

# agenda

## Office Development Committee

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

**ON** TUESDAY, 18 SEPTEMBER 2012

**COMMENCING AT** 2.45pm

**GARRY HUNT**  
Chief Executive Officer  
14 September 2012

## 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 five (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 9.00 am 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.

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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 **Office Development Committee** will be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday, 18 September 2012** commencing at **2.45pm**.

GARRY HUNT  
Chief Executive Officer  
14 September 2012

Joondalup  
Western Australia

### AGENDA

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

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

#### **Deputies**

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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; and
- 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****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:

**2 When the Committee Elects a Presiding Member**

- (1) The office 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.
- (2) If the first ordinary meeting of the Committee is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the Committee is to be held within that period for the purpose of filling the office.



**3 CEO to Preside**

The CEO is to preside at the meeting until the office is filled.

**4 How the Presiding Member is elected**

- (1) The Committee is to elect a Committee member to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office 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 a 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 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.

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

- (1) If when the votes cast under Clause 4(5) are counted there is an equality 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 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 cast 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.

## **ELECTION OF DEPUTY PRESIDING MEMBER**

It is open for the Committee to elect a Deputy Presiding Member, who would chair the meeting in the absence of the Presiding Member. Alternatively if the Presiding Member is unavailable to chair the meeting and no Deputy Presiding Member has been appointed, in accordance with Section 5.14 of the Act, the Committee Members present at the meeting may choose one of themselves to preside over the meeting.

Should the Committee wish to elect a Deputy Presiding Member, the procedure that is required to be followed is detailed in Schedule 2.3, Division 2 of the Act as follows:

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

- (1) The Committee is to elect a Committee member to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed by the Presiding Member, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election 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 person conducting the election, which is to be a sufficient time after the announcement by that person 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 person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, 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 9(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with 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 person conducting the election is to declare and give notice of the result in accordance with the regulations, if any.

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

- (1) If when the votes cast under Clause 8(5) are counted there is an equality 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, not more than 7 days later, a special meeting of the Committee is to be held.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- (3) When the special meeting is held 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 cast 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.

**PUBLIC QUESTION TIME****PUBLIC STATEMENT TIME****APOLOGIES/LEAVE OF ABSENCE****CONFIRMATION OF MINUTES**

Nil.

**ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION****DECLARATIONS OF INTEREST****IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS****PETITIONS AND DEPUTATIONS**

**REPORTS****ITEM 1 JOONDALUP CITY CENTRE COMMERCIAL OFFICE DEVELOPMENT****WARD:** North**RESPONSIBLE DIRECTOR:** Mr Garry Hunt  
Chief Executive Officer**FILE NUMBER:** 70512, 101515**ATTACHMENTS:** Attachment 1 Council Decision 26 June 2012 – CJ122-06/12  
Attachment 2 Draft Request for Expressions of Interest – Lot 496 (70) Davidson Terrace, Joondalup  
Attachment 3 Draft Memorandum of Understanding  
Attachment 4 Draft Process Model

**(Please Note:** *These attachments are confidential and will appear in the official Minute Book only*)

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This report is confidential in accordance with Section 5.23 (2)(d) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

*Legal advice obtained, or which may be obtained, by a local government and which relates to a matter to be discussed at the meeting.*

A full report was provided to Elected Members and Committee 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**