

# minutes

## Major Projects Committee

MEETING HELD ON **MONDAY 1 FEBRUARY 2016**

**TABLE OF CONTENTS**

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
	<b>Declaration of Opening</b>	<b>4</b>
	<b>Declarations of Interest</b>	<b>4</b>
	<b>Apologies/Leave of absence</b>	<b>5</b>
	<b>Confirmation of Minutes</b>	<b>5</b>
	<b>Announcements by the Presiding Member without discussion</b>	<b>5</b>
	<b>Identification of matters for which the meeting may be closed to the public</b>	<b>5</b>
	<b>Petitions and deputations</b>	<b>5</b>
	<b>Reports</b>	<b>6</b>
1	Ocean Reef Marina – Project Status and Communication Plan Report – [04171B]	6
2	Ocean Reef Marina – Draft Bush Forever Negotiated Planning Outcome – [04171B]	20
3	Confidential – Joondalup City Centre Development – Project Status Report – [103036]	30
	<b>Urgent Business</b>	<b>32</b>
	<b>Motions of which previous notice has been given</b>	<b>32</b>
	<b>Requests for Reports for future consideration</b>	<b>32</b>
	<b>Closure</b>	<b>32</b>

## CITY OF JOONDALUP

### MINUTES OF THE MAJOR PROJECTS COMMITTEE MEETING HELD IN CONFERENCE ROOM 2, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY 1 FEBRUARY 2016.

#### ATTENDANCE

##### Committee Members

Mayor Troy Pickard	<i>Presiding Member</i>
Cr Kerry Hollywood	<i>Deputy Presiding Member</i>
Cr Nige Jones	
Cr Liam Gobbert	
Cr Mike Norman	
Cr John Chester	
Cr Russ Fishwick, JP	

##### Observers

Cr Tom McLean, JP	
Cr Philippa Taylor	
Cr Russell Poliwka	<i>to 7.11pm</i>

##### Officers

Mr Garry Hunt	Chief Executive Officer	<i>Absent from 7.01pm to 7.02pm; and from 7.50pm to 7.51pm</i>
Mr Brad Sillence	Manager Governance	
Mr Blignault Olivier	Manager City Projects	<i>Absent from 6.09pm to 6.10pm; and from 7.11pm to 7.12pm; and from 7.31pm to 7.32pm; and from 8.10pm to 8.11pm; and from 8.23pm to 8.24pm</i>
Mrs Lesley Taylor	Governance Officer	

##### Guests

##### In relation to Items 1 and 2

Ms Karen Hyde	Taylor Burrell Barnett	<i>from 6.10pm to 7.10pm</i>
Mr Darren Walsh	Strategen	<i>from 6.10pm to 7.10pm</i>

##### In relation to Item 3

Mr Tony Hatt	Devwest Group Pty Ltd	<i>from 7.32pm to 8.09pm; and from 8.24pm to 8.28pm Absent from 8.10pm to 8.23pm</i>
Mr Damon Ferguson	Devwest Group Pty Ltd	<i>from 7.32pm to 8.09pm; and from 8.24pm to 8.28pm Absent from 8.10pm to 8.23pm</i>
Mr Chad Ferguson	Devwest Group Pty Ltd	<i>from 7.32pm to 8.09pm; and from 8.24pm to 8.28pm Absent from 8.10pm to 8.23pm</i>

## DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.06pm.

## DECLARATIONS OF INTEREST

### Disclosures of Financial / Proximity Interest

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

<b>Name/Position</b>	<b>Cr Russell Poliwka.</b>
<b>Item No./Subject</b>	Item 3 – Confidential – Joondalup City Centre Development – Project Status Report.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Poliwka owns property opposite the proposed development site.

### Disclosures of interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	Item 3 – Confidential – Joondalup City Centre Development – Project Status Report.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A director of Probuild Constructions is a friend of Cr McLean.

<b>Name/Position</b>	<b>Mr Blignault Olivier, Manager City Projects.</b>
<b>Item No./Subject</b>	Item 3 – Confidential – Joondalup City Centre Development – Project Status Report.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A Director of Probuild Constructions (part of the Devwest Group Pty Ltd team) is a personal friend of Mr Olivier.

**APOLOGIES/LEAVE OF ABSENCE****Leave of Absence Previously Approved:**

Cr Mike Norman 21 February to 5 March 2016 inclusive.

**CONFIRMATION OF MINUTES****MINUTES OF THE MAJOR PROJECTS COMMITTEE HELD 14 DECEMBER 2015**

**MOVED** Cr Fishwick, **SECONDED** Cr Gobbert that the minutes of the meeting of the Major Projects Committee held on 14 December 2015 be confirmed as a true and correct record.

**The Motion was Put and**

**CARRIED (7/0)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Gobbert, Hollywood, Jones and Norman.

**ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

Nil.

**IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

In accordance with Clause 5.2 of the City's *Meeting Procedures Local Law 2013*, this meeting was not open to the public.

**PETITIONS AND DEPUTATIONS**

Nil.

*The Manager City Projects left the room at 6.09pm and returned at 6.10pm.*

*Ms Karen Hyde of Taylor Burrell Barnett and Mr Darren Walsh of Strategen entered the room at 6.10pm.*

**REPORTS****ITEM 1                    OCEAN REEF MARINA – PROJECT STATUS AND COMMUNICATION PLAN REPORT**

<b>WARD</b>	North Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	04171B, 101515
<b>ATTACHMENTS</b>	Attachment 1    Ocean Reef Marina – Indicative Approvals Timelines (as at December 2015) Attachment 2    Ocean Reef Marina – Approvals Gantt Chart Attachment 3    Revised Approvals Timeframes and Key Assumptions
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

---

**PURPOSE**

For the Major Projects Committee to note the progress on the Ocean Reef Marina project with particular emphasis on the environmental and planning approvals process and the proposed communication campaign.

**EXECUTIVE SUMMARY**

To progress the approval of the Ocean Reef Marina project the following activities and tasks have been undertaken since the last meeting of the former Ocean Reef Marina Committee held on 15 September 2015:

- 1     Investigations/studies to support the Structure Plan, Metropolitan Region Scheme (MRS) Amendment and environmental assessment.
- 2     Review of and amendments to the Ocean Reef Marina Indicative Approvals Timelines.
- 3     Request made to the Minister for Planning, the Hon. John Day MLA to initiate action for the State Government to assume the role of proponent for the project.
- 4     Preparation of the Ocean Reef Marina approvals process Communications Plan
- 5     Completion of the draft Ocean Reef Marina Bush Forever Negotiated Planning Outcome.

Details of items 1 – 4 are provided in this Report and the details of the draft Ocean Reef Marina Bush Forever Negotiated Planning Outcome (NPO) are provided in a separate Report on this agenda entitled *Ocean Reef Marina – Draft Bush Forever Negotiated Planning Outcome*.

