



TOWN OF
VICTORIA PARK



Special Meeting of Electors Minutes – 22 July 2021



WE'RE OPEN
VIC PARK

Please be advised that a **Special Meeting of Electors** was held at **6:30pm** on **Thursday 22 July 2021** in the **Makuru Meeting Room**, Administration Centre at 99 Shepperton Road, Victoria Park.

Her Worship the Mayor Karen Vernon
28 July 2021

About the Special Meeting of Electors

This Special Meeting of Electors will be held in response to an electors' petition received on 1 June 2021, relating to Edward Millen House and Reserve.

Role of person presiding

The role of the presiding person is to run the meeting in accordance with the order of proceedings. The person presiding is entitled to move, second, speak to and vote on motions in their capacity as an elector.

Role of elected members

Elected members may attend electors' meetings and are able to move, second, speak to and vote on motions in their capacity as an elector.

Role of Town of Victoria Park employees

Appropriate senior officers may attend electors' meetings to provide information, as required.

Role of electors

An elector is a person who is eligible to be enrolled to vote at elections for the district.

Electors are required to sign the attendance register to provide their name and address to confirm whether they are electors of the Town before participating in the meeting.

Electors' meetings are open to all members of the public however, only electors may move, second, speak to and vote on motions. Electors may raise any motion that is related to the petition received.

Each elector present at a meeting of electors is entitled to one vote on each matter to be decided but is not required to vote.

Questions, statements and motions are encouraged to be submitted prior to the meeting via the Town's [website](#).

Consideration of decisions made at electors' meetings

Decisions made at electors' meetings will be considered by Council at the next Ordinary Council Meeting, or as soon as reasonably practicable.

Recording of meetings

Meetings of electors are to be recorded and live-streamed in accordance with Policy 052 – Recording and livestreaming.

No other audio or visual recording may be undertaken without the permission of the presiding person.

The minutes of an electors' meeting will record a summary of the meeting and the decisions made. It will not be recorded verbatim.

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1 Declaration of opening

1.1 Opening

Mayor Karen Vernon opened the meeting at 6.42pm.

1.2 Announcements from the Presiding Member

Recording and live streaming of proceedings

In accordance with clause 39 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, as the Presiding Member, I hereby give my permission for the administration to record proceedings of this meeting.

This meeting is also being live streamed on the Town's website. By being present at this meeting, members of the public consent to the possibility that their image and voice may be live streamed to public. Recordings are also made available on the Town's website following the meeting.

Public question time and public statement time

There are guidelines that need to be adhered to in our meetings and during question and statement time people speaking are not to personalise any questions, or statements about Elected Members, or staff or use any possible defamatory remarks.

In accordance with clause 40 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, a person addressing the meeting shall extend due courtesy and respect to all present and shall comply with any direction by the presiding member.

A person present at or observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

When the presiding member speaks during public question time or public statement time any person then speaking, is to immediately stop and every person present is to preserve strict silence so that the presiding member may be heard without interruption.

No adverse reflection

In accordance with clause 56 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, both Elected Members and the public when speaking are not to reflect adversely on the character or actions of Elected Members or employees.

Conduct of participation

In order to conduct the meeting in a fair and time appropriate manner, questions and statements have the following structure in place. Each person will be given a maximum of three questions during public questions time, with possible extension depending on how many people are in attendance. Each person will be given a maximum of two minutes per statement, one statement per person. Information cards have been provided to assist with the wording of motions. Each speaker may speak once in support of or against a motion for maximum of two minutes.

Town of Victoria Park Meeting Procedures Local Law 2019

All meetings of the Council, committees and the electors are to be conducted in accordance with the Act, the Regulations and the *Town of Victoria Park Meeting Procedures Local Law 2019*.

Voting

Those electors who are present at the meeting have been provided with green and red cards for voting on motions raised. When directed electors will raise their green card to show support for the motion. A red card will be raised when not in support of the motion.

Consideration of decisions made at electors' meetings

Decisions made at this meeting will be considered by Council at the Special Council meeting on 2 August 2021.

