

# agenda

## Office Development Committee

A MEETING WILL BE HELD IN CONFERENCE ROOM 1  
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP

**ON** TUESDAY, 25 JUNE 2013  
(Resumption of Meeting)

**COMMENCING AT** 1.00pm

**GARRY HUNT**  
Chief Executive Officer  
21 June 2013

## PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 17 March 2009:

### Questions asked verbally

- 1 Members of the public are invited to ask questions at Committee Meetings.
- 2 Questions asked at a Committee meeting should relate to items on the Committee agenda.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two questions per member of the public.
- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be limited to the legislative minimum of fifteen minutes and may be extended in intervals of up to ten minutes by resolution of the Committee, but the total time allocated for public questions to be asked and responses to be given is not to exceed thirty 35 minutes in total. Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 Questions are to be directed to the Presiding Member and should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Committee Member or City employee. The Presiding Member shall decide to:
  - Accept or reject any question and his/her decision is final;
  - Nominate a member of the Committee and/or City employee to respond to the question;
  - Take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Committee meeting.
- 9 Where a Committee Member is of the opinion that a member of the public is:
  - asking a question at a Committee meeting that is not relevant to the purpose for which the meeting has been called;
  - making a statement during public question time;they may bring it to the attention of the Presiding Member.

- 10 Questions and any response will be summarised and included in the minutes of the Committee meeting.
- 11 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information (FOI) Act 1992*. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the *FOI Act 1992*.

**Questions in Writing – (Residents and/or ratepayers of the City of Joondalup only).**

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions asked at a Committee meeting should relate to items on the Committee agenda.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Committee meeting will be responded to, where possible, at the Committee meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Committee meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Committee meeting.
- 8 A person who submits written questions may also ask questions at a Committee meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Committee meeting.

- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information (FOI) Act 1992*. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the *FOI Act 1992*.

#### **DISCLAIMER**

Responses to questions not submitted in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

### PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time were adopted at the Council meeting held on 18 December 2007:

- 1 Members of the public are invited to make statements, either verbally or in writing, at Committee meetings.
- 2 Statements made at a Committee meeting should relate to items on the Committee agenda.
- 3 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 4 Public statement time will be limited to two minutes per member of the public.
- 5 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 6 Public statement time will be limited to a maximum of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier than such time where there are no further statements.
- 7 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 8 Where a Committee Member is of the opinion that a member of the public is making a statement at a Committee meeting that is not relevant to the purpose for which the meeting has been called, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 A member of the public attending a Committee meeting may present a written statement rather than making the statement verbally if he or she so wishes.
- 10 Statements will be summarised and included in the minutes of the Committee meeting.

---

## TABLE OF CONTENTS

---

Item No	Title	Page No
	Declaration of Opening	8
	Public Question Time	8
	Public Statement Time	8
	Apologies/Leave of absence	8
	Confirmation of Minutes	8
	Announcements by the Presiding Member without discussion	9
	Declarations of Interest	9
	Identification of matters for which the meeting may sit behind closed doors	10
	Petitions and deputations	10
	Reports	11
1	Confidential – Joondalup City Centre Commercial Office Development – Expression of Interest: Commercial/Office Development on City Owned Property – [103036]	11
2	Confidential – Expression of Interest: Commercial/Office Development on City Owned Property – Respondent Clarifications – [103036]	13
	Motions of which previous notice has been given	14
	Requests for Reports for future consideration	14
	Closure	14

**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 the adjourned meeting of the **Office Development Committee** held on **Monday 6 May 2013** will **RESUME** in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 25 June 2013** commencing at **1.00pm**.

GARRY HUNT  
Chief Executive Officer  
21 June 2013

Joondalup  
Western Australia

### AGENDA

#### **Committee Members (6)**

#### **Deputies**

##### Members

##### Deputies

Mayor Troy Pickard     *Presiding Member*  
Cr Liam Gobbert  
Cr Kerry Hollywood     *Deputy Presiding Member*  
Cr Tom McLean, JP  
Chief Executive Officer  
Director Planning and Community Development

-  
Cr Geoff Amphlett, JP  
Cr John Chester  
Cr Mike Norman

#### **Quorum for meetings (3):**

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

#### **Simple Majority:**

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

#### **Absolute Majority (4):**

*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 advice and make recommendations to Council on:*

- *the preferred location for the development of the Joondalup City Centre Commercial Office Development*
- *the architectural design elements to be incorporated into the Joondalup City Centre Commercial Office Development*
- *the core components to be included in the Joondalup City Centre Office Development*
- *the development models and financial structures to progress the Joondalup City Centre Commercial Office Development, including expressions of interest*
- *the options for the ongoing management and utilisation of the Joondalup City Centre Commercial Office Development.*

**Delegated Authority**

*The Office Development Committee is delegated authority to make appropriate decisions on behalf of Council that are aligned with the Committee's Terms of Reference and in accordance with the constraints of the Local Government Act 1995.*

**DECLARATION OF OPENING****PUBLIC QUESTION TIME**

This Item was dealt with at the Office Development Committee meeting held on 6 May 2013, with no members of the public being present.

**PUBLIC STATEMENT TIME**

This Item was dealt with at the Office Development Committee meeting held on 6 May 2013, with no members of the public being present.

