

# agenda

## Ocean Reef Marina Committee

A MEETING WILL BE HELD IN CONFERENCE ROOM 2  
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP

**ON** **TUESDAY, 8 DECEMBER 2009**

**COMMENCING AT** **5.30 pm**

**GARRY HUNT**  
Chief Executive Officer  
**4 December 2009**

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**Note:****Clause 77 of the City's Standing Orders Local Law 2005 states:**

“Unless otherwise provided in this local law, the provisions of this local law shall apply to meetings of committees with the exception of:

- (a) clause 29 (Members seating;) and
- (b) clause 54 (Limitation on members speaking.)”

## CITY OF JOONDALUP

Notice is hereby given that a meeting of the **OCEAN REEF MARINA COMMITTEE** will be held in Conference Room 2, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 8 DECEMBER 2009** commencing at **5.30 pm**

GARRY HUNT  
Chief Executive Officer  
4 December 2009

Joondalup  
Western Australia

### AGENDA

#### **Committee Members**

*Mayor Troy Pickard*  
*Cr Tom McLean*  
*Cr Trona Young*  
*Cr Philippa Taylor*  
*Cr Geoff Amphlett*  
*Cr Christine Hamilton-Prime*  
*Cr Brian Corr*  
*Cr Russ Fishwick*

#### **Quorum for meetings (4):**

*The quorum for a meeting is to be at least 50% of the number of offices (whether vacant or not) of member of the committee.*

#### **Simple Majority:**

*A simple majority vote is to be more than 50% of those members present at the meeting.*

#### **Absolute majority (5):**

*An absolute majority vote is to be more than 50% of the number of offices (whether vacant or not) of the committee.*

#### **Casting vote:**

In the event that the vote on a motion is tied, the presiding person must cast a second vote.

#### **Terms of Reference**

To provide leadership for, and oversight of, the Ocean Reef Marina project.

## **DECLARATION OF OPENING**

### **ELECTION OF PRESIDING MEMBER**

Section 5.12 of the Local Government Act 1995 requires a committee appointed by a local government, to appoint a presiding member as the first item of business at its first meeting.

The procedure that is required to be followed is detailed in Schedule 2.3, Division 1 of the Act which is as follows:

#### **When the Committee elects a Presiding Member**

- 2 (1) The Office of Presiding Member is to be filled as the first matter dealt with:
  - (a) at the first meeting of the Committee after an inaugural election or a Section 4.13 or 4.14 election or after an ordinary elections day; and
  - (b) at the first meeting of the Committee after an extraordinary vacancy occurs in the office of Presiding Member.
- (2) If the first ordinary meeting of the committee is more than 3 weeks after an extraordinary vacancy occurs in the office of Presiding Member, a special meeting of the Committee is to be held within that period for the purpose of filling the office of Presiding Member.

#### **CEO to preside**

- 3 The CEO is to preside at the meeting until the office of Presiding Member is filled.

#### **How the Presiding Member is elected**

- 4 (1) The Committee is to elect a Committee member to fill the office of Presiding Member.
- (2) The election is to be conducted by the CEO in accordance with the procedures prescribed.
- (3) Nominations for the office of presiding member are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the CEO, which is to be sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.

- (4) If a committee member is nominated by another committee member the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The committee members are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted and the successful candidate determined, in accordance with the procedures set out in Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- (7) As soon as practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with the regulations, if any.

#### **Votes may be cast a second time**

- 5 (1) If when the votes cast under Clause 4(5) are counted there is an equity of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office of Presiding Member may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the committee members are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes case under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

The votes are to be counted in accordance with Schedule 4.1 of the Local Government Act 1995 as if those votes were cast at an election. This means that should the CEO receive more than two nominations for office of Presiding Member the vote would be counted by the preferential voting method. Should only two nominations be received by the CEO, then the committee member with the greatest number of votes is to be elected.

#### **ELECTION OF DEPUTY PRESIDING MEMBER**

It is advisable that the committee appoints a deputy presiding person, who would chair the meeting in the absence of the presiding person.