2 Presentations by the Town addressing petition questions

Mayor Karen Vernon provided the presentation addressing the questions raised in the petition (Attachment 2.1.1.).

3 General business

3.1 Questions

Alison Moran, East Victoria Park

1. What impact will it have on Baillie Avenue when the work is being done?

The Manager Property Development and Leasing advised that the impact will be assessed once the development application has been lodged through the statutory process.

Mayor Karen Vernon advised that it will depend on the type of development applications lodged and types of business as to the impacts on traffic, noise, dust and smells. This is difficult to predict until development applications are lodged, with how long it will take, what type of activities, where access to site will be. There is service access to the back of the site at the intersection of Baillie and Carson. The Town will need to look at how this can be done to minimise impact on residents. The Town cannot accurately predict the impact at this stage. Construction vehicles will be entering the site - like other sites around the Town. Conditions will be placed on the development approval, for how works are undertaken for construction. Once the park is developed there will be a need for vehicles to enter the park to upgrade it and do works. Planning controls enable Town to consider the residents and consult and notify. Concerns can then be brought forward and considered. Blackoak won't reap reward until they develop so it is likely there will be no delays.

2. Baillie Ave is quite small. Have you considered the school at corner of Baillie and Carson - frequents buses and needs of special needs children?

Mayor Karen Vernon advised that throughout the National Archives application, the school was heavily consulted and their needs for modified buses considered. Town would understand and take into account their needs, and the school would contribute to consultation. A key feature of park upgrade is a weather protected amphitheatre which the design was informed by Autism WA. The design features synergies with the school's needs and nature.

Vicky Caulfield, Victoria Park

1. Blackoak Capital is the proposed Ground Lease tenant. What prior experience does Blackoak or its directors have with similar heritage developments?

Mayor Karen Vernon advised that Blackoak has a combined property and investment experience of over 150 years across the executive team. Examples include The State Buildings, referred to as The Old Treasury Buildings, Leederville Hotel, the Rogerson buildings Subiaco and 76 George Street Redfern. Hospitality venues include POST, Petition Kitchen, Long Chim, Wildflower, Jus Burgers, Pinchos, Dilly Dally, Indian Ocean Brewing Company, the Rosemount Hotel, the Leederville Hotel and the Garden Restaurant.

2. *The initial term of the lease will be 20 years, plus 5 x 10 year options to extend = 70 years.*
- (a) *Must the tenant apply to extend the lease each time, or is this option automatic?*
 - (b) *Will the Council require a review of the rental amount and lease provisions prior to renewing the lease?*

Mayor Karen Vernon advised that the conditions required to be met by the tenant to exercise the options to renew the ground lease, will be in accordance with the lease at the discretion of the Town. This will be aligned to agreed satisfactory performance of the tenant's obligations under the lease. The draft ground lease is a commercial in confidence document.

Andrew Cooper, East Victoria Park

1. *What is a 'special property vehicle'?*

Mayor Karen Vernon advised that a 'Special Purpose Vehicle' (SPV) is a term used in the investment industry for describing a company or trust established for the purpose of holding one particular investment.

2. *What is the name of this 'vehicle'?*

Mayor Karen Vernon advised that the 'vehicle' set up for this purpose is Blackoak Capital – Elizabeth Baillie Pty Ltd (ACN 651 448 583).

3. *How is it incorporated (how is it structured)?*

Mayor Karen Vernon advised that Blackoak Capital – Elizabeth Baillie Pty Ltd is an Australian private company. Its shares are 100% owned by the partners of Blackoak Capital Ventures (ABN 38 896 928 872).

4. *Who are the beneficiaries of the 'special property vehicle'?*

Mayor Karen Vernon advised that as noted above, the shareholders hold the benefit of their interests in the company.

5. *What liabilities does it have?*

Mayor Karen Vernon advised that there are none. It is a newly established company.

6. *Which entity will actually be the lease holder?*

Mayor Karen Vernon advised that it is Blackoak Capital – Elizabeth Baillie Pty Ltd.

