

10.5. Noakes Boatyard - 6 John Street, McMahons Point

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ENDORSED BY: Joseph Hill, Director City Strategy

ATTACHMENTS: Nil

PURPOSE:

To provide a further update on legal, planning and compliance matters relating to Noakes Boatyard at 6 John Street, McMahons Point.

EXECUTIVE SUMMARY:

The associated Confidential Report to this item addresses advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. If the Committee wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(g) of the Local Government Act (LGA).

FINANCIAL IMPLICATIONS:

Nil.

RECOMMENDATION:

- 1. THAT** the meeting be closed to the public in accordance with Section 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- 2. THAT** the report be treated as confidential and remain confidential until Council determines otherwise.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

3. Our Future Planning

3.4 North Sydney is distinctive with a sense of place and quality design

3.5 North Sydney is regulatory compliant

BACKGROUND

On 12 October 2020 the Legal and Planning Committee considered and noted the contents of a report which provided an update on planning and compliance matters relating to Noakes Boatyard at 6 John Street, McMahons Point.

On 20 October 2020, at its Ordinary Meeting of Council, Council considered and adopted the minutes of the meeting of the Legal and Planning Committee held on 12 October 2020, resolving as follows:

- 1. THAT Council note the contents of the report.*
- 2. THAT the report be treated as confidential and remain confidential until Council determines otherwise.*

On 2 November 2020 and 13 November 2020, Land and Environment Court Proceedings No. 2020/00122833 (“the Proceedings”) were listed before Acting Commissioner Philip Clay for further conciliation between the parties.

On 16 November 2020 the parties reach an “in principle” agreement to resolve the Proceedings, to include Local Court Proceedings, subject to the terms of a Deed of Settlement (“the Deed”).

CONSULTATION REQUIREMENTS

Community engagement is not required.