**APOLOGIES/LEAVE OF ABSENCE**

**Leave of Absence previously approved**

Cr Trona Young                      26 November 2009 to 15 December 2009 inclusive

**CONFIRMATION OF MINUTES**

MINUTES OF THE OCEAN REEF MARINA COMMITTEE MEETING HELD ON  
3 SEPTEMBER 2009

**RECOMMENDATION**

**That the minutes of the meeting of the Ocean Reef Marina Committee held on  
3 September 2009 be confirmed as a true and correct record.**

**ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

**DECLARATIONS OF INTEREST**

**IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND  
CLOSED DOORS**

**PETITIONS AND DEPUTATIONS**

**REPORTS**

## **ITEM 1                    OCEAN REEF MARINA DEVELOPMENT - STRUCTURE PLAN PROGRESS REPORT**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER:</b>	04171
<b>ALT FILE NUMBER:</b>	07303
<b>ATTACHMENTS:</b>	Attachment 1     Concept Plan 7 Attachment 2     DRAFT - Work Taskflow Chart Attachment 3     Gannt Chart

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### **PURPOSE/EXECUTIVE SUMMARY**

To provide the Committee with a progress report on the development of a Structure Plan for the Ocean Reef Marina.

### **BACKGROUND**

The Ocean Reef Marina development project was revitalised in 2004 when the then Minister for Planning and Infrastructure announced that the State Government of the day would commit up to \$700,000 towards concept plans and a structure plan aimed at transforming the Ocean Reef boat launching facility into a world-class commercial and recreational marina.

Whilst a Structure Plan for the development is the ultimate outcome, the development and refinement of a concept plan was the preliminary phase prior to determination of the Structure Plan. The Ocean Reef Marina Committee (of Council) and the Ocean Reef Marina Government Steering Committee, together with the Ocean Reef Marina Community Reference Group and the City's external consultants, developed and refined a concept plan which was presented to Council on 5 May 2009 (JSC7-05/07 refers). At that meeting it was resolved that Council:

- 1        *NOTES the contents of the Ocean Reef Marina Development – Structure Plan Progress Report dated 24 April 2009 and Concept Plan 7 as the latest plan in the progress towards a Structure Plan for the Ocean Reef Marina Site, with the inclusion of an artificial reef to the south of the development site;*

**2 ENDORSES:**

- (a) *Concept Plan 7 as the plan to be progressed towards a Structure Plan for the Ocean Reef Marina Site;*
- (b) *Concept Plan 7 for release for public comment for a period of 60 (sixty) days.*

Following the community consultation period, the results of the public survey were presented to Council on 15 September 2009 which referred the report to the Ocean Reef Marina Community Reference Group for further comment and following the review of the report by the Ocean Reef Marina Community Reference Group, referred the matter back to the Ocean Reef Marina Committee for further consideration (CJ217-09/09 refers). A meeting of the Ocean Reef Marina Community Reference Group was held Thursday 3 December 2009 and the outcome of the Group's review of the community consultation report and Concept Plan 7 is presented in Item 3.

**DETAILS****Consultant Reports and Studies***Graceful Sun Moth Referral – SMEC Australia Pty Ltd*

As a result of a survey undertaken by consultants SMEC Australia Pty Ltd to ascertain the presence of the Graceful Sun Moth within the project site and surrounds (JSC7-05/09 refers) and the subsequent recommendation by SMEC Australia Pty Ltd the project was referred to the Department of the Environment, Water, Heritage and the Arts (DEWHA) under the EPBC Act, Part 3, Division 1, Subdivision C: Listed threatened species and communities (referral document available in the Councillors Reading Room).

Correspondence dated 13 July 2009 from the Acting Assistant Secretary, Environment Assessment Branch of DEWHA advised that the proposed action, being the expansion and redevelopment of the Ocean Reef Marina, is a controlled action and, as such, requires assessment and approval by the Minister for the Environment, Heritage and the Arts before it can proceed.

DEWHA further advised that a decision had not yet been made on the approach required to assess the project and requested details of the State assessment approach that would be used for the project. As previously advised, and following discussions with the Chairman of the WA Environmental Protection Authority, the City's environmental consultants have advised DEWHA that the project would be referred to the EPA for assessment under Section 38 of the *Environmental Protection Act, 1986* (WA).

To date no further correspondence has been received from DEHWA regarding the assessment process.

**Structure Planning and Approvals Process**

Subject to the deliberations of the Council as to the outcome of the Community Consultation process and subsequent findings, should the City wish to proceed further with the Ocean Reef Marina Development project, the Draft Work Taskflow Chart (December 2009) (Attachment 2) represents the scope of activity that will be required to facilitate the planning approvals process.



### *Concept Plan 7*

The results of the Community Consultation Survey indicate 95.6% of respondents support the Council endorsed Concept Plan (Plan 7). Given this significant level of support it is recommended that the plan, as endorsed, form the basis for progressing through to the Structure Plan and approvals phase.

As indicated by the survey results (CJ217-09/09 refers), the issue of the provision of car parking requires further analysis and refinement. This refinement may result in amendments to the endorsed Concept Plan however any changes would seek to maintain the overall context of the plan.