7. *How were you able close the tender process when you did and award the tender and potentially a ground lease when company only created on 28 June 2021?*

The Manager Property Development and Leasing advised that the tender process undertaken to select preferred proponent to present to Council was not finalised and still being considered. The applicant is Blackoak Capital Ventures and met the requirements and experience. The parent company has the experience and ability to undertake the project. The newly created Special Purpose Vehicle was created to facilitate the funding.

8. Has this group of companies provided a tender or just an expression of interest?

The Manager Property Development and Leasing advised that it was a tender process. The tender has not been approved by Council yet, and it still under consideration.

9. Is the tender process closed?

The Manager Property Development and Leasing advised that it has been completed. There was a panel and independent probity undertaken. The panel recommendation was provided to Council.

Graham Ferstat, Burswood

1. The Edward Millen Study Report of 2009 states "the Town has introduced a 2% rates levy generating approximately \$300,000 per annum for the Edward Millen Reserve used to fund current restoration work". What year did the town implement this 2% rates levy? Where has all of this money gone? Into the Edward Millen Reserve Fund?

Mayor Karen Vernon advised that she was not on Council when that was introduced. Town staff looked into issue. After the property was gifted by Western Australian State Government in 2006, a decision was made to set aside 2% of rates for the reserve. The reserve fund was established and continues to this date. Each year as part of the budget, Council decides what to put into the reserve account. Historically, differing amounts have gone in. Sometimes under and sometimes at 2%. Approximately \$2 million was in there as at last month. That is where money has gone. Council decides every year how much is transferred in and out of the reserve. Money can come out in accordance with the reserve's purpose. The Town is audited every year and this is looked at. The Mayor confirmed the closing balance as per the financial papers of the reserve account was \$2,031,839.58 (closed off as of 30 June).

2. What restoration work has happened at Ed Millen Reserve because this fund was set up for that purpose?

The Chief Executive Officer advised that the restoration works largely related to the roof repairs on the Mildred Creek and Edward Millen Rotunda, to the painting of the Rotunda and some works on the internal rooms.

3. Have you got any idea of the cost?

Mayor Karen Vernon took the question on notice.

Lawell Cassidy, East Victoria Park

1. Licensed valuer has provided an evaluation report. Who is it and is the report available to ratepayers?

Mayor Karen Vernon advised that it was McGees Valuation. Because the report contains the valuer's methodology, it is commercial in confidence and not available to public.

Mike Lanternier, Lathlain

1. Under the Edward Millen Landscape Redevelopment Project, how much landscaping work is included within the proposed Blackoak lease area?

The Manager Property Development and Leasing advised that Blackoak have committed \$1.3 million towards their surrounding landscaping.

2. Will they be contributing full amount for landscaping in their lease area?

Mayor Karen Vernon advised that that is correct.

3. The current masterplan shows "high quality natural stone pavers" at front of and the side part at the rear of the Rotunda which is all within the lease area. Who is paying for this?

The Manager Property Development and Leasing advised that Blackoak are paying for that and it is in their proposal.

Mayor Karen Vernon advised that masterplan was done before we went out for public tender. It would have been part of the overall park upgrade anyway. The proposal includes some of that work, which will complement the park upgrade work.

4. \$7.5 million on landscaping being spent by the Town. Has it been adequately considered in the lease agreement?

Mayor Karen Vernon advised that when tender was put out to world at large, information was provided for everyone to read about the Town's plan. It included the towns plan to upgrade and redevelop the park. Anyone who was interested in upgrading the building would have known the Town was upgrading the park. Council could choose to leave as is or redevelop. Council chose to masterplan. Blackoak development will be complemented by what the Town does for the park. The final project will be the entire heritage precinct redevelopment.

5. What is the definition of marginal costs to the Town? What will possible breaches cost the Town?

Mayor Karen Vernon advised that when it comes to estimating the costs of what the Town will need to pay in case of a breach, it would depend on the breach. If it is to sue, it could be a cheap or expensive process. The Mayor advised that the Town doesn't know if there will be a breach therefore, this is no ability to give accurate costs for things that may not happen.

