

# Manly Council

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## Minutes

## Extraordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 16 February 2004**

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:  
[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*



The Extraordinary Meeting of Manly Council was held in the Council Chambers, Town Hall, Manly, on Monday 16 February 2004. The meeting commenced at 7:40 pm.

**PRESENT**

Her Worship The Mayor, Councillor J Hay, AM, who presided  
Deputy Mayor Councillor J Heraghty  
Councillor B Aird  
Councillor D Barr  
Councillor P Dee  
Councillor A Heasman  
Councillor J Lambert  
Councillor R Morrison  
Councillor B Pedersen  
Councillor K Page  
Councillor S Sacker

**ALSO PRESENT**

Henry T Wong, General Manager  
Jim Hunter, Manager Corporate Planning and Strategy  
Julia Paul, Secretariat Officer

**OPENING PRAYER****(File A8/2)**

The Opening Prayer was presented by Rev Ian Freestone - Ruach Neighbourhood Church.

**APOLOGIES****(File A8/2)**

Apologies were tendered on behalf of Councillor Dickman, for non-attendance.

**4/04 RESOLVED: (Page / Dee)**

That the apology received from Councillor Dickman, be accepted and leave be granted.

**For the Resolution:** Councillors Sacker, Pedersen, Barr, Aird, Heasman, Heraghty,  
Morrison, Lambert, Page, Dee and Hay.

**Against the Resolution:** Nil.

**DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST****(File A8/2)**

Nil.

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**PUBLIC ADDRESSES**  
(File C17/43)

NAME	SUBJECT/PUBLIC SPEAKERS
Richard Hewitt	Notice of Motion No. 4, Precinct Committees
Tim Fiddes	CPS No. 9 Late Night Entertainment Venues in Manly CBD - Review of Planning Strategies
Richard Hewitt	CPS No. 10 Manly Lagoon and Catchment Integrated Catchment Management Strategy

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**CONFIRMATION OF MINUTES**  
(File C17/23)

**MOTION:** (Page / Dee)

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday 2 February 2004, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

**5/04 RESOLVED:** (Page / Dee)

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday 2 February 2004, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

**For the Resolution:** Councillors Sacker, Pedersen, Barr, Aird, Heasman, Heraghty, Morrison, Lambert, Page, Dee and Hay.

**Against the Resolution:** Nil.

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**Notices Of Motion**

Notice Of Motion No. 4

**Precinct Committee**

Councillor Heraghty will move:

1. That the Council endorse their support and commitment to Precinct Committees.
2. That Council review the guidelines associated with Precincts so that there is a consistency, fairness and clarity for the role of precincts.
3. That clear information be given in terms of liability.

**MOTION:** (Heraghty / Dee)

1. That the Council endorse their support and commitment to Precinct Committees.
2. That Council review the guidelines associated with Precincts so that there is a consistency, fairness and clarity for the role of precincts.
3. That clear information be given in terms of liability.

**6/04 RESOLVED: (Heraghty / Dee)**

1. That the Council endorse their support and commitment to Precinct Committees.
2. That Council review the guidelines associated with Precincts so that there is a consistency, fairness and clarity for the role of precincts.
3. That clear information be given in terms of liability.

**For the Resolution:** Councillors Sacker, Pedersen, Barr, Aird, Heasman, Heraghty, Morrison, Lambert, Page, Dee and Hay.

**Against the Resolution:** Nil.

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Notice Of Motion No. 5

**Notice of Motions - Provision of Briefing Note**

Councillor Heraghty will move:

1. That where a Councillor has submitted a Notice of Motion, that the General Manager will provide a briefing note to all Councillors as soon as possible after the notification of the Motion.

This notification can be up to one hour before the Council meeting, but the earliest possible time is preferred.

2. The background briefing note will only deal with factual information regarding background and present status of the issue. It will be in dot point only and no longer than two pages.

**MOTION: (Heraghty / Page)**

1. That where a Councillor has submitted a Notice of Motion, that the General Manager will provide a briefing note to all Councillors as soon as possible after the notification of the Motion.

This notification can be up to one hour before the Council meeting, but the earliest possible time is preferred.

2. The background briefing note will only deal with factual information regarding background and present status of the issue. It will be in dot point only and no longer than two pages.

**AMENDMENT: (Pedersen / Barr)**

1. That where a Councillor has submitted a Notice of Motion that the General Manager attach a briefing note to all Councillors when he feels it may be necessary to provide further background information on an issue.

This notification can be up to one hour before the Council meeting, but the earliest possible time is preferred.

2. The background briefing note will only deal with factual information regarding background and present status of the issue. It will be in dot point only and no longer than two pages.

**For the Amendment:** Councillors Sacker, Pedersen, Barr, Aird and Lambert.

**Against the Amendment:** Councillors Heasman, Heraghty, Morrison, Page, Dee and Hay.

The **Amendment** was declared **Lost**.

