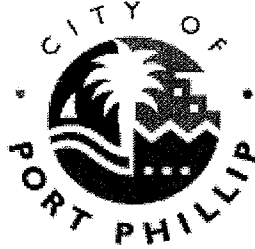

Attachment 1 – Consultant brief



CITY OF PORT PHILLIP
CORNER BRIGHTON ROAD & CARLISLE STREET,
ST KILDA VIC 3182

ST KILDA SKATE PARK SITE ASSESSMENT CONSULTANCY BRIEF

CONTRACT NO. 1324

Please deliver your fee submission (in writing or by email) addressed to:

Anita Lange
Project Manager, St Kilda Skate Park
City of Port Phillip
St Kilda Town Hall
corner Carlisle Street & Brighton Road
St Kilda Vic 3182
Or alange@portphillip.vic.gov.au

before the closing date and time of
Monday 16 February 2009 at 10 am
Late or faxed quotes will not be accepted

6th February 2009

**ORDINARY MEETING OF COUNCIL
23 FEBRUARY 2009**

**City of Port Phillip - St Kilda Skate Park
Project Brief 060209**

Introduction

Since 1998 Council has considered a number of sites for development of a skate park in the St Kilda precinct. Council determined in December 2008 to abandon the approval process for the proposed site on the corner of Fitzroy St and Lakeside Drive, Albert Park Reserve and commence a new process to determine the most appropriate location.

The Council now seeks the services of a suitably skilled and qualified recreation or open space planner to undertake a consultancy to assist in the determination of the most appropriate location.

Background

In 1998 the City of Port Phillip Sport and Recreation Strategy called for the development of skate and roller blade facility.

The need for a skate park is identified through the extrapolation of ABS and other statistics that indicate between 25 – 30% of 7 -12 year olds will skate board in any given week. In CoPP, it is estimated that approximately 1300 young people will skate, with the skate facility being used an estimated 355 hours per week.

In 2002 Council considered the development of a skate park at Marina Reserve Car Park Area ('Turkey Toms'). This process proceeded through to applications for a planning permit and advertising, with a range of objections received. The project was pursued no further at the time.

In 2004 consideration was given by Council to the development of a skate facility. Council resolved that a range of locations be assessed for suitability, including previously considered sites such as the Marina Reserve Car Park Area ('Turkey Toms'). In November 2004 Council considered the outcomes of an assessment of 8 potential sites against 48 criteria.

In November 2005 Council resolved to pursue the development of a skate facility at Albert Park Reserve, Cnr Fitzroy St and Lakeside Drive, St Kilda. A planning permit was granted and subsequently appealed.

At the ordinary Council meeting on 18 December 2008 the Council resolved to withdraw the current planning application for the St. Kilda Skate Park proposed in Albert Park reserve and commence a process to determine the most appropriate location.

Details of all of this work and all information in relation to the December 18 2008 Council decision and the VCAT hearing are available from Council's web site at:

http://www.portphillip.vic.gov.au/council_agenda_dec08.html

http://www.portphillip.vic.gov.au/vcat_hearing_page_info.html

**ORDINARY MEETING OF COUNCIL
23 FEBRUARY 2009**

Scope of Project

The assessment would require:

1. An independent assessment of all 8 sites already considered (including 3 site on the Foreshore), in addition to any new sites that may be identified within the St Kilda precinct;
2. An independent assessment of all material regarding the various sites considered, including previous Council reports, plans and related studies, all grounds of community objection, all previous expert witness reports and statements presented to VCAT, and the previous decisions of VCAT.
3. Establishment of a community reference group of key stakeholders and local skater representatives (including young people and two councillors) to assist and provide input into the assessment process. The process of establishing a group is currently underway. Details are at http://www.portphillip.vic.gov.au/st_kilda_skate_park.html#L1
4. The broad terms of reference for the community reference group being to:
 - Provide advice to the independent assessor;
 - Consider the criteria and weightings that the reference group agrees appropriate to the assessment process;
 - Consider any additional sites that the reference group agrees appropriate to the assessment process
 - Consider and provide comment to any draft recommendations of the independent assessor prior to a final report being presented to Council by the assessor.
5. The assessment would need to apply the approved criteria outlined in the Sport and Recreation Skate Park Facility Guide 2001 and Council criteria as endorsed by the reference group for the basis for assessment of the sites, and in addition establish the following Council objectives for the St Kilda Skate Park:
 - To provide a Local skate park for use by all ages and skill levels in the shortest possible time
 - To provide a safe facility
 - To minimise any impact on other community based facilities and stakeholders
 - Be consistent with the principles outlined in Council's Open Space Strategy 2006.

5. Presentation of a final report to Council

Consultant Submission requirements

The submission should include:

- Description of methodology to be used identifying key tasks and resources
- Identify personnel who will be responsible for each of the tasks
- Timeframe for various tasks and the project as a whole
- A fee proposal for various tasks and the project as a whole

The assessment would need to be completed by the end of May 2009

**ORDINARY MEETING OF COUNCIL
23 FEBRUARY 2009**

Appendix 1 – CONTRACT PARTICULARS

1. CONTRACT DETAILS

The successful consultant will be required to enter into a contract with the City of Port Phillip. A copy of the standard CoPP contract is attached in Appendix B.

The Consultant is invited to read this brief in full, familiarise her/himself with the site and all existing information relating to the project and submit, before the time specified, a fee proposal in accordance with the requirements of this document.

Project Documentation produced by the Consultant shall remain the property of the City of Port Phillip.

If the Project is cancelled/deferred, additional fees shall not be attracted. All fees are to exclusive of GST.

The Principal Consultant will be required to attend meetings as required by the City of Port Phillip and/or the Project Manager. Nominated, approved key personnel shall attend these meetings.

2. PROJECT MANAGER

The CoPP Project Manager is:

Anita Lange
Project Manager St Kilda Skate Park
City of Port Phillip
Private Bag 3
St Kilda VIC 3182

Telephone: (03) 9209 6693
0403 606 554

Fax: (03) 9536 2737

Email: alange@portphillip.vic.gov.au

3. COUNCIL RIGHTS

The City of Port Phillip may, in its absolute discretion:

- Reject any or all Fee Submissions;
- Accept an Alternative Fee Submission; and
- Accept any Fee Submission even though that Fee Submission may be less favourable to the City of Port Phillip than a Fee Submission submitted by some other respondent;
- Amend this brief upon giving respondents written notice of an amendment
- Vary or extend any time or date in this brief for all or any respondent or other persons, at any time and for such period as council in its absolute discretion considers appropriate
- Suspend or vary the process or any part of it

**ORDINARY MEETING OF COUNCIL
23 FEBRUARY 2009**

- Terminate further participation in the briefing process by any respondent for any reason, regardless of whether the proposal submitted conforms with the requirements of the brief
- Call for a new proposal and/or allow a person to tender in any subsequent Invitation to Tender who was not short listed in this briefing process
- Add to, alter, delete or exclude any required services to be provided to council including the inclusion of any additional required services
- Publish the names or respondent(s) (whether successful or unsuccessful), or
- Allow or not allow a related body corporate to take over a registration in substitution for the original respondent
- Perform such security, probity and/or financial investigations and procedures as council, at its absolute discretion, may determine are necessary in relation to each respondent, its partners, associates, subcontractors or related entities including consortium members and their officers or employees

The City of Port Phillip is not bound to accept the lowest or any Fee Submission for the work under the Contract.

The supply of this document does not in itself constitute an offer or contract in whole or in part. However, upon selection of a Principal Consultant for engagement by the City of Port Phillip, this document and the services offered shall be incorporated by reference into the formal contract(s) of engagement.