Vince Maxwell, Victoria Park

1. Why is the \$2 million rent in advance being described as an investment by Blackoak?

The Manager Property Development and Leasing advised that the \$2 million described as in investment, is so as it will be used to fund the parklands. It is appropriate to describe it as such. Town will be receiving the money as part of the tender. It is an upfront payment for the town to progress landscaping requirements.

2. Why is it described as an investment?

The Manager Property Development and Leasing advised that the investment is being paid to the Town. It is an investment to the Town to land and buildings for ground lease. It is their commercial offer that is an investment to the ratepayers of the Town as it goes towards the Town assets.

3. Has the Town been provided with a 15% design for the Edward Millen adaptive Heritage redevelopment or is the administration recommending that Council award the tender based on an expression of interest only.

The Manager Property Development and Leasing advised that the tender is to be awarded in line with the proposal and commercial offer presented. Design work has not commenced. Design work will commence if lease is approved by Council. The community and Council will have the opportunity to view the development application and design work to progress.

4. Will the design follow after they already have possession?

The Manager Property Development and Leasing advised that the proponent will be in an agreement for lease status. The lease commences at the completion of the heritage and tenant works.

5. Town will have full design before issuing lease?

Mayor Karen Vernon advised that heritage works and tenant works must be completed. Blackoak's lease will begin at the completion of the works. State Government planning approval will be required for the heritage works. Development applications will also need to be approved.

Des Eddy, East Victoria Park

1. How many more eating houses or coffee shops do you want on the strip?

Mayor Karen Vernon advised that the Town often receives applications for changes of use. If it meets the Town Planning Scheme's requirements, it is approved either by officers or Council. Applications need to be assessed. There isn't a limit for how many establishments there are, other than by space. Community consultation showed that the majority wanted a café, restaurant or pub – the Town listened. Blackoak is proposing a way to deliver that. The Town has never proposed that it would build and run a pub or café. The private sector can do it on this site. Development application will be required that meets the Town Planning Scheme.

John Colins, Carlisle

1. Landscaping – Is the \$7.5 million likely to blowout to 9 or 10 million? Does the Council believe it's reasonable for ratepayers to pay overs?

Mayor Karen Vernon advised that the first proposal was \$9.3 million. Council sent it back with costings at \$6 million and \$7 million. Town provided a report for this and for \$8 million. Council will need to budget for this when it goes out to tender for the projected project cost. Blowout will only happen if Council allows it to. A tenderer that puts in for \$9 million or \$10 million, won't get a very good weighting. It will be determined when tenderers submit a tender for the project. Council will decide who it is awarded to. Resources and labour are more expensive now than what they were two years ago.

2. Is the landscaping only for lease area?

Mayor Karen Vernon advised that no, it is for park around it, not lease area. Blackoak are paying \$1.3 million for their own lease area.

Sam Zammit, St James

1. \$7.5 million - Being spent on what?

The Manager Property Development and Leasing advised that a large park upgrade which includes the first autism focussed park, amphitheatre and spectrum shelter, new plantings, the entire avenue being resurfaced and brought back to life, new trees, new pathways designed for disability access and inclusion, toilet facilities that need to complement the heritage requirements, artist and interpretation work, heritage wayfinding signage – by the landscape architect who was involved with the WA Museum. It will also include new paving and concreting, sewerage and parking.

Mayor Karen Vernon advised that there will be significant civil engineering works. The park needs to have formal emergency service vehicle access. There is no car park on site currently. The new carpark needs to be sizeable to include small tour buses such as for retirement villages. Drainage in park - it is on a slope. The paving and footpath needs to meet Australian Standards. The playground designed is unique – it will reflect that the building began life as hospital. That sort of thing doesn't come cheap. Works go on underneath the things you see above ground. The park has been designed with the community over many months.

2. Have they got swings there?

Mayor Karen Vernon advised that yes, there's children's playground.

Noel McCombe, East Victoria Park

1. Why didn't the Town undertake process for a Town Planning Scheme rezoning amendment prior to tendering?

The Manager Property Development and Leasing advised that a Town Planning Scheme amendment was not required. The allowable uses were changed through statutory processes.

