

# 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 DECEMBER 2014**

**COMMENCING AT** **8.00pm**

**PURPOSE OF MEETING**

The purpose of the meeting is to give consideration to the following Item:

JSC03-12/14      Confidential – Expression of Interest: Joondalup City Centre  
Development.

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

[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 December 2014

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 19 November 2013:

Where a meeting of a committee is open to the public the procedures for public question time and public statement time apply. In this regard these procedures are amended by substituting “Council” with “Committee” to provide proper context.

### Questions asked verbally

- 1 Members of the public are invited to ask questions at Council Meetings.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of 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 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 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 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 Council 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 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 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 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 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 Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of five (5) 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 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 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 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 Council meetings.
- 2 Statements made at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Statements made at a Special meeting of Council 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 Council 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 Council 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 Council meeting.

## CODE OF CONDUCT

Elected Members, Committee Members and City of Joondalup employees are to observe the City of Joondalup Code of Conduct including the principles and standards of behaviour that are established in the Code.

The following principles guide the behaviours of Elected Members, Committee Members and City of Joondalup employees while performing their role at the City:

- Act with reasonable care and diligence.
- Act with honesty and integrity.
- Act lawfully.
- Avoid damage to the reputation of the City.
- Be open and accountable to the public.
- Base decisions on relevant and factually correct information.
- Treat others with respect and fairness.
- Not be impaired by mind affecting substances.

Elected Members, Committee Members and employees must:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law and the Code of Conduct
- (b) perform their duties impartially and in the best interests of the City uninfluenced by fear or favour
- (c) act in good faith in the interests of the City and the community
- (d) make no allegations which are improper or derogatory and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any person unwarranted offence or embarrassment
- (e) always act in accordance with their obligations to the City and in line with any relevant policies, protocols and procedures.

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

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# CITY OF JOONDALUP

Notice is hereby given that a Special Meeting of Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 2 December 2014** commencing at **8.00pm**.

GARRY HUNT  
Chief Executive Officer  
28 November 2014

Joondalup  
Western Australia

## AGENDA

### 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

### 2 DECLARATIONS OF INTEREST

#### Disclosures of Financial / Proximity Interest

Nil.

#### Disclosures of interest affecting impartiality

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	JSC03-12/14 - Confidential – Expression of Interest: Joondalup City Centre Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Members and firms 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>	JSC03-12/14 - 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>	JSC03-12/14 - 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>	JSC03-12/14 - 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>	JSC03-12/14 - 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>	JSC03-12/14 - 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>	JSC03-12/14 - 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>	JSC03-12/14 - 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>	JSC03-12/14 - 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>	JSC03-12/14 - 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>	JSC03-12/14 - 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>	JSC03-12/14 - 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>	JSC03-12/14 - 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>	JSC03-12/14 - 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>	JSC03-12/14 - 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>	JSC03-12/14 - 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.

### 3 PUBLIC QUESTION TIME

(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.)

### 4 PUBLIC STATEMENT TIME

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

### 5 APOLOGIES AND LEAVE OF ABSENCE

#### Leave of Absence Previously Approved:

Cr Brian Corr	2 December to 7 December 2014 inclusive;
Cr Sam Thomas	3 December 2014 to 5 December 2014 inclusive;
Cr Christine Hamilton-Prime	6 December 2014 to 5 January 2015 inclusive.

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

JSC03-12/14	Confidential – Expression of Interest: Joondalup City Centre Development.
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**7 REPORTS****JSC03-12/14 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

Attachment 11 Responses to clarification questions from respondents

*(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.

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.

**8 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



**STATEMENT TO BE MADE AT  
BRIEFING SESSION/COUNCIL MEETING**

<b>TITLE</b> <i>(Mr/Mrs/Ms/Dr)</i>	<b>FIRST NAME</b>	<b>SURNAME</b>	<b>ADDRESS</b>

**STATEMENT**

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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:**

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