The amended program which broadly outlines the indicative approvals timelines together with the Ocean Reef Marina approvals Gantt Chart are provided in Attachments 1 and 2. The key assumptions of the timelines are outlined and explained in Attachment 3.

*It is therefore recommended that the Major Projects Committee NOTES the:*

- 1 *Ocean Reef Marina Project Status and Communication Plan Report;*
- 2 *Ocean Reef Marina Indicative Approvals Timelines and Gantt Chart forming Attachments 1 and 2 to this Report.*

## **BACKGROUND**

### **Environmental and Planning Approval**

The City is pursuing planning approval for the Ocean Reef Marina through an MRS Amendment request, lodged with the Western Australian Planning Commission (WAPC) in July 2014. The initiation and assessment process for the MRS Amendment is broadly outlined as follows:

• WAPC resolves to initiate MRS amendment.	COMPLETED
• Referral to EPA for assessment determination.	COMPLETED
• Department of Planning (DoP) / WAPC review of amendment and finalisation of outstanding issues.	COMMENCED
• Public advertising of MRS amendment (public submissions).	JANUARY 2016
• Consideration / response to public submissions.	TO BE DETERMINED
• Consideration of environmental assessment (marine-based components) and the Marmion Marine Park amendment.	TO BE DETERMINED
• Final consideration of the MRS amendment by the WAPC.	TO BE DETERMINED
• Report to Minister.	TO BE DETERMINED
• Amendment presented to Governor for approval.	TO BE DETERMINED
• Amendment before both Houses of Parliament for 12 sitting days.	TO BE DETERMINED
• Notice of approval published in the Government Gazette.	TO BE DETERMINED
• Final notification.	AUGUST 2017

The above anticipated timelines have recently been reviewed in line with the environmental approval timelines and the updated milestone dates are provided and discussed later in this Report.

Occurring in parallel with the MRS Amendment, the marine based components of the Ocean Reef Marina project are being assessed by the Environmental Protection Authority (EPA) under the *Environmental Protection Act 1986* via a Public Environmental Review (PER). The Environmental Scoping Document, agreed between the City and the EPA, provides guidance on what information must be provided in the PER document and outlines the investigations/studies required to address the key environmental factors<sup>1</sup>.

The PER assessment process is broadly outlined as follows:

• Proposal referred to the EPA.	COMPLETED
• Seven day public comment period.	COMPLETED
• EPA determined the level of assessment “Public Environmental Review” (PER).	COMPLETED
• Preparation of the Environmental Scoping Document.  Essentially, the Environmental Scoping Document is the “contract” between the City and the EPA for the environmental impact assessment. The Environmental Scoping Document includes accurate, succinct descriptions of how each key environmental factor may be assessed and the investigations required.  Publically available through the EPA website, the Environmental Scoping Document also includes an agreed assessment timeline.	COMPLETED
• Preparation of the PER documentation.  The PER document includes all of the required studies and management plans as outlined in the Environmental Scoping Document.	COMMENCED
• Submission of the draft PER document for consideration and input by the Office of the Environmental Protection Authority (OEPA).	SEPTEMBER 2015
• Finalisation and resubmission of the PER.  Prior to finalisation the EPA will seek comments from other relevant agencies and key stakeholders to ensure all matters are adequately addressed.	NOVEMBER 2015
• Advertising of the PER documentation for public comment – eight weeks.	JANUARY 2016
• City responds to public submissions.	JUNE 2016
• EPA assesses the proposal, taking into consideration the public submissions and the City’s responses, and a draft report (including conditions) is prepared.	SEPTEMBER 2016
• EPA report is submitted to the Minister for consideration.	OCTOBER 2016
• Public appeal period on the EPA report.	
• Ministerial conditions are set.	
• Approval finalised and a formal statement is issued.	JANUARY 2017

<sup>1</sup> The Environmental Scoping Document, which includes an agreed assessment timeline, is publically available through the EPA website:

<http://www.epa.wa.gov.au/EIA/ScopingDocuments/Pages/default1.aspx>



The above anticipated timelines represent those negotiated and agreed with the Office of the Environmental Protection Authority (OEPA). It should be noted that these timelines have recently been reviewed and the updated milestone dates are provided and discussed later in this Report.

The Ocean Reef Marina Structure Plan, based on the concept plan that accompanied the MRS Amendment request, is currently being prepared and discussions have taken place with the Department of Planning (DoP) with respect to the concurrent advertising of the Structure Plan with the MRS Amendment and PER public comment period. It is of significant importance that all possible detailed information is available to, and considered by, the public at the same time. This approach provides the community with an open and transparent planning framework and ample context against which submissions made by the community and the referral agencies on the MRS amendment, the PER and the Structure Plan can be considered by the EPA and the WAPC.

The DoP and the OEPA have given in-principle agreement for a parallel process, as far as possible, including concurrent public advertising.

## DETAILS

At its meeting held on 6 October 2015 (CJ175-10/15 refers) it was agreed that Council:

- “1     *NOTES the Ocean Reef Marina Project Status Report;*
- 2     *NOTES the Ocean Reef Marina Indicative Approvals Timelines forming Attachment 1 to Report CJ175-10/15;*
- 3     *REQUESTS the Minister for Planning, the Hon. John Day, MLA and the Acting Minister for the Environment, the Hon. Liza Harvey, MLA formally endorse the concurrent statutory advertising for the Metropolitan Region Scheme Amendment and the Public Environmental Review associated with the Ocean Reef Marina Project;*
- 4     *REQUESTS the Chief Executive Officer to initiate a public advertising campaign through newspaper advertising and website updates to inform the community on the milestones and tasks completed or commenced to date for the Ocean Reef Marina Project;*
- 5     *REQUESTS the Chief Executive Officer to prepare and deliver a public awareness communication campaign during February 2016 on the following matters prior to the commencement of the formal statutory advertising process detailed in part 3 above:*
  - 5.1     *City of Joondalup District Planning Scheme No. 2 amendment;*
  - 5.2     *Metropolitan Region Scheme amendment;*
  - 5.3     *Public Environmental Review;*
  - 5.4     *Local Structure Plan.”*

It was further agreed (CJ176-10/15 refers) that Council also:

*“REQUESTS the Minister for Planning, as the Minister responsible for the State Government lead agency for the Ocean Reef Marina project, to initiate action for the State Government to assume the role of proponent for the Ocean Reef Marina project.”*

### **State Government Proponency**

In October 2015 the City requested the Minister for Planning, Hon. John Day MLA, to initiate action for the State Government to assume the role of proponent for the Ocean Reef Marina. A copy of this correspondence was also forwarded to the following:

- Hon. Albert Jacob MLA, Minister for the Environment, Member for Ocean Reef.
- Hon. Michael Mischin MLC, Member for North Metropolitan Region.
- Hon. Elizabeth Behjat MLC, Member for North Metropolitan Region.
- Hon. Peter Collier MLC, Member for North Metropolitan Region.
- Hon. Tony Krsticevic MLA, Member for Carine.
- Hon. Andrea Mitchell MLA, Member for Kingsley.
- Hon. Jan Norberger MLA, Member for Joondalup.
- Ms Gail McGowan, Director General, Department of Planning.