2. The officers report statement that the redevelopment and overall revitalisation of the Edward Millen precinct had undergone several accountable and objective decision making processes. Why did the officers write this? The 2017 report, on the results from the open house project, stated less than 30% wanted a café and less than 17% wanted entertainment.

The Manager Property Development and Leasing advised that processes require business cases. The open house supported small scale production, cultural and creative industry and community, civic use was lowest.

3. Why didn't the officers advertise items related to this and the landscape for the park for Council meetings and this Special Meeting of Electors using the current communication contact list from the masterplan project?

Mayor Karen Vernon advised that advertising methods were used from the moment the date was given. The first date was 5 July but was unable to be held due to lockdown. Council meetings are advertised every month and agendas are available.

4. Who was specifically emailed, was there specific notice to specific people?

Mayor Karen Vernon took the question on notice.

Gino Lamelza, East Victoria Park

1. Parking - Do we have an idea of how they will look, how many bays, Patricia Street and Albany Highway parking congestion be alleviated?

Mayor Karen Vernon advised that onsite parking from Hillview Terrace will be for 80 cars as part of the Town's upgrade. We can't have parking on Albany Highway in front of the park because of the bus stop. The Town is not aware of plans to change available bays to make them unavailable. Managing traffic onsite is an issue.

2. Where would people going to access the park, park?

The Manager Property Development and Leasing advised that the development application will require a traffic impact assessment. The masterplan for Baillie Avenue does not include hard parking, parking will be as it is now.

Joe Collagia, Victoria Park

1. What was the basis of the process for not requiring track record for delivery for the company?

Mayor Karen Vernon advised that the company created recently is the Special Purpose Vehicle. Blackoak Ventures has been operating for a long time.

The Manager Property Development and Leasing advised that the tender process required financial capability statements and access to capital for directors. This was provided to the Town and helped finalise the recommendation to Council.

2. Given the apparent generosity of the lease arrangement and the fairly significant potential for success, has the Council considered including the need to give back to the community for community wellness and wellbeing over and above?

The Manager Property Development and Leasing advised that market valuation was undertaken by an independent valuer. There is generosity on their part for the amount of investment required. The offer includes a willingness to include museum to honour the heritage. Included are also options for community uses, programs and activations. Blackoak seem committed such outcomes. The point in time for rent amount, the Town did go back and negotiate 22.5% increase in that rent.

3. The tender was restricted to for profit, is a conflict of interest register available?

The Manager Property Development and Leasing advised that the tender process included declarations and that an independent assessment and probity on the process.

4. Town's own conflict of interest register associated with the project?

The Manager Property Development and Leasing advised that yes, all panel members signed declarations.

Rose Bianchini, East Victoria Park

1. How many people were involved in the masterplan process?

The Manager Property Development and Leasing advised that community workshops of 30 to 40 people were held over three or four sessions. The Manager Property Development and Leasing advised that the administration, consultants external stakeholders, Autism Association, Carson Street School etc., were involved.

Mayor Karen Vernon took how many people participated in masterplan process on notice.

Yhana Lucas, East Victoria Park

1. Will the majority of future decisions be public? Which ones will not? Was consultation open to all members of the public?

Mayor Karen Vernon advised that all decisions by Council will be public. Commercial in confidence documents won't be. The Special Council Meeting is public meeting and the report is public. The future decision for the tender for the park upgrade will be. The tender documents will not be given in entirety. The assessment panel results will be provided.

The Manager Property Development and Leasing advised that under s3.58 of the Local Government Act divestment has to be advertised as a lease. Public consultation will be required if approved by Council.

Mayor Karen Vernon advised that herself and the Chief Executive Officer are not able to sign the lease until it has been advertised.

2. Would the Town's processes be considered unusual in this process? Including the finance and disclosure process?

The Manager Property Development and Leasing advised that it has met legal requirements and done additional probity assessments. The Town has followed usual process.

3. How does the financial risk of doing nothing compare to the Blackoak proposal?

The Manager Property Development and Leasing advised that the risk is cost, including ongoing maintenance. Town has provided capital into the assets. What community wants requires significant investment.

