

# agenda

## Office Development Committee

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

**ON**

**MONDAY 24 NOVEMBER 2014  
(Resumption of Meeting)**

**COMMENCING AT**

**1.30pm**

**GARRY HUNT**  
Chief Executive Officer  
21 November 2014

## PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 19 November 2013:

### Questions asked verbally

- 1 Members of the public are invited to ask questions at Committee Meetings.
- 2 Questions asked at an Ordinary Committee meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of the Committee must relate to the purpose for which the meeting has been called.
- 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 full address.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two verbal 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 allocated a minimum of 15 minutes and may be extended in intervals of up to 10 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 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 shall 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 Elected 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
  - or
  - 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 an Elected Member is of the opinion that a member of the public is:
- asking a question at a Committee meeting, that does not relate to a matter affecting the City  
or
  - making a statement during public question time,
- they may bring it to the attention of the Presiding Member who will make a ruling.
- 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 Act 1992* (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 an Ordinary Committee meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of the Committee must relate to the purpose for which the meeting has been called.
- 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 a 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 Act 1992* (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 may 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 19 November 2013:

- 1 Members of the public are invited to make statements, either verbally or in writing, at Committee meetings.
- 2 Statements made at an Ordinary Committee meeting must relate to a matter that affects the City of Joondalup. Statements made at a Special meeting of the Committee must relate to the purpose for which the meeting has been called.
- 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 full 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 allocated a maximum time 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 an Elected Member is of the opinion that a member of the public is making a statement at a Committee meeting, that does not relate to a matter affecting the City, 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.

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**Note:**

Clause 15.10 of the City's *Meeting Procedures Local Law 2013* states:

*This local law applies generally to committee meetings except for clause 7.1 in respect of members seating and clause 7.8 in respect of limitation on members speaking.*

## CITY OF JOONDALUP

Notice is hereby given that the adjourned special meeting of the **Office Development Committee** held on **Monday 17 November 2014** will **RESUME** in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on Monday **24 November 2014** commencing at **1.30pm**.

GARRY HUNT  
Chief Executive Officer  
21 November 2014

Joondalup  
Western Australia

### AGENDA

#### Committee Members (6)

##### Committee Members

Mayor Troy Pickard	<i>Presiding Member</i>
Cr Liam Gobbert	
Cr Kerry Hollywood	
Cr Tom McLean, JP	<i>Deputy Presiding Member</i>
Mr Garry Hunt	Chief Executive Officer
Ms Dale Page	Director Planning and Community Development

#### 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 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 has 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 OF RESUMED MEETING**

### **DECLARATIONS OF INTEREST**

The following declarations of impartiality interest were declared at the Office Development Committee meeting held on 17 November 2014:

#### **Disclosures of Financial / 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>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	Item 1 - Confidential – Expression of Interest: Joondalup City Centre Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A member and firm involved in both bidding consortia are known to Mayor Pickard, but he has no financial interest with any individual or firm.

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer.</b>
<b>Item No./Subject</b>	Item 1 - Confidential – Expression of Interest: Joondalup City Centre Development
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Members of the bidding consortium are known to the Chief Executive Officer.

<b>Name/Position</b>	<b>Cr Liam Gobbert.</b>
<b>Item No./Subject</b>	Item 1 - Confidential – Expression of Interest: Joondalup City Centre Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Employees of both respondents' 'Development Teams/Advisors/Contractors' are known to Cr Gobbert.

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	Item 1 - Confidential – Expression of Interest: Joondalup City Centre Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Aaron DeSange (JLL Hotels and Hospitality) is a friend of Cr McLean.

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	Item 1 - Confidential – Expression of Interest: Joondalup City Centre Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Carl Black (Squire Patton Boggs) is an acquaintance of Cr McLean.

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	Item 1 - Confidential – Expression of Interest: Joondalup City Centre Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Russell Perkins (Probuild Construction) is a friend of Cr McLean.

<b>Name/Position</b>	<b>Ms Dale Page, Director Planning and Community Development.</b>
<b>Item No./Subject</b>	Item 1 - Confidential – Expression of Interest: Joondalup City Centre Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Ms Page has worked with Mr Tony Hatt of the Devwest Group in a previous role at the City of Subiaco.

<b>Name/Position</b>	<b>Ms Dale Page, Director Planning and Community Development.</b>
<b>Item No./Subject</b>	Item 1 - Confidential – Expression of Interest: Joondalup City Centre Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Ms Page has a personal relationship with Director of Place Match and a personal relationship with an employee of Urbis (landscaping).