A response from the Minister for Planning was received in December 2015 advising the City that in the absence of information in relation to the business case, the proposed land tenure and assembly model and the on-going management needs and responsibility, it was difficult for an informed decision regarding future State Government involvement in the project. However, the Minister also advised that LandCorp has been requested to review the business case and advise the Ocean Reef Marina Steering Committee accordingly.

LandCorp has also advised that a Ministerial Briefing Paper was prepared and submitted on the project. The Ministerial Briefing Paper was prepared by LandCorp and the Department of Planning representatives to the Ocean Reef Marina Steering Committee.

Further, LandCorp has engaged the City's Ocean Reef Marina consultants to assist with the review of the concept plan and intends to involve the City in the process.

It should be noted that given the magnitude and complexity of the development, the preparation of the Ocean Reef Marina Business Case requires detailed due diligence across every aspect of the proposed development. An accurate and meaningful business case cannot be prepared without detailed due diligence; certainty surrounding any conditions imposed through the environmental and planning approval outcomes; certainty with regard to the type of entity ultimately responsible for development of the marina; and the City's eventual involvement in the development stage and beyond.

Throughout the life of the project, the City has engaged with the Department of Transport and the Department of Lands on such issues as land tenure and assembly and management needs and responsibility. Advice and opinion from these agencies has been sought and collated to enable strategies to be finalised for detailed negotiation once more certainty (as outlined above) is obtained through the approval outcomes.

Financial feasibility results have previously been provided to both LandCorp and the Department of Transport and during recent discussions with LandCorp the City offered to provide any further information that may assist with their review of the project.

In January 2016 further correspondence was forwarded to the Minister for Planning reiterating the City's commitment to provide information and assistance to LandCorp.

## Environmental and Planning Approvals

In order to progress the project from a vision to a development on the ground, the City is undertaking the tasks necessary to ensure the land within the Ocean Reef Marina is legally able to be developed. This work has been undertaken through various layers of planning, all of which are based on the current concept plan:

- *MRS Amendment/Public Environmental Review.*
- *Ocean Reef Marina Structure Plan.*
- *Local Planning Policy.*
- *Local Planning Scheme.*

These processes are interlinked and interrelated.

### MRS Amendment

A critical component of the MRS Amendment is the development of a draft Negotiated Planning Outcome (NPO) for Bush Forever Site 325. The draft NPO has been prepared and is pending formal submission to the DoP, Department of Parks and Wildlife and the OEPA. Further detail on the NPO is provided in a separate Report on this agenda entitled *Ocean Reef Marina – Draft Bush Forever Negotiated Planning Outcome*. It is intended that the draft NPO will be released for public comment with the MRS Amendment request.

All other components of the MRS Amendment have been completed and progression with the approval process is now dependent on the progress of the PER and structure plan as concurrent advertising is intended.

### Public Environmental Review

The tasks associated with the preparation of the PER documents are continuing with the majority of the baseline studies completed and the impact assessments commenced. Table 1 outlines the reports that have been received by the City in recent months:

This information and the other required investigations will form the PER documents which, at present, is anticipated to run to approximately 3,500 pages.

The findings of all studies/investigations have been discussed with, and reviewed by, the relevant decision making agency (for example, the Departments of Fisheries and Parks and Wildlife) to ensure the requirements as outlined in the Environmental Scoping Document are met.

### Structure Plan

The *Ocean Reef Marina Structure Plan* is being prepared in two parts. Part 1 includes a structure plan map and a series of subdivision and development requirements that the City and the DoP will take into consideration when assessing applications (that is for subdivision or development). Part 2 provides explanatory information justifying how and why the structure plan has been prepared.

It is important to note that with the new regulatory changes that came into effect in October 2015<sup>2</sup>, the City:

- is the 'referral agency' that receives the structure plan application
- considers if the structure plan application is 'acceptable'
- advertises the structure plan
- sends the structure plan onto the DoP with any relevant recommendation (that is to approve; to approve with modifications or to refuse).

The final decision and adoption now rests with the WAPC and not the City.

As the State Government now plays such a large role in determining structure plans, the draft *Ocean Reef Marina Structure Plan* has been discussed with the DoP to ensure that it is prepared in accordance with best practice and in a manner that will ensure a smoother process when it is being formally assessed and determined.

The draft *Ocean Reef Marina Structure Plan* has been finalised and forwarded to the DoP for discussion purposes and to check if it is consistent with the requirements.

It is also intended that the structure plan will be advertised for public comment concurrently with the MRS Amendment and PER in the latter half of 2016.

The *Ocean Reef Marina Structure Plan* is intended to be supported by a local planning policy that will provide requirements for built form, much like design guidelines. Together, the structure plan and the local planning policy will ensure that the desired urban outcomes of the Ocean Reef Marina concept plan are delivered through subdivision and development. The local planning policy will be advertised, adopted and applied by the City in a manner similar to all other local planning policies.

As a project proponent is identified and the development commences, amendments to the *City of Joondalup District Planning Scheme No. 2 (DPS2)* may be necessary to provide certainty on land use permissibility and important development requirements, such as ceding public open space or constructing roads. This statutory layer of planning will be the focus of on-going discussions in 2016 between the City and the DoP.

The necessary documentation supporting the *Ocean Reef Structure Plan* (to be included in Part 2) is well underway and nearing completion.

### Stakeholder Engagement

The Environmental Scoping Document included an expectation that the City will consult with stakeholders who are interested in, or affected by, the proposal. This includes decision-making authorities and other relevant State Government departments; this engagement is continuous and on-going. Table 1 outlines some of the key discussions that have taken place in recent months.

---

<sup>2</sup> Western Australian Planning Commission (2015), *Planning and Development (Local Planning Schemes) Regulations 2015*, available from <http://www.planning.wa.gov.au/publications/7295.asp>.

Table 1: Recent key discussions

Agency/Entity	Topic	Project Attendees
NBN Co.	Potential requirements/timing of the project in relation to the NBN roll-out.	City Officers.
OEPA, DPaW and DoP.	Draft Negotiated Planning Outcome – Bush Forever.	City Officers, Project Consultants.
LandCorp.	LandCorp's potential involvement in the project.	City Officers.
Department of Fisheries, abalone industry representatives.	Impact of the development on the abalone industry and the potential mechanisms available for compensation.	City Officers, Project Consultants.
DPaW.	Benthic habitat baseline studies and results.	City Officers, Project Consultants.
DoP.	Ocean Reef Marina Structure Plan.	Project Consultants.