Karen Bond, Carlisle

1. How long was the tender open for?

The time the tender was open for was extended. Roughly a 1.5 to 2 month process. The Manager Property Development and Leasing took this question on notice.

2. What is an appropriate amount of time?

Mayor Karen Vernon advised that the Town uses Tenderlink.

The Manager Property Development and Leasing advised that there is a lot of work prior to the release of a tender including comprehensive criteria for assessment. There are a limited number of businesses that could take on such a project. The Town received three proposals. The amount of time was adequate for staff undertaking such assessment.

3. What happens in the 20 years if the contract ends? Does Council have to pay back that rent?

The Manager Property Development and Leasing advised that Town keeps this payment as it was paid upfront and is not linked.

4. Were the Council provided with any grants for upkeep of Edward Millen House? What happens to them now?

Mayor Karen Vernon advised that Council has been advocating for funding assistance for the park. A promise of \$4 million from the Federal Member for Swan to go towards heritage works on Edward Millen House was received and will be applied to the heritage works carried out by Blackoak.

5. Are Blackoak not putting the money in and just employing people to oversee it and manage it?

Mayor Karen Vernon advised that Blackoak will be putting in any additional money to the \$4 million that is needed for the heritage works.

6. Did the Council ever do an estimate of how much it will cost to restore?

The Manager Property Development and Leasing advised that the cost was \$3.8 million.

Peter Pike, Lathlain

1. Would the 70 years at 7.2% increase? Have the council considered those type of details in the leases? Do they think it is a fair return?

The Property Development and Leasing Manager advised that the consideration for rent over time has been factored in, as well as the savings on maintenance of such assets. Many factors have been consideration of the offer. The consumer price index is Blackoak's offer.

2. Would you reconsider for market rent reviews?

Mayor Karen Vernon advised that Council will consider that. Council were advised by the panel that the other two tenderers were not suitable. Council need to consider the likelihood that the house may remain within the electric fence and the community won't have access to the house and the social impact of that. Council will consider market rent reviews.

Patrick Bourke, East Victoria Park

1. Will there be a reduction in rates?

Mayor Karen Vernon advised that Council consider the budget based on what the Town needs at the time.

2. Is it possible that in Blackoak's development, a restaurant could include a fast food competitor?

Mayor Karen Vernon advised that Council will consider any development application on its merits. Fast food does not fit the criteria.

3. Advertising - was the Town proactive in it's approach to advertising the Edward Millen development?

Mayor Karen Vernon advised that the Town does not send emails to all ratepayers and electors. Many major projects are done by the Town every year and are advertised on the website, newspapers and social media. The Town is trying to undertake the most cost effective way of communication. Mayor Karen Vernon advised that we rely on community members to look on the website from time to time.

Sue Lenton-Gilmore, Burswood

1. How much of the area is going to be used for the additional buildings Blackoak wish to put in? Is there height restrictions on these? Are you going to employ 50 new car park inspectors to accommodate overflow parking on surrounding verges?

The Manager Property Development and Leasing advised that the additional buildings will be formulated in the design process. The entirety of the park is State heritage listed so will be assessed to adhere to their controls. Blackoak will manage and run some of the businesses onsite. A traffic management assessment will be undertaken and considered.

2. Will there be a pub?

Mayor Karen Vernon advised that there will be a pub and listed the proposed redevelopment offerings.

3. Have you given them a maximum build space within the land they're leasing?

Mayor Karen Vernon advised that Blackoak cannot build on the house, we won't know more until we receive the development application and the detailed plans.

The Chief Executive Officer advised that the carpark is public car parking for the park, the development application will propose more car parks.

Brenda Granaghan, East Victoria Park

1. Will the works by Blackoak or the Town ensure that the trees are going to be protected?

Mayor Karen Vernon advised that Blackoak do not have any authority over the park. The park is the Town's responsibility.

The Manager Property Development and Leasing advised that a comprehensive assessment of every single tree was undertaken and a calculation of loss of trees and of planting of new trees. Some trees in bad condition could be removed, it is a small number.