It should also be noted that minor inclusions/changes such as the provision and/or location of amenities (toilet/changerooms, BBQs, shelters etc) would be subject to detailed design and town/urban planning considerations at a future stage in the project.

### *Stakeholders*

As outlined in the Draft Work Taskflow Chart (Attachment 2) a considerable amount of key stakeholder liaison is required to consolidate negotiated positions, particularly with State Government approval agencies. Of particular importance will be negotiations over Bush Forever and potential trade-offs for other City landholdings which may form part of any offsets. The other key issue will relate to land assembly arrangements and negotiations with State Land Services given that there is a combination of freehold land, Crown Land, Reserve Land, Marine Seabed and management vestings/orders tenured over the site.

### *Technical Reports/Supporting Advice*

As outlined in the Draft Work Taskflow Chart, further technical studies are required to be undertaken to confirm the suitability of the site in relation to the Concept Plan. To date preliminary engineering, coastal hydrology and environmental studies have been undertaken; further in-depth research is required and is critical in ensuring the project can be developed in accordance with the proposed concept plan. Much of the identified research is a requirement of the approval process and is also crucial to the development of the project Business and Structure Plans providing a greater level of certainty in relation to quantities, volumes and costings that will provide a higher degree of confidence relative to the financial aspects of the project. These studies will also limit the extent of unknown variables that may arise during the construction phase. In essence the commissioning of further detailed research is a risk mitigation strategy and will provide a greater degree of certainty that the attributes of the site, such as soil, hydrology, seabed, potential contamination and environmental values etc, are well known.

As results of these studies, identification of any critical flaws within the design will enable the concept plan and Business Plan to be amended. Similarly the outcome of the Business Plan financial assessment and negotiations with Government agencies relative to the approvals may also necessitate changes to the concept plan.

It is anticipated that the technical assessment and field study research will be undertaken by professional consultants with expertise in the relevant field of study.

### *Business Plan*

A critical component of the Structure Plan process is the preparation of a Business Plan that analyses the forecast outcome of the project options and alternatives, and most advantageous business model. Given that the City owns approximately 50% of the site (with the State Government having ownership over the remainder), the Business Plan will need to be constructed in such a way that it is representative of the interests of both the City and the State Government. It is anticipated that the final Business Plan (after negotiation with key stakeholders as outlined previously) will be the vehicle by which a Memorandum of Understanding will be signed between the City of Joondalup, Water Corporation and the State Government. This Memorandum of Understanding will articulate the roles and responsibilities of the parties involved in implementing the project and ensure they are clear and defined. The MOU, which interfaces with the Business Plan, will set out the broad scope of the project and detail the implementation phase, costs and revenue sharing as well as ongoing management and maintenance arrangements. The Business Plan will also be subject to public scrutiny and comment.

Subject to the detailed technical studies, the analysis of the Concept Plan may highlight the need for changes to the plan to ensure the commercial viability of the development. Whilst preliminary financial costings were provided on earlier concept plans, the input of qualified consultants in quantity surveying, business and financial management, and other specialist areas needs to be considered.

The Business Plan will also need to consider staging options, financing arrangements, discounted cash flow projections and sensitivity analysis, potential joint venture partnership arrangements, legal considerations, risk management, asset management, whole of life costings, and other variables thereby ensuring Council is fully informed prior to proceeding to future phases of the project, such as construction.

### *Gantt Chart*

A provisional Gantt Chart highlighting the timeframe for the planning and approvals phase has been prepared (Attachment 3). It is the intention of the Project Team to have the Structure Plan documentation completed and ready for submission to the Western Australia Planning Commission and the Environmental Protection Authority by 30 December 2010. In order for this to occur the tasks identified in the Draft Work Taskflow Chart will need to have been undertaken, negotiated and agreed to by Committee/Council and other identified key stakeholders. As outlined in the documentation attached to this report, there is a significant amount of work, financing and resources required to achieve this outcome.

### **Issues and options considered:**

Not applicable.

**Legislation/Strategic Plan/Policy Implications**

**Legislation** The Ocean Reef Marina Development Business Plan and Structure Plan will be lodged with the Western Australian Planning Commission and the Environmental Protection Authority for assessment under Section 38 of the *Environmental Protection Act 1986 (WA)*. The City is also governed by the requirements of the *Local Government Act 1995* in relation to dealings involving commercial undertakings and land development.

**Strategic Plan**

**Key Focus Area:** The Built Environment

Objective 4.2: To progress a range of innovative and high quality urban projects within the City.

Strategy 4.2.1 Develop a concept for, and commit to, the development of land at the Ocean Reef Marina site.