In addition to the above the following significant activities occurred:

- The Ministers for Transport and Regional Development were briefed on the project by Mayor Troy Pickard and the Chief Executive Officer.
- The Hon. Jan Norberger MLA, Member for Joondalup, was briefed on the project by Mayor Troy Pickard and the Chief Executive Officer.
- The Chief Executive Officer and project consultants presented the project to the Marmion Parks and Reserves Authority.
- Ocean Reef Marina Steering Committee: This Committee has met on two occasions in recent times – 10 August 2015 and 12 October 2015.

### Communications Plan

In the lead up to the concurrent public advertising of the PER, MRS Amendment and Structure Plan the City will undertake a communications campaign to inform the community on progress on the Ocean Reef Marina project and provide information on how the community can be involved in the approvals process.

Commencing in February 2016, the following is proposed:

- “Advertorial” published in the Community Newspapers – information to include:
  - The City's on-going commitment to the project.
  - Project status in relation to the approvals process.
  - Studies and investigations carried out during the past 18 months.
  - How the project intends to address the impact on the Marmion Marine Park.
  - How the project intends to address the impact on Bush Forever.
  - How and when the community can become involved in the approvals process.
  - State Government / LandCorp's potential involvement.
  - City expenditure during the past two years (that is to facilitate the approvals process).
  - Key stakeholder involvement
  - On-going involvement of the City's expert consultants
  - Discussions with representatives from various Chinese groups/entities.

- Display posters “Ocean Reef Marina – What’s Happening” – Customer Service Centres, Leisure Centres, Libraries and City Administration – information to include:
  - Main headings only – PER, LSP, MRS, Project Status.
  - Direct the community to Fact Sheets and Ocean Reef Marina Brochure.
  
- Ocean Reef Marina Brochure to be available from Customer Service Centres, Leisure Centres, Libraries and City Administration. The brochure will also be sent to members of the Ocean Reef Marina Community Reference Group and other key community stakeholders. Information included will be similar to, and provide reinforcement to, the advertorial above.
  
- Ocean Reef Marina Fact Sheets:
  - MRS Process.
  - PER Process.
  - Structure Plan Process.

The facts sheets will include general information about the process, specific information relating to the Ocean Reef Marina, how the community can get involved, where further information can be obtained on the process, a “graphic” on the process indicating “where we are now”.
  
- Website and other social media updates, City News and other City publications.

It is anticipated that once there is more certainty surrounding the public advertising date further updates and information will be provided.

### **Project Program**

The Ocean Reef Marina Indicative Approvals Timeline (as at August 2015), presented to Council at its meeting held on 6 October 2015 (CJ175-10/15 refers), identified finalisation of the environmental approvals process as end January 2017.

Following a review of the current concept plan, undertaken by the City from January 2015 to July 2015, the indicative timelines were reviewed and updated (Attachment 1 refers).

The amended date for finalisation of the environmental approvals process is end August 2017 which represents an additional seven months to the approvals timeframe. However, the timeframe is based on a number of key assumptions and is subject to wide variation (Attachment 3 refers).

The predicted environmental assessment and approval timeframes for the Ocean Reef Marina comprise four key stages with key responsible parties relevant at each stage. Table 2 provides an overview of the key environmental assessment and approvals, stages, responsible parties and key influences with respect to timing.

Table 2: Overview of environmental assessment and approvals process

Stage	Description	Key responsibilities	Key influences on timing
1	Environmental investigations, modelling and PER preparation.	ORM Project Team.	Timing is largely within the control of the City and the Project Team. However this can be affected by stakeholder consultation, results of the studies and modelling and the internal review process.
2	City review / approval of documents for submission to the State Government.	City of Joondalup.	
3	EPA assessment and reporting.	OEPA / EPA with input from other advisory and regulatory agencies.	These stages of the process are outside of the control of the City. However it can be influenced by positive and proactive political support enabling active and timely engagement of agency resources in the assessment and approval of the project. The desired level of cooperation may be more likely if a renewed and expanded MOU was in place.
4	Appeals and condition setting (Ministerial approval).	Office of the Appeals Convenor, OEPA, Minister for Environment and relevant decision making authorities.	

Each stage of the environmental approvals timeframe has an underlying set of assumptions and level of uncertainty and any changes to these will impact on the overall environmental approvals timeframe. While the EPA assessment and reporting processes are subject to clear guidance on timing, there are a number of elements within the assessment and approvals processes that are not the subject of statutory timeframes (for example appeals and condition-setting). This is illustrated by the widely varying approval timeframes for projects which range from two to five years to an assessed major project.

It is important to note that the WAPC will not finalise the MRS Amendment until the environmental assessment is finalised with approval granted and conditions set. The outcome of the environmental assessment and/or the approval conditions may require minor alterations to the MRS Amendment boundary and any such alterations must be made prior to finalisation of the MRS Amendment process.

Therefore the environmental approval timeframe significantly influences the timing of the MRS Amendment and, as concurrent advertising is proposed, the Structure Plan timeframes.

**Issues and options considered**

Not applicable.

**Legislation / Strategic Community Plan / policy implications****Legislation**

The City is governed by the requirements of the *Local Government Act 1995* in relation to dealings involving commercial undertakings and land development.

Other applicable legislation includes:

- *Planning and Development Act 2005.*
- *Environmental Protection Act 1986.*
- *Environmental Protection, Biodiversity and Conservation Act 1999 (Cwlth).*

The approvals for the development are influenced by State Planning policies:

- *2.6: State Coastal Planning Policy.*
- *2.8: Bushland Policy for the Perth Metropolitan Region.*

**Strategic Community Plan****Key theme**

Economic prosperity, vibrancy and growth.

**Objective**

Destination City.

**Strategic initiative**

- Facilitate the establishment of major tourism infrastructure.
- Encourage diverse accommodation options.

**Policy**

Not applicable.

**Risk management considerations**

The City has amassed a substantial amount of information on all aspects of the project over a number of years. This information together with that currently being compiled ensures that the City is well positioned to provide the required information as the approvals processes progress.

The on-going assessment of the available information against the requirements of the Environmental Scoping Document will enable timely identification and clarification of any uncertainties thereby ensuring that the information provided to the Environmental Protection Authority adequately addresses the identified environmental factors.

The Ocean Reef Marina Risk Management Assessment has been updated taking cognisance of the MRS amendment initiation and environmental approval process.

Furthermore, the extensive engagement with both State and Commonwealth departments and agencies, as well as constant review of the project, has sought to mitigate the risk of not obtaining approval to proceed with the development.