The Manager Property Development and Leasing took the exact number of trees to be removed on notice.

2. In regards to the road condition of Carson Street, there is potential for further degradation to the road, will repairs be done to the road?

The Chief Executive Officer advised that if a road is in need of repair, the Town puts it on the list of repairs and is responsible for maintenance and upgrades. If a road is damaged by a contractor, it is the responsibility of the contractor to repair the road.

Jason Frehner, East Victoria Park

1. The 20 year advance rent payment, is it inclusive of the Consumer Price Index adjusted rent increase each year, will Council consider this?

The Manager Property Development and Leasing advised that the lump sum payment is one part of the overall payment. It is not analysed with a consumer price index component. Council has yet to determine whether the 20 years rent will include consumer price index.

2. Why do calculations of the 20 year lease come out to \$2.45 million not \$2 million?

Mayor Karen Vernon advised that the above \$2.45 million figure is based on the rental, but this is a one-off upfront payment and is not linked.

3. Is there provision for sub-leasing in the ground lease?

The Manager Property Development and Leasing advised that it is part of the structure and requirement of the business, they are able to undertake sub-leasing as required, with Council consent.

Gilly Brown, East Victoria Park

1. Could you please explain the tender assessment process?

The Manager Property Development and Leasing advised that the Manager Property Development and Leasing, Commercial Leasing Officer and a Place Planning representative with heritage experience were on the panel. All panel members were experienced in this type of assessment. They drafted the tender. The process was heavily scrutinized by procurement. It had independent probity oversight. All panel members have required tertiary experience and qualifications.

Mayor Karen Vernon advised that the panel has experience with assessing this type of tender.

2. Who is Stantons International and what is their involvement?

The Manager Property Development and Leasing advised that they are experienced in government sector.

Mayor Karen Vernon advised they have done risk and corporate compliance work for around 50 years.

3. Does Stantons International assess the agreement to lease?

Mayor Karen Vernon advised that they were the independent probity expert who reviewed the tender process. The Town employs lawyers, and they were the ones who oversaw the lease negotiations.

Peter Bond, Carlisle

1. Did Stantons look at all tenders or just one?

The Manager Property Development and Leasing advised that all three were compliant, Stantons assessed all three tenderers.

2. Do you think that the tender was at the right time and long enough?

The Manager Property Development and Leasing advised that this type of project is not highly sought after in the development industry. This project requires a unique skill set and we were content to receive three submissions.

3. Does money set aside for a purpose have to be put towards that purpose? Regarding the 2% levy.

The Manager Property Development and Leasing advised that it is assessed every year, the reserve currently stands at \$2.031 million and that reserve has an opportunity to be expended for the purpose it was put aside for.

Mayor Karen Vernon took on notice the part of the question about the 2% levy.

Peter McKenzie, Burswood

1. If Blackoak sell 'Pty Ltd', will the lease be impacted?

The Manager Property Development and Leasing advised that the lessee is responsible under the lease, the contractual requirements and breach would be adhered to and administered by the Town.

Mayor Karen Vernon advised that in general terms of termination would be expected in the lease. If Blackoak were to become insolvent, the Town would be the owner of the house and any new buildings. The Town is looking for all the protections in that type of event.

2. Regarding the buildings being built, will they be maintained? Is there going to be a building maintenance report built into the lease, and to have a maintenance plan? Until they are handed over the Town.

Mayor Karen Vernon advised that Blackoak will have the obligation throughout the term of the lease and responsible by for the maintenance.

Paul Richardson, East Victoria Park

1. If they sell the Special Property Vehicle, what happens to the lease?

The Manager Property Development and Leasing advised that there would be no consignment without Council consent.

2. If the development application conforms with the Town planning scheme, can anyone object?

Mayor Karen Vernon advised that public submissions will be called following submission of a development application. Council is constrained to determine development applications on planning laws. Community members can submit objections during submissions.

Mayor Karen Vernon adjourned the meeting for 10mins at 10.19pm.

3.2 Statements

The meeting readjourned at 10.39pm.

