well maintained and enhanced
- ◆ Our water systems (natural and built) are further protected and enhanced
- ◆ All natural, public areas in Council control will have their management strategies enhanced
- ◆ The Significant Tree Register is updated
- ◆ More environmental best practices are incorporated in Council's work procedures
- ◆ Community better educated/informed in reducing the impact of salinity
- ◆ Council's greenhouse gas emissions reduced
- ◆ Adverse environmental impacts from rural activities are reduced
- ◆ Performance of on-site sewerage management facilities are improved

4. Economic & Community Development

- ◆ More people who live in Camden, work locally.
- ◆ The Town Farm will be functioning and the Bicentennial Equestrian park will be enhanced.
- ◆ Camden Airport retains its focus as a rural and recreational aerodrome with employment opportunities that do not compete with existing commercial and industrial areas.
- ◆ The Camden CBD has clean streets on weekends.
- ◆ Council's focus on tourism has been determined.
- ◆ A stronger sense of belonging and place is evident in existing and new communities.

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- ◆ Services are available in new communities as they are needed.
- ◆ Parks, reserves and public places are better utilised.
- ◆ Camden and Narellan libraries are place based and people focussed.
- ◆ A policy to manage rural / urban conflict is in place.
- ◆ Residents living in rural areas will have an improved understanding of the rights and responsibilities of living in rural areas, and there will be an increase in 'good neighbour behaviour' in these areas
- ◆ There is a reduction in graffiti and vandalism
- ◆ Minority groups are better informed and integrated into community living
- ◆ Greater cultural tourism opportunities
- ◆ Young people participate in the life of the community

5. Governance

- ◆ Council's financial position and performance is improving.
- ◆ Council's staff accommodation for the next 5 to 10 years is resolved.
- ◆ All of Council's statutory reporting is integrated into one report.
- ◆ There is increased community understanding of Council's role, performance and achievements.
- ◆ 5% of all of Council's staff positions are filled by trainees, apprentices or people with disabilities.
- ◆ Council's information systems are safe, secure, efficient and accessible.
- ◆ Place plans are in operation
- ◆ Quality and consistency of customer response will have been improved
- ◆ Council is responsive to customer requests and complaints

Recommended: That Council adopt the 2004/05 Budget Strategy, as outlined in this report.

Resolved on the Motion of Cr Corrigan, seconded Cr Winn that Council adopt the 2004/05 Budget Strategy, as outlined in this report.

024/04

THE MOTION WAS **CARRIED.**

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**3. Disbandment of NSW Rural Fire Service -
Communications Brigade**

(File TC584) (Director Works and Services)

Purpose

The Rural Fire Service has requested Council's consent to the disbandment of the existing Communications Brigade of the NSW RFS currently serving the Camden Council area, to facilitate the formation of a single Brigade for Macarthur Zone.

Background

With the establishment of the Macarthur Zone of the NSW Rural Fire Service, incorporating the Local Government Areas of Camden, Campbelltown and Liverpool, there has been an advantage identified in disbanding the three existing Communications Brigades in favour of the formation of a single Brigade to serve the Zone.

The three Communications Brigades have existed in various forms over a period of time, and are generally under-resourced in relation to volunteer numbers.

The three Brigades have been operating from a single incident management facility since the Zone commenced operationally, and volunteers from the Brigades have worked together to provide an improved level of service.

At a joint Communications Brigades meeting held on 15 January 2004 the volunteers of those Brigades agreed that there would be an advantage in forming a single Communications Brigade for Macarthur Zone, to reduce duplication, manage communications issues under a single volunteer management structure and combine personnel resources to facilitate a more consistent level of service.

Proposal

The Rural Fire Service has proposed that the three existing Communications Brigades in Camden, Campbelltown and Liverpool be disbanded.

Councils are responsible for the disbandment of Brigades within their LGA, pursuant to section 17 of the Rural Fires Act 1997.

Should Council agree to the disbandment of the existing Communications Brigade by resolution at a Council meeting, the Brigade officer-in-charge shall be notified in writing of the decision to disband the Brigade. Disbandment takes effect 21 days from that notice to the officer-in-charge.

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There is an appeal process that applies should the majority of Brigade members disagree with the decision, however as noted this does not appear to apply in this instance.

It is further proposed to establish a single Communications Brigade to service the Macarthur Zone of the NSW Rural Fire Service.

The responsibility for forming Brigades rests with the Commissioner of the NSW Rural Fire Service pursuant to the Service Level Agreement between the Councils of Macarthur Zone and the Commissioner.

Summary

This request, by the Rural Fire Service, does not require the closure of any active fire fighting unit serving Camden.

The request will result in a single Macarthur Zone Communications Brigade serving Camden, Campbelltown and Liverpool.