The City of Port Phillip and the Project Manager have employed their best endeavours to present accurate information in this document. However, the City of Port Phillip and the Project Manager give no warranty or undertaking, express or implied, as to the accuracy or completeness of any information provided in writing or orally in relation to, or in connection with, this document or the project. Respondents should make their own enquiries and rely on their own information.

4. DUTY OF CARE

The designer shall provide these services exercising a standard of care which is appropriate for a professional consultant experienced and skilled in the delivery of such services in respect of government projects. The designer acknowledges that the City of Port Phillip is relying on the designer to perform to this standard of care and further acknowledges that the City of Port Phillip does not have the resources or knowledge to perform these services and relies upon the designer in this regard.

Attachment 2 - Assessment of consultant submissions for the role of Independent Assessor

2 Submissions were received from 4 referrals

Assessment of how consultants meet the criteria according to their submission

Criteria	Weight	Simon Leisure Consulting	Simply Skateboarding	Comment
experience ¹	30%	<p>Simon Leisure Consulting has had extensive experience in skate parks and general opens space and leisure planning.</p> <p>In particular they have had experience in facilitating community consultation in controversial settings such as the Newport Skate Park which was a very controversial local issue.</p> <p>They appear to have broad experience in site assessment, project facilitation, strategy work, planning and have worked in the municipality recently</p> <p>Examples of previous projects demonstrates that SLC has the capability to understand and deliver</p> <p>As well the principal of the firm Richard Simon has had 15 years experience with local government and 8 years experience with Stratcorp Consulting a recreation planning consultancy.</p>	<p>SS have had experience in skate park management and consultancy services to local government across Victoria</p> <p>The principle of the firm Vivienne Mole has had 12 years exp working with local government, skate park management, planning and consultancy</p> <p>However SS in their proposal did not provide detailed information on past experience or projects and did not indicate what areas they have specific expertise in</p>	<p>Simon Leisure Consulting appear to be superior in terms of their experience in a range of areas and situations</p>
		26/30	23/30	

¹ Experience particularly in similar projects

ORDINARY MEETING OF COUNCIL
23 FEBRUARY 2009

capability ²	30%	Simon Leisure Consulting appears to be very capable especially in the areas of importance on this project. They have provided a very detailed project outline for the various phases of the project and have factored in the role of the CRG and Council in their outline. They appear to understand the subtleties involved in this project and how the role of the CRG will work in the process.	SS appear to be very capable and have expertise in a range of areas Their outline of the process shows an understanding of what is involved.	Simon Leisure Consulting appear to be superior in terms of their capability and understanding of the nuances of the project and the sensitivity that will have to be demonstrated in the consultation aspects of the project
Independence	20%	26/30 Considered to be independent as not involved in the previous process.	23/30 Considered to be independent as not involved in the previous process.	Both consultants are considered to be independent
price	20%	20/20 \$15,460 for a fixed number of hours plus hourly rate for additional time. This is considered to be a reasonable estimate given the scope and the difficulty of estimating final hours	20/20 \$23,600 for the total project with no maximum hours specified.	Consultant costs will probably be comparable in the final cost once additional hourly costs are included for the Simon Leisure Consulting option
Final Comment		18/20 While both consultancies would be capable of providing a the required services based on the submissions received, it is felt that the Simon Leisure Consulting consultancy is preferable as it demonstrates a higher level of experience in the area of open space and recreation planning with particular experience in sensitive situations such as the Newport Skate park which was a very controversial local issue, it has demonstrated a very clear understanding of the process and how the consultant will interact with the CRG and the Council and it has demonstrated a higher-level of experience and expertise in the area of design, project facilitation, planning and consultancy	18/20	

² Expertise especially in recreation planning and open space and in community consultation