Peter Pike, Lathlain

Made a statement on the Edward Millen Heritage Development and Blackoak proposal urging Council to consider market rent reviews during the length of the lease.

Note: this statement was made during item 3.1 - Questions.

Patrick Bourke, East Victoria Park

Made a statement on the need for an email to be sent to ratepayers for projects that affect three generations.

Note: this statement was made during item 3.1 - Questions.

John Gleeson, Carlisle

Made a statement expressing his view that Town staff are qualified enough to provide recommendations without having to consult 'us' and that the Edward Millen Reserve land should be redeveloped in increments.

Note: this statement was made during item 3.1 - Questions.

Gilly Brown, East Victoria Park

Made a statement on the importance of engaging with the community through non-online formats.

Note: this statement was made during item 3.1 - Questions.

Carmel Eddy, East Victoria Park

Made a statement expressing her concern for the potential future parking impacts due to the Edward Millen Heritage Development project and urged Council to ensure adequate parking to reduce the impact on nearby residential streets.

Noel McCombe, East Victoria Park

Made a statement conveying his participation history on the Edward Millen Heritage Development project and expressed his concerns on its' management and costs.

Yhana Lucas, East Victoria Park

Made a statement on supporting the Blackoak proposal for the Edward Millen Heritage Development and expressed her view that it is a sound proposal by developed experienced staff, Council and independent parties and urged community members to not believe conspiracies theories.

Vince Maxwell, Victoria Park

Made a statement expressing his concerns on the Edward Millen Heritage Development project history and urged Council to not make decisions without taking community members along.

Karen Bond, Carlisle

Made a statement on her hopes for her vibrant space and urged Council to keep public space available for public access.

3.3 Motions

MOTION:	
Moved: John Gleeson, Carlisle	Seconded: Alan Rorke, Victoria Park
That Council should not go ahead with the project and should upgrade the park and house over the course of the next 10 years.	
	Carried
For: 16	
Against: 9	

MOTION:	
Moved: Vince Maxwell, Victoria Park	Seconded: Andrew Cooper, East Victoria Park
That in accordance with the Town values, that we have integrity, we are honest, accountable and transparent, the 22 page proposal submitted by Blackoak Capital Ventures and Arget Ventures be immediately made public.	
	Carried
For: 24	
Against: 4	

MOTION:	
Moved: Andrew Cooper, East Victoria Park	Seconded: Mike Lanternier, Lathlain
That in accordance with the Town values, that we have integrity, we are honest, accountable and transparent, the report labelled in the May 2021 Council Meeting Agenda as item '13.2.9 Final Report 15 Hillview Terrace East Victoria Park 10 May 2021' be immediately made public.	
	Carried
For: 17	
Against: 7	

MOTION:	
Moved: Patrick Bourke, East Victoria Park	Seconded: Kym Cranswick, Victoria Park
That Council review the rental agreement with the developer after the 20 year lease to ensure that issues including CPI, inflation, interest rates, and ongoing commercial rent for similar sized businesses are undertaken to ensure value for dollar for the Town of Victoria Park ratepayers.	
	Carried
For: 20	
Against: 3	

Special Meeting of Electors - 22 July 2021

MOTION:	
Moved: Noel McCombe, East Victoria Park	Seconded: Peter McKenzie, Burswood
That Council:	
1. Places a condition on the public and commercial facilities and businesses to close by 6.30pm Sunday – Thursday, and 7.30pm on Friday and Saturday;	
2. Prevents vehicular access to and from the site from Baille Avenue or Carson Street from 7.15pm Sunday – Thursday, and after 8.15pm for Friday and Saturday	
	No decision
For: 10	
Against: 10	

MOTION:	
Moved: Vince Maxwell, Victoria Park	Seconded: Peter McKenzie, Burswood
That the draft 'agreement to lease' document be immediately made public and that Council consider all of the resolutions of tonight's special electors meeting prior to any further consideration of the Edward Millen ground lease.	
	Carried
For: 18	
Against: 5	

4 Closure

There being no further business, Mayor Karen Vernon closed the meeting at 12:00am on Friday 23 July 2021.