



**CONFIDENTIAL
MEETING OF THE
PORT PHILLIP CITY
COUNCIL**

CONFIDENTIAL MINUTES

19 MAY 2021



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**MINUTES OF THE CONFIDENTIAL MEETING OF THE PORT PHILLIP
CITY COUNCIL HELD 19 MAY 2021 IN ST KILDA TOWN HALL**

PRESENT

Cr Crawford (Chairperson), Cr Baxter, Cr Bond, Cr Clark, Cr Copey, Cr Cunsolo, Cr Martin, Cr Pearl, Cr Sirakoff.

IN ATTENDANCE

Peter Smith, Chief Executive Officer, Lili Rosic, General Manager Development Transport and City Amenity, Tony Keenan, General Manager Community Wellbeing and Inclusion, Chris Carroll, General Manager Customer Operations and Infrastructure; Kylie Bennetts, General Manager City Growth and Organisational Capability. Kirsty Pearce, Head of Governance, Joanne McNeill, Executive Manager Property and Assets.

18. CONFIDENTIAL BUSINESS

The information contained in the following Council reports is considered to be Confidential Information in accordance with Section 3 of the Local Government Act 2020.

Report No.	Report Title	Confidential reasons
18.1	Workcover Update and Preferred Insurer	(a) <i>Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;</i> (l) <i>information that was confidential information for the purposes of section 77 of the Local Government Act 1989.</i>
18.2	Commercial property leasing matter	(a) <i>Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.</i> (g(ii)) <i>private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.</i> (l) <i>information that was confidential information for the purposes of section 77 of the Local Government Act 1989.</i>



18.1 Workcover Update and Preferred Insurer

At 8:45pm Councillor Pearl declared a potential conflict of interest and left the meeting.

MOVED Crs Martin/Sirakoff

That Council:

- 3.1 Notes the update on the MAV Workcare Scheme and the requirement for Council to advise Worksafe of its preference for Agent appointment.
- 3.2 Endorses the following preference for Agent appointment from most preferred insurer to least preferred EML, Allianz, Gallagher Bassett and Xchanging, and for this confirmation to be affirmed to WorkSafe, and being subject to Ministerial exemption being received by Council around procurement arrangements.
- 3.3 Delegates to the CEO the ability to negotiate and enter into a contract with an approved insurer under the Victorian Workcover Authority Scheme

A vote was taken and the MOTION was CARRIED.

Councillor Pearl returned to the meeting at 8:50pm.

18.2 Commercial property leasing matter

MOVED Crs Bond/Copsey

That Council:

- 3.1 Resolves to withhold Landlord Approval for the redevelopment required under the existing lease between Council and The Vineyard Pty Ltd and discontinues any discussion regarding a new long-term lease, thereby cancelling the proposed redevelopment of the site by the tenant.
- 3.2 Delegates authority to the CEO to negotiate an early end of (current) lease date with The Vineyard Pty Ltd with consideration of the current requirements of the lease to deliver benefits to the community and including agreement on works to be undertaken by the tenant to address any urgent maintenance works required to maintain the function of the building for the duration of the lease.
- 3.3 Notes that this course of action is considered to provide the best way forward for the site given the significant passage of time since the lease was executed in 2011, that the benefits that were to be delivered to the community through the provision of a new public asset have not been realised, and that since there hasn't been a competitive process for the management of the crown land since before 1999, the importance of site to the surrounding public realm and the challenges that have been experienced in managing the current lease, it is prudent to undertake a competitive process to explore tenancy and development options to understand if better alternatives exist, noting that it would be open to the current tenant to participate in the market process.

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- 3.4 Approves the information in this Resolution and Attachment 3 to be made public once the tenant has been notified of the decision and authorises the CEO to make any minor amendments to the information in Attachment 3 as required to improve accuracy or readability.
- 3.5 Authorises the CEO to update the title of the confidential report post meeting to *The Vineyard Restaurant - Next Steps* once the tenant has been notified of the decision.

A vote was taken and the MOTION was CARRIED unanimously.

MOVED Crs Bond/Baxter

That the meeting be reopened to members of the gallery.

A vote was taken and the MOTION was CARRIED unanimously.

The meeting was reopened at 9.03pm

Confirmed: 2 June 2021

Chairperson _____