ORDINARY MEETING OF COUNCIL
23 FEBRUARY 2009

Attachment 4 - St Kilda Skate Park Community Reference Group TORs

<p>Purpose</p>	<p>To provide input and advice as part of a process for assessing 8 sites previously identified for the development of a St Kilda Skate Park, as well as any new sites that may be identified.</p>
<p>Membership</p>	<p>The Reference Group will consist of key stakeholders and local skater representatives including:</p> <ul style="list-style-type: none"> • 3 young persons and/or skater representatives • 3 community representatives • 2 Councillors. <p>The Project Manager and other relevant staff will attend as appropriate.</p>
<p>Role & Responsibility</p>	<p>The Reference Group will provide input into the assessment process. The broad terms of reference for the community reference group being to:</p> <ul style="list-style-type: none"> • Provide advice to the independent assessor. • Consider the criteria and weightings that the reference group agrees appropriate to the assessment process. • Consider any additional sites that the reference group agrees appropriate to the assessment process for approval by Council. • Consider and provide comment to any draft recommendations of the independent assessor prior to a final report being presented to Council by the assessor.
<p>Meetings & Resourcing</p>	<p>Meetings/ site visits are as required. There is anticipated to be six (6) in total.</p> <p>The Project Manager will ensure that agendas and supporting material will be circulated prior to meetings, and minutes are circulated after meetings.</p>

**ORDINARY MEETING OF COUNCIL
23 FEBRUARY 2009**

Timelines	The Reference Group will begin meeting in March 2009.
Selection Criteria	Council will consider the following criteria when considering applicants: <ul style="list-style-type: none">• Knowledge and experience of skate or youth related issues• Appreciation of issues related to open space and recreation planning• Understanding and commitment to local community building• An ability to work collaboratively and with complexity• Broadly representative of the community

**ORDINARY MEETING OF COUNCIL
23 FEBRUARY 2009**

Attachment 5 - Framework for assessing nominations for the St Kilda Skate Park Community Reference Group (CRG)

A) Summary of application:

Nominee	Address	Category ³	Completed Interest Declaration	What they would bring to the committee/process	Summary of their application

B) Assessment of how nominees meet the criteria according to their application?

Nominee	Meets requirements	Knowledge and experience of skate or youth related issues	Appreciation of issues related to open space and recreation planning	Understanding and commitment to local community building	An ability to work collaboratively and with complexity	Broadly representative of the community

³ Either young person and/or skater representative or community representatives

Attachment 6 - Draft Governance Processes and Operating Principles⁴

1. Role of the St Kilda Skate Park Community Reference Group (CRG)

The role of the St Kilda Skate Park Community Reference Group (CRG) is to provide input and advice as part of a process for assessing 8 sites previously identified for the development of a St Kilda Skate Park, as well as any new sites that may be identified.

2. Terms of Reference

The broad terms of reference for the CRG being to:

- Provide advice to the independent assessor.
- Consider the criteria and weightings that the reference group agrees appropriate to the assessment process.
- Consider any additional sites that the reference group agrees appropriate to the assessment process for approval by Council.
- Consider and provide comment to any draft recommendations of the independent assessor prior to a final report being presented to Council by the assessor.

3. Structure of the St Kilda Skate Park CRG

The CRG will consist of key stakeholders and local skater representatives including:

- 3 young persons and/or skater representatives
- 3 community representatives
- 2 Councillors.

The Project Manager and other relevant staff will attend as appropriate.

The CRG is supported by an Executive Officer (see later section)

4. Responsibilities of St Kilda Skate Park CRG members

CRG members are appointed by Council for a limited period and will conclude on the presentation of the final report to the Council.

Being a CRG member has important responsibilities.

Members' Duty Statement:

- put views clearly and be prepared to negotiate to achieve acceptable outcomes and compromises where necessary
- balance personal and sectoral interests against the broader interests of the community
- acknowledge the roles and accountabilities of the Council, State Government and other parties under legislation
- observe confidentiality and exercise tact and discretion when dealing with sensitive issues

⁴ These will be reviewed at the first meeting of the St Kilda Skate Park Community Reference Group.