**Financial / budget implications**Current financial year impact

<b>Account no.</b>	C1001
<b>Budget Item</b>	Ocean Reef Marina.
<b>Budget amount</b>	\$1,422,924
<b>Amount spent to date</b>	\$ 462,760
<b>Balance</b>	\$ 960,164

Note: The 2015-16 approved budget includes income of \$500,000 (State Government financial contribution).

Total Project Expenditure

2007-08	\$ 133,241
2008-09	\$ 968,284
2009-10	\$ 266,603
2010-11	\$ 325,045
2011-12	\$ 388,552
2012-13	\$ 376,393
2013-14	\$ 838,371
2014-15	\$ 1,314,917
2015-16	\$ 462,760
LESS Grants Received	\$ (785,500)

Total City Expenditure \$ 4,288,668

**Annual operating cost** The relevant business case/s, as far as possible, will include anticipated on-going operating costs.

**Estimated annual income** The relevant business case/s, as far as possible, will include estimated annual income.

**Capital replacement** Detailed analysis will be required at the appropriate stage of the project.

**20 Year Strategic Financial Plan impact** The City's *20 Year Strategic Financial Plan* includes \$2,404,000 which represents capital expenditure for the 2014-15 and 2015-16 financial years. Further analysis of the impact on the *20 Year Strategic Financial Plan* will be analysed at the appropriate stage of the project.

**Impact year** 2014-15 and 2015-16.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

The development of the Ocean Reef Marina will become a significant tourist/visitor destination and a key focal point within the northern Perth corridor.

**Sustainability implications**

Progression of the Ocean Reef Marina planning process requires a number of studies/reports addressing key issues pertaining to sustainability (such as social and economic impact, environmental sustainability). As part of the documentation supporting the MRS Amendment, Structure Plan and the Public Environmental Review the required management plans will be developed.

**Consultation**

Extensive on-going consultation with State Government departments and agencies is required to ensure the relevant approvals processes proceed in accordance with expectations and agreed timelines.

The MRS Amendment, Public Environmental Review and Structure Plan require statutory public consultation. In-principle agreement has been obtained from the relevant decision making authorities to undertake this public consultation concurrently.

**COMMENT**

The Ocean Reef Marina has achieved a series of significant milestones. The tasks and actions undertaken to achieve these milestones is consistent with other similar developments undertaken in recent times.

The City has applied robust due diligence to identify and mitigate issues to ensure the smooth progress of the project through the approvals processes (planning and environmental) and beyond. The substantial amount of information amassed, and a renewed and expanded MOU, will enable the City to engage with potential development entities confident of the product offered by the Ocean Reef Marina.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That the Major Projects Committee:

- 1 NOTES the Ocean Reef Marina Project Status and Communication Plan Report;
- 2 NOTES THE Ocean Reef Marina Indicative Approvals Timelines and Gantt Chart forming Attachments 1 and 2 to this Report.

**MOVED Cr Hollywood, SECONDED Cr Fishwick that the Major Projects Committee:**

- 1 NOTES the Ocean Reef Marina Project Status and Communication Plan Report;**
- 2 NOTES the Ocean Reef Marina Indicative Approvals Timelines and Gantt Chart forming Attachments 1 and 2 to this Report;**
- 3 REQUESTS the draft communication plan as amended be further refined and resubmitted to a future meeting of the Major Projects Committee at a date to be determined.**

**The Motion was Put and**

**CARRIED (7/0)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Gobbert, Hollywood, Jones and Norman.

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1agnMP010216.pdf](#)*

## **ITEM 2                    OCEAN REEF MARINA – DRAFT BUSH FOREVER NEGOTIATED PLANNING OUTCOME**

<b>WARD</b>	North Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	04171B, 101515
<b>ATTACHMENTS</b>	Attachment 1    Environmental Protection Authority – Metropolitan Region Scheme Amendment determination (June 2014) Attachment 2    Ocean Reef Marina Bush Forever Negotiated Planning Outcome (Draft) Attachment 3    Definitions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

### **PURPOSE**

For Council to approve the submission of the draft Ocean Reef Marina Bush Forever Negotiated Planning Outcome to the relevant agencies for consideration and negotiation.

### **EXECUTIVE SUMMARY**

The City is progressing the environmental and planning approval requirements for the Ocean Reef Marina project. The marine component of the project is being assessed by the Environmental Protection Authority (EPA) through a Public Environmental Review (PER) process and the entire project is subject to a parallel planning approval process via a Metropolitan Region Scheme (MRS) Amendment through the Western Australian Planning Commission (WAPC).

The MRS Amendment proposes the rezoning and rationalisation of approximately 76.5ha to enable the development of the Ocean Reef Marina and includes the clearing of some vegetation in Bush Forever Site 325 (BF 325).

As part of its decision not to undertake an environmental assessment of the MRS Amendment for the project on 6 June 2014 (Attachment 1 refers), the EPA acknowledged that:

- the terrestrial environmental factors can be managed under the existing scheme provisions and planning controls
- the marine aspects of the project would be subject to a separate environmental assessment
- to manage the potential impacts of the MRS Amendment on BF 325 the WAPC would require a Negotiated Planning Outcome (NPO) that provides a positive conservation outcome for BF 325 to be agreed before final approval of the MRS Amendment.

In consultation and liaison with the Office of the Environmental Protection Authority (OEPA), Department of Planning (DoP) and the Department of Parks and Wildlife (DPaW), a draft NPO has been prepared that mitigates the proposed clearing within BF 325 and secures the appropriate conservation outcome (Attachment 2 refers). The draft NPO takes into account:

- the environmental values of BF 325 and the area to be cleared
- the public advice of the EPA regarding the MRS Amendment dated 9 June 2014
- State Planning Policy 2.8 – *Bushland Policy for the Perth Metropolitan Region*.

It is intended that a draft NPO will be released for public comment as part of the advertising of the MRS Amendment. However, prior to publicly releasing the draft NPO, in-principle endorsement of the document will be sought from the key agency stakeholders.

To enable this in-principle endorsement to be obtained, formal submission of the draft NPO to the OEPA, DoP and DPaW is required to facilitate a formal response.

It should be noted that the DoP is currently investigating the mechanism for legally enforcing the NPO as a condition of MRS Amendment approval. The City is fully supportive of ensuring that the NPO is binding and legally enforceable as part of the project. However, formal agency in-principle endorsement of the draft NPO may not be possible until this mechanism is identified and agreed. The City is awaiting further advice from the DoP on this matter.

The City is currently the proponent for the Ocean Reef Marina development. However, if the proponenty is transferred to another entity in the future, implementation of the NPO will become the full responsibility (including costs) of the new proponent. If, for some reason, the project as a whole does not proceed, the NPO would not be required to be implemented.

To commence formal negotiation it is considered appropriate that the draft NPO be submitted to the key agency stakeholders at this time to ensure endorsement is obtained to release the NPO as part of the public advertising of the MRS Amendment.