Recommended: That Council

- (i) agree to disband the Communications Brigade in accordance with section 17 of the Rural Fires Act 1997.
- (ii) support the formation of the new Communications Brigade to service the Macarthur Zone.

Resolved on the Motion of Cr Corrigan, seconded Cr Campbell that Council

- (i) agree to disband the Communications Brigade in accordance with section 17 of the Rural Fires Act 1997.
- (ii) support the formation of the new Communications Brigade to service the Macarthur Zone.

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THE MOTION WAS **CARRIED.**

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**4. Ron Dine Reserve – Request for Double Fencing of
Main Soccer Field**

(File 5300.390) (Director Works and Services)

This report examines the request made by Camden “Tiger’s” Soccer Club to fence, to 1.8m height, the main soccer ground at their home ground at Ron Dine Reserve, South Camden.

The request has been made to satisfy the ground criteria set by Soccer NSW for “Winter State League Division One (1) Competition – Season 2004”.

Current Field Conditions at Ron Dine Reserve

Ron Dine Reserve, South Camden currently provides five soccer fields on the flood plain of Matahill Creek. The playing fields are surrounded by the creek itself on the east and a low lying marsh branch of the creek on the west. The site is affected by back waters from the Nepean River and flooding from Matahill Creek itself.

Levels indicate the main playing ground (No. 1) is 0.45m above the 1% AEP flood level, but 3.65m below the PMF level for the site.

The main playing field, abutting the clubhouse, is presently fenced with 1.0m cyclone fencing.

Camden Tiger’s Club

Camden “Tigers” currently field a wide range of teams in the local competitions.

The Club is also involved at the higher levels of soccer competition with representative sides in:

State League	1 st Grade under 20
Youth League	Under 13
	Under 14
	Under 15
	Under 16
	Under 18

It is the requirements which Soccer NSW has imposed on the teams in respect of permitting these teams to play at their designated levels that have generated concerns for the Club.

The Club has been relegated from Super Youth League to Inter District Division One because it does not satisfy Soccer NSW ground criteria relevant to that division competition.

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The Club is currently carrying out ground (seating) and clubroom (approved) improvements, in an effort to continue to satisfy the Soccer NSW criteria. Soccer NSW has accepted these current works as satisfactory endeavour to work towards satisfying their criteria for this year; and so the Club's participation in State League is accepted for this year only at present.

Soccer NSW Ground Criteria

Soccer NSW, the governing league for playing soccer in NSW, specifies criteria for acceptable levels of play throughout the State.

Under "Ground Criteria – Winter State League Division One (1) Competition – Season 2004" the following requirements apply to fencing.

4. *Pitch Perimeter Fence – A fence of at least one (1) metre in height is to surround the playing field. The fence is to be constructed with substantial material (mesh or cyclone wire) and is to be continuous. The fence must not be located any closer than 3 metres from the perimeter markings of the playing field. Advertising signs, where installed on perimeter fencing, are to be properly secured in a manner that will not cause injury to players or officials, and preferably constructed from impact absorbing material.*

5. *Enclosed Ground – The ground must be totally enclosed with perimeter fencing of at least 1.8 metres in height. All fencing must be maintained in a safe condition.*

The main field, as noted, satisfies the first criteria (No. 4), but neither the reserve nor the field is fenced to 1.8 metres height.

The erection of the fence is not for the safety of players but enables the ground to be controlled at all times and will be used to levy a charge to watch the game.

Council has already addressed the issue of fencing on the flood plain at Cowpasture Reserve

In addition Council has a position of ensuring that its playing fields remain as multipurpose playing fields, in an endeavour to cater and provide for as many sports as is feasible. The provision of fencing of our open playing fields restricts or denies opportunities for sports to develop across the local government area.

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Comment

The surrounding Councils were consulted in regard to satisfying Soccer NSW requirements for dual fencing of the fields. No fields at Wollondilly have such fencing, Lyndwood Park, Campbelltown has dual fencing around this ground and there are a limited number of grounds within Liverpool fenced to satisfy State League requirements.

Baulkham Hills Council has been approached on two occasions by a division one soccer club to fence two reserves to Soccer NSW standards but have refused on both occasions stating that under the Local Government Act, no-one can charge a fee to enter public land. A one metre high fence was permitted to be constructed around the field for crowd control purposes only.

Soccer NSW however quotes that 14 of their division one teams have their fencing requirement imposed upon their playing fields.

In this instance Ron Dine Reserve has been set aside for soccer in winter and in particular for Camden "Tigers" Soccer Club for some years. This reserve is also used for inter-school soccer (PSSA), again in the winter season. Cricket pitch is sited between two of the soccer fields at the southern portion of this reserve.

The requirement to provide a 1.8m high fence offset from the existing (1.0m high) fence will require minor adjustments to the siting of the current (No. 2) field. This can be accommodated within the bounds of the space provided (refer **Tabled Document "BPA 1"**).

