

Public Question Time

Question from Robbie Nyaguy

Mr Nyaguy asked a series of questions relating to a letter he had sent to the Mayor and CEO relating to a proposed lease of The Vineyard, including:

- Community consultation on the proposed lease including options for other uses of the site.
- Is the 15 year lease spoken about in Council documents the one that started in 2011 or a brand new 15 year lease expiring in approximately 2035?
- What determined the current level of comfort the Council got from the proposed new design?
- Police advice on the level of surveillance that The Vineyard provides to the O'Donnell Gardens and other issues that may arise.
- Investigation of the community benefit of The Vineyard proposed as part of the original lease.
- What legal advice did Council act on in not pursuing requirement to terminate the lease when the lessee did not pursue the capital works required under the 2011 lease?
- Why is Council planning to restart the process and expand the footprint of The Vineyard without requesting a strategic planning process?
- Will these questions be answered prior to the community drop in session next week?

Response

Please find responses to your questions posed below:

- **Community consultation on the proposed lease including options for other uses of the site.**
Community Consultation was recently undertaken on the proposed redevelopment concept design and new lease terms. The consultation did not consider options for other uses of the site as the tenants still have a current lease term for the operation of the building, and the proposed redevelopment is the tenant's response to the conditions of this lease.
- **Is the 15-year lease spoken about in Council documents the one that started in 2011 or a brand new 15-year lease expiring in approximately 2035?**

The 15-year lease being discussed is a brand-new lease that will expire 15 years following its execution. As the proposed redevelopment extends beyond the boundary of the current lease agreement, a new lease with The Vineyard Restaurant is required.

Due to the discovery of a main drain within the current lease boundary, proposed redevelopment to an earlier design could not take place. Time taken to negotiate the development of a new design, means any redevelopment would be undertaken in the last few years of the current lease. Offering a new lease to the current tenant provides an opportunity for the tenant to realise a return on this significant investment into the venue.

- **What determined the current level of comfort the Council got from the proposed new design?**

Council has worked closely with The Vineyard since the lease commenced in 2011 to provide input and feedback to the Vineyard's development of designs. Numerous iterations of the design have been worked through and Council are now confident the design being proposed adequately responds to all previously identified key issues. It is imperative to note that the presented design is a concept design only and can be further amended if required. Council are interested in hearing from the community about what they think of the concept before progressing any further.

- **Has police advice been provided on the level of surveillance that The Vineyard provides to the O'Donnell Gardens and other issues that may arise?**

No, specific advice from the police regarding the concept has not been provided. It is anticipated that the presence of The Vineyard within the gardens will bring an increase in security as it will provide a public presence in the park later at night, which will discourage drug use and other criminal activity in the area.

Police attended a stakeholder drop-in session, being held immediately prior to the community drop-in session, to provide feedback.

- **What investigation and information has been provided of the community benefit of The Vineyard proposed as part of the original lease?**

Schedule 3, Clause 4 of the lease dated 29 July 2011 requires the tenant to provide \$50,000 in cash benefits to community groups for each 3-year period. Council has requested copies of the tenant's audited financial statements which clearly articulate the details of the community benefits provided during each period. This information is due to Council and will be followed up to ensure it is received. Additional community benefits that can be achieved through the proposed redevelopment includes:

- Improved visual and physical interaction between the Vineyard building and public open space;
- Improved surveillance of the park;
- Improved public safety;
- Improved access to toilets;
- Improved opportunities for casual seating with or without the need to purchase any items from the venue;
- Opportunities to purchase food and beverages for consumption in the remainder of the park;
- A "family friendly" daytime environment.

- **What legal advice did Council act on in not pursuing requirement to terminate the lease when the lessee did not pursue the capital works required under the 2011 lease?**

The current lease between Council and TVPL required the tenant to complete "substantial building works" of no less than \$1 Million within certain timeframes articulated in the lease. An original design was proposed in 2013, however it was subsequently found to not be viable due to the discovery of a large Melbourne water drain within the existing lease area. The subsequent investigations and redesigns have taken an extended period of time.

Through the various iterations of the development proposals, Council has granted time extensions to the key milestone dates in the lease. Following three requests for an extension to the submission date for the redevelopment plans, TVPL submitted their redevelopment proposal in line with the revised deadline date of 9 February 2018.

- **Why is Council planning to restart the process and expand the footprint of The Vineyard without requesting a strategic planning process?**

The review of the plans has so far been from a landlord perspective. The current consultation is regarding the proposed redevelopment design and lease terms to enable Council to make an informed decision on whether to provide landlord approval for The Vineyard to submit a planning permit application.

Council will also review the proposal in its statutory planning role through the planning permit application process. Issues that will be addressed through the planning process will include noise, height (currently the second storey proposal complies with the height control), overshadowing, ESD requirements, carparking requirements, liquor licensing, security management and crowd control, predominant activity on the land, and heritage. The planning process will include the statutory public notification process.