*It is therefore recommended that Council:*

- 1 *NOTES the draft Ocean Reef Marina Negotiated Planning Outcome which forms Attachment 2 to this Report;*
- 2 *REQUESTS the Chief Executive Officer to submit the draft Ocean Reef Marina Negotiated Planning Outcome to the Office of the Environmental Protection Authority, Department of Planning and the Department of Parks and Wildlife for consideration and negotiation.*

## **BACKGROUND**

Bush Forever (Government of Western Australia 2000a<sup>3</sup>, 2000b<sup>4</sup>) identifies approximately 51,200ha of regionally significant bushland on the Swan Coastal Plain within the Perth Metropolitan Region for protection and management in 287 discrete sites. These sites are selected based on criteria generally relating to the nature and condition of existing native vegetation and its value in maintaining ecological linkages.

<sup>3</sup> Government of Western Australia (2000a), *Bush Forever Volume 1 – Policies, Principles and Processes*, available from <http://www.planning.wa.gov.au/publications/5911.asp>.

<sup>4</sup> Government of Western Australia (2000b), *Bush Forever Volume 2 – Directory of Bush Forever sites*, available from <http://www.planning.wa.gov.au/publications/5911.aps>.

BF 325 is a semi-contiguous north-south coastal strip of native vegetation, of varying condition, between Burns Beach and Hillarys and covers approximately 195.3ha.

The land component of the Ocean Reef Marina development area is almost entirely within BF 325 (including the existing Ocean Reef Boat Harbour), except for the portion associated with the Water Corporation's ocean outfall from the Beenyup Waste Water Treatment plant.

However it was noted in the City's MRS Amendment request (submitted in July 2014) that BF 325 includes areas within the existing Ocean Reef Boat Harbour complex that are already developed and entirely cleared of all vegetation. This existing situation is acknowledged in Map 27 in *Bush Forever Volume 1 – Policies, Principles and Processes* where this land is clearly shown as not containing any vegetation; these areas include the harbour facilities (boat launching ramps and groynes), boat trailer car park, the various club rooms and ancillary uses and access roads. Given that the areas currently developed or below the high water mark contain no vegetation and do not appear to provide any critical fauna linkages, through the MRS Amendment request it was proposed that these areas be considered a reasonable deduction from and a logical land rationalism of BF 325.

While there is a general presumption against clearing of existing Bush Forever reserves, there is prior recognition of the Ocean Reef Marina development area as a "Possible Future Strategic Regional Recreation and Tourism Node" in Bush Forever (Government of Western Australia 2000a). This recognition was confirmed by the DoP via correspondence to the City in November 2000.

*State Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region (SPP 2.8)* addresses the protection and management of regionally significant bushland identified for protection in Bush Forever.

The Ocean Reef Marina concept plan was prepared taking the impact of the development on BF 325 into consideration and the need to develop a strategy, in consultation with the key agency stakeholders, to minimise, manage and mitigate this impact has long been recognised.

Through its endorsement of the Project Philosophy and Parameters (JSC05-05/09 refers) Council also acknowledged that the concept plan should seek to enhance and safeguard the integrity of the Bush Forever site, taking into account the constraints existing to development within this type of natural environment. Further, the project would be required to consult with the relevant agencies on the issue.

Throughout the life of the project, the City has engaged with key stakeholders (including the DoP, OEPA, and DPaW) on the impact of the development on BF 325. On the advice of these stakeholders and the Ocean Reef Marina Project Team it was considered appropriate that the preparation of a strategy addressing the impacts and negotiations on the specifics of the strategy be commenced following initiation of the approvals process for the concept plan. The timing ensured that the size and scope of the development had, as far as possible, been determined and that there was a clear understanding by all relevant parties on the area of BF 325 to be impacted.

The MRS Amendment request included a commitment from the City to develop a "Negotiated Planning Outcome" in order to mitigate the potential impacts resulting from clearing and development within existing BF 325.

## DETAILS

Following consideration of the MRS Amendment request, in its determination not to formally assess the terrestrial components of the Ocean Reef Marina project, the EPA acknowledged the potential impacts of the development on BF 325. The EPA further noted that a Negotiated Planning Outcome would be agreed (Attachment 1 refers). The WAPC will require agreement of the draft NPO before final approval of the MRS Amendment is given. Further, it is proposed that the draft NPO will be advertised concurrently with the MRS, PER and Local Structure Plan.

The draft NPO has been prepared by environmental consultants Strategen in consultation with officers from the DoP, OEPA and DPaW (the relevant agencies) (Attachment 2 refers) and takes into account:

- public advice of the EPA regarding the MRS Amendment given in June 2014
- State Planning Policy 2.8 – *Bushland Policy for the Perth Metropolitan Area*<sup>5</sup> (SPP 2.8)
- environmental values of BF 325.

The NPO provides the information required for a State of Environmental Effects, as detailed in Appendix 1 of SPP 2.8; Table 1 outlines the requirements and the relevant sections of the draft NPO where this information is provided.

Table 1: Statement of Environmental Effects, SPP 2.8

	Requirement	NPO section
1	Provide evidence and demonstrate that a proposal or decision is consistent with this policy, in particular the planning assessment criteria set out in Appendix 2 (SPP 2.8).	Sections 2.5 and 5.
2	Describe and provide a rationale and planning context for the proposal.	Section 2.
3	Describe the impacted area's bushland values and environmental attributes (to be consistent with the information sets in <i>Bush Forever</i> and with reference to the site descriptions therein; and Environmental Protection Authority Guidance Statements 51 <sup>6</sup> and 56 <sup>7</sup> , where appropriate).	Section 3.
4	Demonstrate that all reasonable steps have been taken to avoid or minimise any likely adverse impacts consistent with the requirements of this policy, including a review of reasonable alternatives and details of any bushland sensitive design measures to be adopted.	Section 4.1.
5	Provide an evaluation of and justification for any likely adverse impacts.	Section 4.2.

<sup>5</sup> Western Australian Planning Commission (WAPC) 2010, *State Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region*, available in Government Gazette 2745, WA, 22 June 2010.

<sup>6</sup> Environmental Protection Authority (2004a), Guidance for the Assessment of Environmental Factors, No 51, *Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia*, available from [http://www.epa.wa.gov.au/EPADocLib/1839\\_GS51.pdf](http://www.epa.wa.gov.au/EPADocLib/1839_GS51.pdf).

<sup>7</sup> Environmental Protection Authority (2004b), Guidance for the Assessment of Environmental Factors, No 56, *Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia*, available from [http://www.epa.wa.gov.au/EPADocLib/1850\\_GS56.pdf](http://www.epa.wa.gov.au/EPADocLib/1850_GS56.pdf).