**APOLOGIES/LEAVE OF ABSENCE****CONFIRMATION OF MINUTES**

This Item was dealt with at the Office Development Committee meeting held on 6 May 2013.



**ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

This Item was dealt with at the Office Development Committee meeting held on 6 May 2013.

**DECLARATIONS OF INTEREST****Disclosure of Financial Interest/Proximity Interest**

Nil.

**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 1 – Confidential – Joondalup City Centre Commercial Office Development – Expression of Interest: Commercial/Office Development on City Owned Property.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The Construction Manager of Probuild (Devwest) is a personal friend.

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer.</b>
<b>Item No./Subject</b>	Item 1 – Confidential – Joondalup City Centre Commercial Office Development – Expression of Interest: Commercial/Office Development on City Owned Property.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Some of the companies that have submitted in the Expression of Interest (EOI) are known to the Chief Executive Officer from previous City business – DORIC (Builders), Hassel (Architects), Clayton Utz (Lawyers), TPG (Planners), Wood and Grieve (Engineers), Squire Sanders (Lawyers) and Jones Coulter Young (Architects).

<b>Name/Position</b>	<b>Ms Dale Page, Director Planning and Community Development.</b>
<b>Item No./Subject</b>	Item 1 – Confidential – Joondalup City Centre Commercial Office Development – Expression of Interest: Commercial/Office Development on City Owned Property.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Ms Page's brother works for Probuild – part of the Devwest proposal.

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

Item 2 Confidential – Expression of Interest: Commercial/Office Development on City Owned Property – Respondent Clarifications.

**PETITIONS AND DEPUTATIONS**

This Item was dealt with at the Office Development Committee meeting held on 6 May 2013.

**REPORTS****Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	Item 1 – Confidential – Joondalup City Centre Commercial Office Development – Expression of Interest: Commercial/Office Development on City Owned Property.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The Construction Manager of Probuild (Devwest) is a personal friend.

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer.</b>
<b>Item No./Subject</b>	Item 1 – Confidential – Joondalup City Centre Commercial Office Development – Expression of Interest: Commercial/Office Development on City Owned Property.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Some of the companies that have submitted in the Expression of Interest (EOI) are known to the Chief Executive Officer from previous City business – DORIC (Builders), Hassel (Architects), Clayton Utz (Lawyers), TPG (Planners), Wood and Grieve (Engineers), Squire Sanders (Lawyers) and Jones Coulter Young (Architects).

<b>Name/Position</b>	<b>Ms Dale Page, Director Planning and Community Development.</b>
<b>Item No./Subject</b>	Item 1 – Confidential – Joondalup City Centre Commercial Office Development – Expression of Interest: Commercial/Office Development on City Owned Property.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Ms Page's brother works for Probuild – part of the Devwest proposal.

## ITEM 1    **CONFIDENTIAL - JOONDALUP CITY CENTRE COMMERCIAL OFFICE DEVELOPMENT - EXPRESSION OF INTEREST: COMMERCIAL/OFFICE DEVELOPMENT ON CITY OWNED PROPERTY**

<b>WARD</b>	North	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	103036, 101515	
<b>ATTACHMENTS</b>	Attachment 1	Expression of Interest: Commercial/Office Development on City owned Property
	Attachment 2	Evaluation Plan
	Attachment 3	Summary of the outcome of the evaluation process
	Attachment 4	Technical advice – Willoughby Property Group
	Attachment 5	Summary of technical advice – Jackson McDonald
	Attachment 6	Profiles of technical advisors: Willoughby Property Group and Jackson McDonald
	<i>(Please Note: These attachments are confidential and will appear in the official Minute Book only)</i>	
<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.	

---

This report is confidential in accordance with sections 5.23(2)(c) and 5.23(2)(e)(ii) 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 matter that if disclosed would reveal information that has a commercial value to a person.*

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

This Item was dealt with at the Office Development Committee meeting held on 6 May 2013.

## **ITEM 2                    CONFIDENTIAL – EXPRESSION OF INTEREST: COMMERCIAL/OFFICE DEVELOPMENT ON CITY OWNED                    PROPERTY                    –                    RESPONDENT CLARIFICATIONS**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Director Corporate Services
<b>FILE NUMBER</b>	103036, 101515
<b>ATTACHMENTS</b>	<p>Attachment 1      Additional information requested from respondents</p> <p>Attachment 2      Information provided by Seven Capital (Perth) Pty Ltd</p> <p>Attachment 3      Information provided by Devwest Group Pty Ltd</p> <p>Attachment 4      Information provided by Georgiou Group Pty Ltd / Investec Bank (Australia) Ltd</p> <p>Attachment 5      Comments provided by Jason Willoughby – Development Advisor</p> <p>Attachment 6      Comments provided by Jackson McDonald – Legal Advisor</p> <p>Attachment 7      Legal advice from Jackson McDonald regarding the Build Own Transfer model</p> <p>Attachment 8      Assessment of the financial information provided by Devwest Group Pty Ltd</p> <p><i>(Please Note: These attachments are confidential and will appear in the official Minute Book only)</i></p>
<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.

---

This report is confidential in accordance with sections 5.23(2)(c) and 5.23(2)(e)(ii) 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 matter that if disclosed would reveal information that has a commercial value to a person.*

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

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

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

**CLOSURE**