**7/04 RESOLVED: (Heraghty / Page)**

1. That where a Councillor has submitted a Notice of Motion, that the General Manager will provide a briefing note to all Councillors as soon as possible after the notification of the Motion.

This notification can be up to one hour before the Council meeting, but the earliest possible time is preferred.

2. The background briefing note will only deal with factual information regarding background and present status of the issue. It will be in dot point only and no longer than two pages.

The **Motion** was put and declared **Carried**.

**For the Resolution:** Councillors Heasman, Heraghty, Morrison, Page, Dee and Hay.

**Against the Resolution:** Councillors Sacker, Pedersen, Barr, Aird and Lambert.

**PROCEUDURAL MOTION: (Barr / Sacker)**

That Councillor Dee remove himself from the Chamber as he continually interrupted the speaker addressing Council on CPS No. 9 Late Night Entertainment Venues in Manly CBD - Review of Planning Strategies.

*This matter was discussed by the Meeting but remained unresolved.*

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The Extraordinary Meeting of 16 February 2004 was adjourned at 9.24pm.

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At 9.25pm Councillor Dee departed the meeting.

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The meeting was reconvened at 9.31pm with the following Councillors present:

Her Worship The Mayor, Councillor J Hay, AM, who presided  
Deputy Mayor Councillor J Heraghty  
Councillor B Aird  
Councillor D Barr  
Councillor A Heasman  
Councillor J Lambert  
Councillor R Morrison  
Councillor B Pedersen  
Councillor K Page  
Councillor S Sacker

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Corporate Planning And Strategy Division Report No. 9

### **Late Night Entertainment Venues in Manly CBD - Review of Planning Strategies**

#### **SUMMARY**

- The purpose of this report is to review the planning strategies within Manly CBD with regard to the impacts of late night entertainment venues on the CBD's growing residential population as a consequence of a growing number of mixed commercial/residential developments over the past years. The report concludes that with proper management of the venues, lock out times and improved security, in and around the CBD, conflicts are being minimised.
- Council's present planning strategies seek to enhance Manly's role as a tourist venue and as a residential area with high amenity. To balance these objectives the Council can control late night entertainment venues by means of consent conditions, which can limit trading hours and the capacity of the venue, but bearing in mind that most impacts occur after patrons have left the venue.
- Consideration should be given to building controls on residential development to limit noise penetration.

#### **MOTION: (Page / Morrison)**

1. That the DCP be amended to require all future CBD residential developments to incorporate noise attenuation measures in their design particular at their interface with CBD commercial precincts.
2. That Council's planning instruments be amended to require all future commercial developments in the CBD which have potential to generate significant noise to incorporate noise breakout attenuation measures in their designs

3. That all entertainment venue applications in future be required to submit to Council a noise management plan for their operations, in particular, as they relate to crowd control and crowd dispersal strategy at closing times.
4. That the impact of late night entertainment venues be monitored and a further report be presented to Council in 12 months.
5. That Council calls on the State Government to introduce a mandatory and enforceable Accord regime as proposed by the Alcohol Summit, including the 2am lockout.

**AMENDMENT: (Pedersen / Aird)**

1. That Council acknowledge the serious negative impact that late night venues have on the community.
2. That Council note that the Restricted Entry Policy is planned for review in March 2004.
3. That Council convey to the Manly Liquor Accord Group that any relaxation of the 2am lockout will not be acceptable.
4. That Council calls on the State Government to introduce a mandatory and enforceable Accord regime as proposed by the Alcohol Summit, including the 2am lockout.

**For the Amendment:** Councillors Pedersen, Barr, Aird and Lambert.

**Against the Amendment:** Councillors Heasman, Heraghty, Morrison, Page and Hay.

*Councillor Sacker was not present and did not take part in the voting.*

The **Amendment** was declared **Lost**.

**7/04 RESOLVED: (Page / Morrison)**

1. That the DCP be amended to require all future CBD residential developments to incorporate noise attenuation measures in their design particular at their interface with CBD commercial precincts.
2. That Council's planning instruments be amended to require all future commercial developments in the CBD which have potential to generate significant noise to incorporate noise breakout attenuation measures in their designs
3. That all entertainment venue applications in future be required to submit to Council a noise management plan for their operations, in particular, as they relate to crowd control and crowd dispersal strategy at closing times.
4. That the impact of late night entertainment venues be monitored and a further report be presented to Council in 12 months.
5. That Council calls on the State Government to introduce a mandatory and enforceable Accord regime as proposed by the Alcohol Summit, including the 2am lockout.