	Requirement	NPO section
6	Provide an environmental and/or bushland management plan, where appropriate, and details of proposed conservation management measures to be adopted; or, where agreed, the environmental and/or bushland management plan or related measures may be a requirement through the statutory planning process.	Section 5.2.
7	Provide details of proposed long-term protection, management, offset measures and implementation commitments to be adopted.	Section 5.

SPP 2.8 also provides guidance regarding potential environmental offset ratios applicable to Bush Forever sites (Appendix 4 of SPP 2.8):

- 2:1 for offsets addressing impacts to Bush Forever sites of Very High conservation significance.
- 1.5:1 for sites of High conservation significance.
- 1:1 for sites of Medium or Low conservation significance.

The primary outcome of the draft NPO is to mitigate the proposed clearing within BF 325 and secure an appropriate conservation outcome. The key impacts of the Ocean Reef Marina on BF 325 are:

- clearing of 16.79ha of vegetation in varying condition from Degraded to Excellent
- removal of Priority 3 flora species *Conostylis bracteata*
- clearing of vegetation associated with inferred Priority Ecological Communities
- partial interruption of north-south linkage values
- loss of habitat for fauna species
- potential for indirect impacts on the remaining BF 325 through introduction and spread of weeds, dust generation during earthworks and increased incidence/frequency of fire.

An explanation of the *vegetation conditions*, a definition of *Priority flora 3 species* and *conservation significance* is provided in Attachment 3.

Impacts to BF 325 will be minimised as far as practicable through the following management techniques:

- 1 Retention of a north-south linkage of remnant vegetation between Ocean Reef Road and the Ocean Reef Marina site (with the exception of entry roads).
- 2 The Ocean Reef Marina boundary was designed to avoid areas of Excellent vegetation to the northeast of the existing Ocean Reef Boat Harbour.
- 3 The Ocean Reef Marina site area has been decreased from earlier proposed designs to minimise vegetation clearing and the boundary was moved slightly west near the entrance from Hodges Drive.
- 4 A Construction Environment Management Plan will be prepared to support subdivision and will include vegetation clearing protocols which ensure that there are no indirect impacts to adjacent vegetation outside the Ocean Reef Marina boundary.

The draft NPO is expected to provide an overall positive environmental outcome with local improvement of BF 325 and an increase in the area of coastal vegetation protected in the conservation estate. The Ocean Reef Marina site has been assessed as being of High conservation significance (Attachment 3 refers) and SPP 2.8 states that for an area of High conservation significance at least 75% of the mitigation package should be land acquisition with a maximum of 25% comprising revegetation/rehabilitation.



During early negotiation phases towards the preparation of a mitigation package the inclusion of various pockets of City owned land was considered, such as properties along Merrifield Place, Mullaloo. Feedback from the officers from the DoP, OEPA and DPaW indicated that these properties will not meet the requirements of SPP 2.8.

The draft NPO includes the following components:

- 1 90% land acquisition: Provision of \$1.6 million of funding to DPaW for the acquisition and management of land into the conservation estate. The land acquired will comprise coastal vegetation in similar or better condition and with similar or higher conservation value than the area to be cleared.
- 2 10% rehabilitation with BF 325: Rehabilitation of 5ha of degraded vegetation within BF 325 to at least Very Good condition within five years.

The draft NPO provides detailed information on:

- land acquisition
- basis for land acquisition funding
- site selection
- process for land acquisition
- proposed BF 325 rehabilitation area
- current management of BF 325
- rehabilitation strategy for 5ha within BF 325.

The above components have been discussed with officers from the DoP, OEPA and DPaW who have given in-principle agreement to commence formal negotiations based on the proposed outcomes once the draft NPO is formally submitted.

It should be noted, however, that the DoP is not yet in a position to support the draft NPO. This is due to uncertainty surrounding the rezoning of Bush Forever land for development without being able to attach conditions to the MRS Amendment to legally enforce the NPO. The City is currently awaiting formal advice on this matter from the DoP.

While the City is the current proponent for the Ocean Reef Marina development, full responsibility for the implementation of the NPO (including costs) will ultimately rest with the final proponent for the development. The final agreed NPO will become part of the overall Business Case for the development and will be legally binding based on the mechanism to be proposed by the DoP.

### **Issues and options considered**

Agreement of the NPO is a condition of the finalisation of the MRS Amendment. Should the City wish to continue to progress obtaining planning and environmental approval for the Ocean Reef Marina development, the draft NPO must be formally submitted to the relevant agencies.

**Legislation / Strategic Community Plan / policy implications****Legislation**

The City is governed by the requirements of the *Local Government Act 1995* in relation to dealings involving commercial undertakings and land development.

Other applicable legislation includes:

- *Planning and Development Act 2005.*
- *Environmental Protection Act 1986.*
- *Environmental Protection, Biodiversity and Conservation Act 1999 (Cwlth).*

The approvals for the development are influenced by State Planning policies:

- *2.6: State Coastal Planning Policy.*
- *2.8: Bushland Policy for the Perth Metropolitan Region.*

**Strategic Community Plan****Key theme**

Economic prosperity, vibrancy and growth.

**Objective**

Destination City.

**Strategic initiative**

- Facilitate the establishment of major tourism infrastructure.
- Encourage diverse accommodation options.

**Policy**

Not applicable.

**Risk management considerations**

The impact of the Ocean Reef Marina on BF 325 was first acknowledged in the Risk Management Assessment undertaken by the City in 2005. All subsequent Risk Management Assessments (2008, 2009 and 2014) also included consideration of BF 325 impacts as well as the need for liaison with the relevant agencies to secure a suitable conservation outcome.

As an agreed NPO is a requirement of the MRS Amendment, there remains a risk to the project should agreement with the relevant agencies not be reached. However the strategies and outcomes proposed in draft NPO were formulated with advice and opinion from these agencies. Further, once the DoP is satisfied that the NPO can be legally enforceable, and the mechanism for this identified, the risk of not obtaining agency agreement is considered low.

**Financial / budget implications**

The cost of implementation of the NPO will be the responsibility of the ultimate proponent for the Ocean Reef Marina development. As the City will not be the ultimate proponent, there will be no direct impost on the City with respect to the NPO. The NPO implementation costs will be considered a project cost and included the financial feasibility and business case.

However, once the implementation of the rehabilitation of BF 325 has been completed and the monitoring indicates that the agreed completion criteria are met, the proponent NPO obligations will be completed. The site will then revert back to the City for normal maintenance and monitoring, as is the case at the present time. The completion criteria will be designed so that the improved vegetation condition increases the resilience of the site therefore on-going additional management is unlikely to be required.

#### Current financial year impact

<b>Account no.</b>	C1001
<b>Budget Item</b>	Ocean Reef Marina.
<b>Budget amount</b>	\$1,422,924
<b>Amount spent to date</b>	\$ 462,760
<b>Balance</b>	\$ 960,164

Note: The 2015-16 approved budget includes income of \$500,000 (State Government financial contribution).