**Policy** It is recognised that the project will conform to the City's governance framework.

**Risk Management considerations:**

An updated Risk Assessment report has been prepared and will be the subject of a detailed report to the Council in February 2010.

**Financial/Budget Implications:**

The 2009/2010 budget allows for \$1.1 million for on the preparation of the Ocean Reef Marina Structure Plan. This amount represents \$750,000 allocated from 2009/2010 funds and a carryover from 2008/2009 of \$350,000. These funds will be used to undertake field research and detailed studies, preparation of a Business Plan and Structure Plan for lodgement with the Western Australian Planning Commission and the Environmental Protection Authority under Section 38 of the *Environmental Protection Act 1986 (WA)* (Item JSC6-05/09 refers).

**Regional Significance:**

The development has the potential to provide the residents of the City of Joondalup and the wider Western Australia community with a world class marina facility and visitor destination.

**Sustainability implications:**

A Sustainability Report will be required as part of the structure planning documentation.

**Consultation:**

Since the endorsement by Council of Concept Plan 7, meetings have been held with:

- |  |                  |
|--|------------------|
| 1. Senior Officers, Water Corporation                  | 6 May 2009       |
| 2. Mr Gary Prattley, Chairman, WA Planning Commission  | 29 June 2009     |
| 3. Key City of Joondalup stakeholders                  | 10 July 2009     |
| 4. Senior Officers, Environmental Protection Authority | 4 September 2009 |

A series of briefings have also been held for other City Directors and other Business Units.

Following Council's decision of 15 September 2009 to refer the results of the community consultation to the Ocean Reef Marina Community Reference Group (Item CJ217-09/09 refers) and Council's subsequent decision to reappoint the members of this Group (Item CJ246-11/09 refers), the Group was briefed on 3 December 2009 with the outcome of that briefing presented in Item 3.

**COMMENT**

The Community Consultation of Concept Plan 7, as endorsed by Council on 5 May 2009, has been completed. A determination is now required as to whether to proceed forward with the project as per the Draft Work Taskflow Chart, defer the project to a future point in time or to not proceed any further with the development.

**VOTING REQUIREMENTS**

Simple majority

**RECOMMENDATION**

That the Ocean Reef Marina Committee:

- 1 **NOTES** the Ocean Reef Marina Development – Structure Plan Progress Report dated 8 December 2009;
- 2 **NOTES** the recommendation endorsed at the Council Meeting of 5 May 2009 namely:

*“That Council:*

- 1 ***NOTES*** the contents of the Ocean Reef Marina Development – Structure Plan Progress Report dated 24 April 2009 and Concept Plan 7 as the latest plan in the progress towards a Structure Plan for the Ocean Reef Marina Site, with the inclusion of an artificial reef to the south of the development site;
- 2 ***ENDORSES:***
  - (a) ***Concept Plan 7 as the plan to be progressed towards a Structure Plan for the Ocean Reef Marina Site”***

- 3 RECOMMENDS that Council proceed with the preparation of a Structure Plan and Business Case for the Ocean Reef Marina Development in accordance with the Draft Work Taskflow Chart, dated December 2009, as detailed in Attachment 2 to this Report.**

Appendix 1 refers.

## **ITEM 2                      OCEAN REEF MARINA                      COMMUNITY REFERENCE GROUP -                      COMMUNITY CONSULTATION BRIEFING**

<b>WARD:</b>	All	
<b>RESPONSIBLE DIRECTOR:</b>	Mr Garry Hunt Office of the CEO	
<b>FILE NUMBER:</b>	04171	
<b>ALT FILE NUMBER:</b>	07303	
<b>ATTACHMENTS:</b>	Attachment 1	Powerpoint presentation: Ocean Reef Marina – Concept Plan 7 / Community Consultation
	Attachment 2	Additional Information – Community Consultation Report (September 2009): Qualitative Responses – Main Themes
	Attachment 3	Additional Information – Community Consultation Report (September 2009): Qualitative Responses – Additional Amenities

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### **PURPOSE/EXECUTIVE SUMMARY**

This report provides the outcomes of the meeting of the Ocean Reef Marina Community Reference Group held 3 December 2009 in response to Council's decision to refer the Ocean Reef Marina Community Consultation report to the Group for their comment and feedback.

### **BACKGROUND**

At its meeting on 19 February 2008 (CJ004-02/08), Council resolved to appoint 34 people to the Ocean Reef Marina Community Reference Group (CRG) under the categories of:

- Individuals representing resident of Ocean Reef;
- Individuals representing surrounding suburbs including Iluka, Mullaloo, Heathridge, Connolly and Currambine;
- Individuals representing community groups/agencies; and
- Individuals representing northwest corridor communities

The role of the group was to:

- Help the City develop a concept design and structure for the Ocean Reef Marina;
- Ensure the issues and concerns of the community are adequately represented;
- Represent the interests of the wider community;

- Act as a conduit to disseminate information and feedback to and from the wider community; and
- Liaise with extended networks and community groups to facilitate information sharing about the project.