It is Council's current position that no further fencing is to be erected within the floodplain (as it applies to Cowpasture Reserve) of the Nepean River. This position is based on the possible devastation which could be caused by loose or free fencing downstream of the site to other more valuable assets, such as buildings and bridges.

Should approval be granted to fence this reserve then other sports, particularly football codes such as rugby, may also request perimeter fencing of their allocated grounds. Such a precedent may then see many of Camden's open sports fields surrounded by cyclone fencing essentially to restrict viewing of the sport and to charge entry to these games with higher standards of play which may be of interest to Camden residents.

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Should sporting clubs then be charging a fee for the residents to watch their games on Council reserves, Council may have to reconsider the fees applicable to these clubs and their hire of the ground.

It is understood the option of charging entry to Ron Dine Reserve at the crossing of Matahill Creek, a natural boundary at the entry to the reserve, is unacceptable to Soccer NSW.

Recommended: That Camden would not support signing the owners consent on a D.A. in respect of erecting fencing around sports field No. 1 at Ron Dine Reserve within the floodplain of the Nepean River.

MOTION

Moved Cr Patterson, seconded Cr Campbell that Camden Council sign the owner's consent for the Development Application for the erection of fencing around sports field No. 1 at Ron Dine Reserve provided the Club submits an agreement in writing to the following conditions being imposed:

- (i) The fence will be erected to the same safety standards as approved by Council at Coupasture Reserve;*
- (ii) Camden Tigers Soccer Club to pay for the erection of the fence;*
- (iii) No admission fee be charged on game days;*
- (iv) At least one gap on each length of side fence be provided to allow access to pedestrians at any time, except during games.*

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THE MOTION ON BEING PUT WAS **CARRIED**.

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Delegated Committees

Development Committee – Held 23 February, 2004

Development Committee – Held 8 March, 2004

Resources & Services Committee – Held 8 March, 2004

Resolved on the Motion of Cr Winn, seconded Cr Corrigan that the Minutes of the Development Committee held on the 23 February, 2003 and 8 March, 2004 and the Resources & Services Committee held on the 8 March, 2004, copies of which have been circulated, be confirmed and adopted.

027/04

THE MOTION WAS **CARRIED.**

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Other Committees

Traffic Committee – Held 8 March, 2004

*Resolved on the Motion of Cr Fekete, seconded Cr McFadden
that the Minutes of the Traffic Committee Meeting of the 8 March,
2004 copies of which have been circulated, be confirmed and
adopted.*

028/04

THE MOTION WAS **CARRIED.**

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NOTICE OF MOTION

I, Councillor Bev Batros, hereby give notice of my intention to move the following motion at the Council meeting of 22 March, 2004:

“That Council adopt the draft Camden Scenic and Cultural Landscape Study.”

Cr Batros advised that the Notice of Motion is withdrawn.

QUESTIONS WITHOUT NOTICE

Narellan Police Site

Cr Batros asked regarding the progress being made on a meeting with the Member for Camden relating to the Narellan Police Site.

The Manager Outcomes stated staff have contacted the respective groups and a meeting will be held when the new Council is elected to ensure those views are taken into account.

Macarthur Park – Irrigation

Cr Winn requested to be advised if the irrigation has been completed.

The Director Works & Services stated the works are not completed at this stage. The installation is being redesigned for drip irrigation rather than spray irrigation. However, the installation will still proceed.

Anglican School Site – Narellan

Cr Campbell requested to be advised on the position currently being advanced by Council in the relation to the purchase of the Anglican School site at Narellan by other groups who wish to continue the current usage as school.

The Manager Outcomes was aware another school group had made enquiries some months ago, however, is not aware of any more recent enquiries. A prospective purchaser is still interested in the site in terms of the alternate use. Council is not aware of recent discussions with any alternate school group.

Cr Campbell asked is it to be understood that Council's position is to have open mind on continuing its use as special purposes school or are suggested rumours that Council is not being helpful in this matter, true.

The General Manager stated Council Officers do not have a position on the use of the site other than as adopted by Council in the Masterplan. Council staff deal with requests as they occur but do not have any opinion other than Council's adopted position.

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SUSPENSION OF STANDING ORDERS

Following the Mayoral Minute earlier this evening the Mayor moved the Suspension of Standing Orders to permit Councillors to make a final statement on the Council term of office 1999 – 2004.

MOTION

Moved Cr Anderson, seconded Cr Corrigan that Standing Orders be Suspended to allow brief final remarks by any Councillor.

029/04

THE MOTION WAS **CARRIED.**

COUNCILLOR STATEMENTS

The Mayor read a prepared statement on behalf of Cr Senise.

Each remaining Councillor then made a statement regarding the term of Council.

The Meeting closed at 9.05pm.