<b>Name/Position</b>	<b>Ms Dale Page, Director Planning and Community Development.</b>
<b>Item No./Subject</b>	Item 1 - Confidential – Expression of Interest: Joondalup City Centre Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Ms Page has worked with Wood and Grieve, Woods Bagot and TPG on projects before.

<b>Name/Position</b>	<b>Ms Dale Page, Director Planning and Community Development.</b>
<b>Item No./Subject</b>	Item 1 - Confidential – Expression of Interest: Joondalup City Centre Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Ms Page has worked with Hassell and Urbis before or interacted with them on various projects.

<b>Name/Position</b>	<b>Ms Dale Page, Director Planning and Community Development.</b>
<b>Item No./Subject</b>	Item 1 - Confidential – Expression of Interest: Joondalup City Centre Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Ms Page has worked with David Cresp in his capacity as consultant for East Perth Redevelopment Authority and Subiaco Redevelopment Authority.

<b>Name/Position</b>	<b>Ms Dale Page, Director Planning and Community Development.</b>
<b>Item No./Subject</b>	Item 1 - Confidential – Expression of Interest: Joondalup City Centre Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Ms Page used to work for Ross Holt in his role as Chief Executive Officer of LandCorp.

<b>Name/Position</b>	<b>Ms Dale Page, Director Planning and Community Development.</b>
<b>Item No./Subject</b>	Item 1 - Confidential – Expression of Interest: Joondalup City Centre Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Ms Page's brother is a Director of Probuild Constructions.

<b>Name/Position</b>	<b>Mr Blignault Olivier, Manager City Projects.</b>
<b>Item No./Subject</b>	Item 1 - Confidential – Expression of Interest: Joondalup City Centre Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Members of the bidding consortia are known to Mr Olivier.

<b>Name/Position</b>	<b>Mr Blignault Olivier, Manager City Projects.</b>
<b>Item No./Subject</b>	Item 1 - Confidential – Expression of Interest: Joondalup City Centre Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Russell Perkins, Director at Probuild Constructions is a personal friend of Mr Olivier.

<b>Name/Position</b>	<b>Mr Simon Moen, Jackson McDonald, Lawyers.</b>
<b>Item No./Subject</b>	Item 1 - Confidential – Expression of Interest: Joondalup City Centre Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The Willoughby Property Group is a client of Jackson McDonald (a small client). Jason Willoughby, Lee Verios and Wyllie Group are known to Mr Moen. Wyllie Group is a former client.

**PUBLIC QUESTION TIME**

This Item was dealt with at the Office Development Committee meeting held on 17 November 2014, with no members of the public being present.

**PUBLIC STATEMENT TIME**

This Item was dealt with at the Office Development Committee meeting held on 17 November 2014, with no members of the public being present.

**APOLOGIES/LEAVE OF ABSENCE**

**Leave of Absence Previously Approved:**

Cr Sam Thomas	3 December 2014 to 5 December 2014 inclusive;
Cr Christine Hamilton-Prime	6 December 2014 to 5 January 2015 inclusive.

**ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

This Item was dealt with at the Office Development Committee meeting held on 17 November 2014.

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

Item 1            Confidential – Expression of Interest: Joondalup City Centre Development.

**PETITIONS AND DEPUTATIONS**

This Item was dealt with at the Office Development Committee meeting held on 17 November 2014.

**REPORTS**

**ITEM 1 CONFIDENTIAL - EXPRESSION OF INTEREST:  
JOONDALUP CITY CENTRE DEVELOPMENT**

**WARD** North  
**RESPONSIBLE DIRECTOR** Mr Mike Tidy  
Corporate Services  
**FILE NUMBER** 103036, 101515

**ATTACHMENTS**

Attachment 1	Devwest Group Pty Ltd submission
Attachment 2	Willoughby Property Group Pty Ltd submission
Attachment 3	Key partners/team members
Attachment 4	List of EOI downloads
Attachment 5	Summary of property developer review
Attachment 6	Comparison of the commercial terms for the office component
Attachment 7	Preliminary Comparative Analysis of Development Proposals
Attachment 8	Potential clarification issues
Attachment 9	Probity Plan and Guidelines
Attachment 10	Legal advice from Jackson McDonald

*(Please Note: Attachments 1 and 2 are only available electronically.)*

*The Report and Attachments are confidential and will appear in the official Minute Book only).*

**AUTHORITY / DISCRETION** Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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This report is confidential in accordance with section 5.23(2)(c) and 5.23(2)(e)(iii) 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 about the business, professional, commercial or financial affairs of a person.*

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

**CLOSURE**