#### Total Project Expenditure

2007-08	\$ 133,241
2008-09	\$ 968,284
2009-10	\$ 266,603
2010-11	\$ 325,045
2011-12	\$ 388,552
2012-13	\$ 376,393
2013-14	\$ 838,371
2014-15	\$1,314,917
2015-16	\$ 462,760
LESS Grants Received	<u>\$ (785,500)</u>
 Total City Expenditure	 \$4,288,668

**Annual operating cost** The relevant business case/s, as far as possible, will include anticipated on-going operating costs.

**Estimated annual income** The relevant business case/s, as far as possible, will include estimated annual income.

**Capital replacement** Detailed analysis will be required at the appropriate stage of the project.

**20 Year Strategic Financial Plan impact** The City's *20 Year Strategic Financial Plan* includes \$2,404,000 which represents capital expenditure for the 2014-15 and 2015-16 financial years. Further analysis of the impact on the *20 Year Strategic Financial Plan* will be analysed at the appropriate stage of the project.

**Impact year** 2014-15 and 2015-16.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

The development of the Ocean Reef Marina will become a significant tourist/visitor destination and a key focal point within the northern Perth corridor.

**Sustainability implications**Environmental

The provision of a NPO for the impact of the Ocean Reef Marina on the terrestrial environment aims to mitigate the proposed clearing of BF 325 and secure an appropriate conservation outcome.

The NPO is expected to provide an overall positive environmental outcome with local improvement of BF 325 through rehabilitation and an increase in the area of coastal vegetation protected in the conservation estate through land acquisition.

**Consultation**

The draft NPO was prepared following engagement with the DoP, OEPA and DPaW. Further negotiation to finalise and agree the NPO will be required following formal submission of the document to these agencies.

It is also proposed that the NPO be publically advertised concurrently with the MRS Amendment, Public Environmental Review and Local Structure Plan.

**COMMENT**

It is considered that the strategies outlined in the draft NPO adequately address the requirements of State Planning Policy 2.8 – *Bushland Policy for the Perth Metropolitan Region*. It is also considered that the document provides the basis for formal discussion, negotiation and agreement with the Departments of Planning, Parks and Wildlife and the Office of Environmental Protection Authority as required for the MRS Amendment to be finalised.

It is anticipated that any amendments made to the draft NPO following formal negotiation with the above agencies and consideration of any public submissions will result in a further report for consideration by Elected Members.

**VOTING REQUIREMENTS**

Simple Majority.

*The Chief Executive Officer left the room at 7.01pm and returned at 7.02pm.*

**MOVED Cr Chester, SECONDED Cr Gobbert that Council:**

- 1 NOTES the draft Ocean Reef Marina Negotiated Planning Outcome which forms Attachment 2 to this Report;**
- 2 REQUESTS the Chief Executive Officer to submit the draft Ocean Reef Marina Negotiated Planning Outcome to the Office of the Environmental Protection Authority, Department of Planning and the Department of Parks and Wildlife for consideration and negotiation.**

**The Motion was Put and**

**CARRIED (7/0)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Gobbert, Hollywood, Jones and Norman.

*Ms Karen Hyde of Taylor Burrell Barnett and Mr Darren Walsh of Strategen left the room at 7.10pm.*

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2agnMP010216.pdf](#)*

**Disclosure of Proximity Interest**

<b>Name/Position</b>	<b>Cr Russell Poliwka.</b>
<b>Item No./Subject</b>	Item 3 – Confidential – Joondalup City Centre Development – Project Status Report.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Poliwka owns property opposite the proposed development site.

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	Item 3 – Confidential – Joondalup City Centre Development – Project Status Report.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A director of Probuild Constructions is a friend of Cr McLean.

<b>Name/Position</b>	<b>Mr Blignault Olivier, Manager City Projects.</b>
<b>Item No./Subject</b>	Item 3 – Confidential – Joondalup City Centre Development – Project Status Report.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A Director of Probuild Constructions (part of the Devwest Group Pty Ltd team) is a personal friend of Mr Olivier.

*Cr Poliwka left the room at 7.11pm.*

*The Manager City Projects left the room at 7.11pm and returned at 7.12pm.*

### **ITEM 3                      CONFIDENTIAL - JOONDALUP CITY CENTRE DEVELOPMENT - PROJECT STATUS REPORT**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	103036, 101515
<b>ATTACHMENTS</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

This Report is confidential in accordance with section 5.23(2)(c) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

*a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

A full report was provided to Elected Members under separate cover. The report is not for publication.

*The Manager City Projects left the room at 7.31pm and returned at 7.32pm.*

*Messrs Tony Hatt, Chad Ferguson and Damon Ferguson of Devwest Group Pty Ltd entered the room at 7.32pm.*

*The Chief Executive Officer left the room at 7.50pm and returned at 7.51pm.*

*Messrs Tony Hatt, Chad Ferguson and Damon Ferguson of Devwest Group Pty Ltd left the room at 8.10pm.*

## **OFFICER'S RECOMMENDATION**

That Council **AUTHORISES** the Chief Executive Officer, in light of the advice received from State Government on the City's office development proposal, to progress negotiations with Devwest Group Pty Ltd towards the review of the Boas Place Concept Plan and the development of a renewed strategy for the delivery of the components of the City Centre precinct.

### **MOVED Cr Hollywood, SECONDED Cr Jones that Council:**

- 1 AUTHORISES the Chief Executive Officer, in light of the advice received from State Government on the City's office development proposal, to progress negotiations with Devwest Group Pty Ltd towards the review of the Boas Place Concept Plan and the development of a renewed strategy for the delivery of the components of the City Centre precinct;**
- 2 REQUESTS Devwest Group Pty Ltd to submit a revised Boas Place Concept Plan identifying proposals for development of the site.**

**The Motion was Put and**

**CARRIED (7/0)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Gobbert, Hollywood, Jones and Norman.

*The Manager City Projects left the room at 8.23pm and returned at 8.24pm.*

*Messrs Tony Hatt, Chad Ferguson and Damon Ferguson of Devwest Group Pty Ltd entered the room at 8.24pm.*

*Messrs Tony Hatt, Chad Ferguson and Damon Ferguson of Devwest Group Pty Ltd left the room at 8.28pm.*

*The Manager City Projects left the room at 8.28pm and returned at 8.29pm.*

**URGENT BUSINESS**

Nil.

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

Nil.

**CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 8.30pm; the following Committee Members being present at that time:

Mayor Troy Pickard  
Cr Kerry Hollywood  
Cr Nige Jones  
Cr Liam Gobbert  
Cr Mike Norman  
Cr John Chester  
Cr Russ Fishwick, JP