Since its formation in 2008, the Group has met on five occasions to consider, discuss and provide comment on the initial concept designs (Concept Plan 1 – 6) the result of which was the positive endorsement of Concept Plan 6 in January 2009. In consideration of the feedback and comments received from the Group, some minor modifications were incorporated into Concept Plan 7.

Following endorsement of Concept Plan 7 as the plan to be progressed towards a Structure Plan for the Ocean Reef Marina Site and for release for public comment for a period of 60 (sixty) days (JSC7-05/09 refers), Council agreed to the continuation of the Group past the public consultation period (JSC8-05/09 refers) and subsequently referred the report on the Ocean Reef Marina Concept Plan community consultation to the Group for further comment (CJ217-09/09 refers). The matter was then to be referred back to the Ocean Reef Marina Committee for further consideration (CJ217-09/09 refers).

## **DETAILS**

A meeting of the Ocean Reef Marina Community Reference Group was convened on Thursday 3 December 2009 the purpose of which was to brief the Group on the outcome of the Ocean Reef Marina community consultation (see Attachment 1) and to seek their comments and feedback on the results with particular reference to the qualitative information received during the survey process.

The Group were asked to consider the comments provided in the two qualitative questions on the survey:

- Any other comments on the Concept Plan?
- Do you feel anything is missing?

The comments provided by the community in relation to item one above were categorised into eight general themes (Attachment 2) and the Group's feedback and comments are as follows:

1. Commence project without delay:

The Group agreed that the current momentum should be maintained which considering due process; the community should be kept informed of the progress of project such as via the City's website amongst other means.

2. Suggestions for additional amenities (see Attachment 3)

3. Traffic issues and car parking:

It was suggested that more precise information regarding the number and type of parking facilities be provided to the community in future publications. It was considered vital that adequate parking, including trailer parking, was provided for the development and that the mix between residential and visitor be sufficient. Processes such as traffic calming devices, access and links to existing major arterial roads should be incorporated to alleviate future possible traffic issues.

4. Management of bushland area post development:

The implementation of an integrated management plan, both during and post development should be considered as was liaison with and involvement of the relevant environmental groups throughout the Structure Plan approvals process.

5. Height of buildings:

The Group suggested better representation of the proposed building height would provide the community with a better understanding of what the development would look like. Utilisation of the natural land contours is also considered important in the minimisation of the impact of the building height.

6. Provision for: artificial reef/adequate toilets/more boat launching

There was general consensus that provision for the above would form part of the detailed design with the maximum number of boat launching ramps provisioned as part of the club area (northern precinct).

7. Helipad:

Careful management of this amenity in relation to flight paths, commercial and non-commercial use, should be undertaken.

8. Location of individual components/amenities:

The location and type of the individual components would form part of detailed design.

### **Appointment to the Community Reference Group**

In recognition of the importance of State Government liaison and involvement in the development, the Community Reference Group recommended that Council consider the appointment Mr Albert Jacob MLA, Member for Ocean Reef, as an observer to the Group.

### **Issues and options considered:**

Not applicable

### **Legislation/Strategic Plan/Policy Implications**

**Legislation** Not applicable

**Strategic Plan**

**Key Focus Area:** Leadership and Governance

**Objective:** 1.1 To engage proactively with the community



**Key Focus Area:** The Built Environment

**Objective:** 4.2 To progress a range of innovative and high quality urban development projects within the city.

4.2.1 Develop a concept for, and commit to, the development of land at the Ocean Reef Marina site.

**Policy** Not applicable

**Risk Management considerations:**

Not applicable

**Financial/Budget Implications:**

Not applicable

**Regional Significance:**

Not applicable

**Sustainability implications:**

Not applicable

**Consultation:**

Not applicable

**COMMENT**

Not applicable.

**VOTING REQUIREMENTS**

Simple majority

**RECOMMENDATION**

**That the Ocean Reef Marina Committee:**

1. **NOTES** the report related to the Ocean Reef Marina Community Reference Group - Community Consultation Briefing dated 8 December 2009;
2. **RECOMMENDS** that Council considers the appointment of Mr Albert Jacob MLA, Member for Ocean Reef, as an observer to the Ocean Reef Marina Community Reference Group.

Appendix 2 refers.

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

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

**CLOSURE**



## APPENDICES

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