**ORDINARY MEETING OF COUNCIL
23 FEBRUARY 2009**

- highlight any potential conflict of interest by declaring financial and other interests in issues under discussion
- contribute to discussion in an open spirit of inquiry and avoid pursuing personal self-interest
- try to appreciate the different positions held by others – they are legitimate
- seek common ground on which to build shared understanding
- make time for genuine consultation and preparation for meetings
- attend scheduled meetings (alternates are not allowed).

6. CRG powers

The CRG is established by Council and provides advice to Council. The CRG provides advice and organises its work according to the terms of reference. The CRG does not have any formally delegated powers under the Local Government Act.

7. Work plan

The Advisory CRG will be guided by an agreed work plan.

8. Key Selection Criteria

- Knowledge and experience of skate or youth related issues
- Appreciation of issues related to open space and recreation planning
- Understanding and commitment to local community building
- An ability to work collaboratively and with complexity
- Broadly representative of the community

9. Information flow

The appointed Council officer and CRG Chairperson are responsible for ensuring CRG are advised of:

- progress or outcomes of any advice provided by the CRG
- any Council report or Council decision relevant to the CRG's work
- dates of Council meetings discussing matters relevant to the CRG

10. Conduct of CRG Meetings

- Meetings will be held as frequently as required
- Meetings of the CRG will be publicly listed on the council's website and open for public viewing (but not public participation). Meetings can be closed if confidential items are being discussed
- Dealing with internal CRG issues is as important as the task of providing advice. A CRG that fails to build relationships among its members will waste time on struggles for control and endless discussions that lead nowhere. In some situations, reasoned discussion will still fail to resolve a deadlock.
- When consensus isn't possible, members should ensure that the various views, and the strength of those views, are documented in the minutes of the meeting and in the Chairperson's advice to Council. This range of views will then be considered by Council when it makes decisions affecting the precinct.

Tips for members - how to enhance your value to the CRG:

- take time to get to know the other members and learn about their interests
- acknowledge that your contribution is only part of a wider process. All members have an equal contribution to make to the debate
- prepare for meetings – work out the key issues – talk to your fellow members if you are unsure about something – consult with your peers when there is something controversial

**ORDINARY MEETING OF COUNCIL
23 FEBRUARY 2009**

- don't ignore complexity – scientific information is an important input but nothing is certain. Look for the key issues or findings – you need to be convinced that the data supports the findings
- follow the ground rules set by the Chairperson
- speak freely, but without dominating others
- listen attentively and don't interrupt
- evaluate your own performance after meetings. Look for areas of improvement by asking "Was I adequately informed? What did I do well? What didn't work for me? What would I do differently?"

11. CRG Support

To ensure efficient and effective meetings, Council will:

- appoint a Chairperson who is able to achieve effective discussion and analysis of issues and communicate the CRG's views to Council
- appoint a Council officer to ensure the CRG is aware of Council policies and obligations
- appoint an Executive Officer to provide secretariat services who will:
 - provide timely advice about meetings and the proposed agenda
 - circulate background papers well in advance of meetings
 - preparing and clearing minutes with the Chairperson within 7 working days
 - distributing to members within 14 working days
 - provide necessary information to develop and support new members and communication between the CRG and stakeholders.

The Council Officer is Geoff Oulton, Executive Director Community Development and Planning

The Executive Officer is Anita Lange, Special Projects Manager

12. Declaration of interests

A member with a conflict of interest or perceived conflict of interest in a matter before the CRG must declare their interest prior to CRG discussion of the item.

Each community representative will need to declare that there is no financial conflict of interest prior to joining the CRG.

15. Review of Terms of Reference

CRG terms of reference may only be amended by Council. Based on CRG consensus, recommended changes to the Terms of Reference can be put to Council for their determination.