**For the Resolution:** Councillors Pedersen, Barr, Aird, Heasman, Heraghty, Morrison, Lambert, Page and Hay.

**Against the Resolution:** Nil.

*Councillor Sacker was not present and did not take part in the voting.*

At 10.57pm Councillor Sacker departed the meeting.

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### **Corporate Planning and Strategy Division Reports**

Corporate Planning And Strategy Division Report No. 10

### **Manly Lagoon and Catchment Integrated Catchment Management Strategy**

#### **SUMMARY**

As a result of actions outlined in the Manly Council & Sydney Water Partnership MOU and in recognising that the management of the catchment falls under the responsibility of a number of catchment managers, it was agreed that it was necessary to develop an umbrella strategy that incorporates all relevant plans, strategies and water quality monitoring programs undertaken by the various catchment managers (this includes DIPNR, DUAP, SWC, RTA, EPA and both Manly & Warringah Councils) into a single strategy - The Manly Lagoon & Catchment Integrated Catchment Management Strategy (ICMS).

Now in its final form, if adopted by Council, it will be distributed to members of the ICMS Task Force (the official endorsement body) for final endorsement.

#### **MOTION: (Page / Heasman)**

1. That Council endorse the Final Manly Lagoon & Catchment Integrated Catchment Management Strategy and distribute it to members of the Integrated Catchment Management Strategy Task Force for their endorsement and integration into the Partnership's Memorandum Of Understanding (MOU).
2. That the endorsed Manly Lagoon & Catchment Integrated Catchment Management Strategy be made available to the community once endorsed by the Integrated Catchment Management Strategy Task Force.
3. That once endorsed, Council proceed with the implementation of the ICMS which will be guided by the Sydney Water / Manly Council Partnership.

#### **9/04 RESOLVED: (Page / Heasman)**

1. That Council endorse the Final Manly Lagoon & Catchment Integrated Catchment Management Strategy and distribute it to members of the Integrated Catchment Management Strategy Task Force for their endorsement and integration into the Partnership's Memorandum Of Understanding (MOU).
2. That the endorsed Manly Lagoon & Catchment Integrated Catchment Management Strategy be made available to the community once endorsed by the Integrated Catchment Management Strategy Task Force.
3. That once endorsed, Council proceed with the implementation of the ICMS which will be guided by the Sydney Water / Manly Council Partnership.

**For the Resolution:** Councillors Pedersen, Barr, Aird, Heasman, Heraghty, Morrison, Lambert, Page and Hay.

**Against the Resolution:** Nil.

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**PROCEDURAL MOTION: (Page / Heasman)**

That the meeting be adjourned to consider items of public interest on the Ordinary Meeting agenda being Notice of Motion No. 1 Meeting on "the Block Action Plan, and Notice of Motion No. 7, Sustainable Tourism for Manly.

**RESOLVED: (Page / Heasman)**

That the Procedural Motion be **carried**.

**For the Resolution:** Councillors Pedersen, Barr, Aird, Heasman, Heraghty, Morrison, Lambert, Page and Hay.

**Against the Resolution:** Nil.

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Corporate Planning And Strategy Division Report No. 7

**Council Endorsement of SHOROC Section 94 Contributions****SUMMARY**

A review of Section 94 contributions and development levies is being carried out by NSW Department of Infrastructure, Planning and Natural Resources.

A submission has been prepared by the SHOROC Councils to address the issues and concerns of the four Councils and to recommend actions to the State government to address these concerns.

The submission (**refer attachment**) is recommended for endorsement.

*Consideration of this item was **deferred**. It will be considered all with all other deferred items at the next Extraordinary Meeting to be held on Monday 23 February 2004.*

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Corporate Planning And Strategy Division Report No. 8

**Sydney Regional Environmental Plan No. 32 - Sydney Harbour Catchment - Working Draft****SUMMARY**

The purpose of this report is to advise the Council of the latest Working Draft SREP and discuss its implications and matters of concern as they apply to Manly Local Government area. The Plan will be exhibited for public comment in February 2004.

*Consideration of this item was **deferred**. It will be considered all with all other deferred items at the next Extraordinary Meeting to be held on Monday 23 February 2004.*

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**Confidential Items**

Mayoral Minute No. 1

**Senior Staff Contract**

**CONFIDENTIAL** - *It is recommended that this matter be confidential under Section 10A(2)(a) of the Local Government Act, 1993, as it relates to the matter will involve the discussion of personnel matters concerning a particular individuals.*

**RECOMMENDATION**

*Consideration of this item was **deferred**. It will be considered all with all other deferred items at the next Extraordinary Meeting to be held on Monday 23 February 2004.*

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**CLOSE**

The meeting closed at 11.10pm.

The above minutes were confirmed at the **Ordinary Meeting** of Manly Council held on 15 March 2004.

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**MAYOR****\*\*\*\*\* END OF MINUTES \*\*\*\*\***