

# agenda

## Special Meeting of Council

NOTICE IS HEREBY GIVEN THAT A  
SPECIAL MEETING OF THE COUNCIL  
OF THE CITY OF JOONDALUP WILL BE HELD IN  
THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP

**ON** TUESDAY, 2 JULY 2013

**COMMENCING AT** 7.00pm

### **PURPOSE OF MEETING**

The purpose of the meeting is to consider the commercial/office development on City owned property.

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

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

**PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by 9.00am on **Monday, 1 July 2013**

Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Special Council Meeting.

Please Note: Section 7(4) (b) of the Local Government (Administration) Regulations 1996 states that a Council at a special meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the agenda be asked.

**QUESTIONS TO**

[council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)  
PO Box 21 Joondalup WA 6919

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

## 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 Council Meetings.
- 2 Questions asked at an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. Questions asked at a Special Meeting of the Council 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 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 Council, 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 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 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 Council 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 Council meeting.
- 9 Where an elected member is of the opinion that a member of the public is:
  - asking a question at a Council meeting, that is not relevant to the operations of the City of Joondalup;
  - making a statement during public question time;they may bring it to the attention of the meeting.

- 10 Questions and any response will be summarised and included in the minutes of the Council 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 submitted to an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. Questions submitted to a Special Meeting of the Council 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 Council meeting will be responded to, where possible, at the Council 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 Mayor 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 Council 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 Council meeting.
- 8 A person who submits written questions may also ask questions at a Council 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 Council 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.

## CODE OF CONDUCT

The Code recognises these ethical values and professional behaviours that support the principles of:

Respect for persons - this principle requires that we treat other people as individuals with rights that should be honoured and defended, and should empower them to claim their rights if they are unable to do so for themselves. It is our respect for the rights of others that qualifies us as members of a community, not simply as individuals with rights, but also with duties and responsibilities to other persons.

Justice - this principle requires that we treat people fairly, without discrimination, and with rules that apply equally to all. Justice ensures that opportunities and social benefits are shared equally among individuals, and with equitable outcomes for disadvantaged groups.

Beneficence - this principle requires that we should do good, and not harm, to others. It also requires that the strong have a duty of care to the weak, dependent and vulnerable. Beneficence expresses the requirement that we should do for others what we would like to do for ourselves.

\* *Any queries on the agenda, please contact Governance Support on 9400 4369.*

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### LATE ITEMS / ADDITIONAL INFORMATION

In the event that further documentation becomes available prior to this Special Council meeting, the following hyperlink will become active:

[Additional Information020713.pdf](#)

# CITY OF JOONDALUP

Notice is hereby given that a Special Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 2 July 2013** commencing at **7.00pm**.

GARRY HUNT  
Chief Executive Officer  
28 June 2013

Joondalup  
Western Australia

## AGENDA

### 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

### 2 PUBLIC QUESTION TIME

(Please Note: Regulation 7(4)(b) of the *Local Government (Administration) Regulations 1996* states that a Council at a special meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the agenda be asked.)

### 3 PUBLIC STATEMENT TIME

Statements made at a special meeting of the Council must relate to the purpose for which the meeting has been called.

### 4 APOLOGIES AND LEAVE OF ABSENCE

#### Leave of Absence previously approved

Cr Liam Gobbert	1 July to 8 July 2013 inclusive.
Cr Teresa Ritchie	12 to 16 August 2013 inclusive.



## 5 DECLARATIONS OF INTEREST

### Disclosure of Financial Interest/Proximity Interest

Nil.

### Disclosure 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>	JSC03-07/13 – 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>	Hassell are the architects for the construction of ONE70, a Western Australian Local Government Association (WALGA) project I am overseeing in my capacity as president.

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	JSC03-07/13 – 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>	JSC03-07/13 – 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>	JSC03-07/13 – 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.

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

JSC03-07/13 Confidential – Joondalup City Centre Commercial Office Development – Expression of Interest: Commercial/Office Development on City Owned Property.

## 7 ITEMS OF BUSINESS

### Disclosures of interest affecting impartiality

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	JSC03-07/13 – Confidential – Expression of Interest: Commercial/Office Development on City Owned Property – Respondent Clarifications.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Hassell are the architects for the construction of ONE70, a Western Australian Local Government Association (WALGA) project I am overseeing in my capacity as president.

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	JSC03-07/13 – Confidential – Expression of Interest: Commercial/Office Development on City Owned Property – Respondent Clarifications.
<b>Nature of interest</b>	Interest that may affect impartiality.
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<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer.</b>
<b>Item No./Subject</b>	JSC03-07/13 – Confidential – Expression of Interest: Commercial/Office Development on City Owned Property – Respondent Clarifications.
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<b>Name/Position</b>	<b>Ms Dale Page, Director Planning and Community Development.</b>
<b>Item No./Subject</b>	JSC03-07/13 – Confidential – Expression of Interest: Commercial/Office Development on City Owned Property – Respondent Clarifications.
<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.

**JSC03-07/13    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>	<p>Attachment 1    Expression of Interest: Commercial/Office Development on City owned Property</p> <p>Attachment 2    Evaluation Plan</p> <p>Attachment 3    Summary of the outcome of the evaluation process</p> <p>Attachment 4    Summary technical advice – Willoughby Property Group</p> <p>Attachment 5    Summary of technical advice – Jackson McDonald</p> <p>Attachment 6    Submission – Seven Capital (Perth) Pty Ltd</p> <p>Attachment 7    Submission – Georgiou Group Pty Ltd / Investec Bank (Australia) Limited</p> <p>Attachment 8    Submission – Devwest Group Pty Ltd</p> <p>Attachment 9    Additional information requested from respondents</p> <p>Attachment 10    Information provided by Seven Capital (Perth) Pty Ltd</p> <p>Attachment 11    Information provided by Devwest Group Pty Ltd</p> <p>Attachment 12    Information provided by Georgiou Group Pty Ltd / Investec Bank (Australia) Ltd</p> <p>Attachment 13    Comments provided by Jason Willoughby – Development Advisor</p> <p>Attachment 14    Comments provided by Jackson McDonald – Legal Advisor</p> <p>Attachment 15    Legal advice from Jackson McDonald regarding the Build Own Transfer model</p> <p>Attachment 16    Assessment of the financial information provided by Devwest Group Pty Ltd</p> <p><i>(Please note:</i>    Attachments 6 – 8 and the financial information associated with Attachments 10 – 12 are only available electronically.)</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.

## **CLOSURE**



**DECLARATION OF  
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT  
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

Section 5.65(1) of the *Local Government Act 1995* states that:

*“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:*

- (a) in a written notice given to the CEO before the meeting; or*
- (b) at the meeting immediately before the matter is discussed.*



**QUESTION TO BE ASKED AT  
BRIEFING SESSION/COUNCIL MEETING**

**NAME** .....

**ADDRESS** .....

**QUESTIONS**

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called