

Outdoor Commercial Recreation Activity 2019 - 2022



Licences available:

- Licences, including 3 x Kiteboarding Licences at West Beach (St Kilda) and 1 x Sky Diving Licence at Moran Reserve (Elwood)
- New proposed activities or sites will be subject to Council discretion
- All licences will be for a three-year term 2019 - 2022

How to apply:

- All criterion must be addressed separately under the heading as outlined in the application form
- All applications must be complete and accompanied by all supporting documentation
- Applications are to be completed using the format below

Applications open: Monday 24 June 2019

Applications close: 12:00pm Monday 22 July 2019

Please note: There will be no acceptances of late applications

Lodgement:

Lodgement can be made via email, post or delivery.

Email	Post	Deliver
One (1) copy of the application Subject line: Outdoor Commercial Recreational Activity Application Form 2019-2022 recreation@portphillip.vic.gov.au	One (1) copy of the application in an envelope marked: Outdoor Commercial Recreational Activity Application Form 2019-20 Private Bag No 3 PO St Kilda 3182	One (1) copy of the application in an envelope marked: Outdoor Commercial Recreational Activity Application Form 2019-20 St Kilda Town Hall Cnr Brighton Rd & Carlisle St St Kilda Vic 3182

Enquiries:

All enquiries should be made to:

Sport and Recreation Team

Participation Officer: Chloe Dupont

Phone: 9209 6777

Email: recreation@portphillip.vic.gov.au

Web: www.portphillip.vic.gov.au

City of Port Phillip ASSIST

☎ 03 9209 6777 🌐 www.portphillip.vic.gov.au/contact_us.htm





Expression of Interest Outdoor Commercial Recreation Activity – Key information

1. Definitions

In this Expression of Interest (EOI), the following terms have the meanings indicated, unless inconsistent with the context:

Council is Port Phillip City Council.

Expression of Interest or **EOI** is this document, which invites submissions of registrations for the license of available space on open space or foreshore areas.

Property means the property subject to this EOI and as indicated by the area shown on the attachment 2.

Registration is a response to and in accordance with this EOI registering an interest to licence a Commercial Recreation site.

Respondent is a company, business, organisation or individual that submits a registration of an Expression of Interest.

2. Purpose/ background

Council is seeking submissions from businesses to licence commercial recreation activities to be conducted along our foreshore, parks and open space.

Council's specific objectives with respect to this EOI are as follows:

- 1) To preserve the quality and longevity of public open space and council assets within these spaces.
- 2) To conduct commercial recreation activities within the City's open space, contributing to the development of a healthy and inclusive community; and
- 3) Conduct recreational activities at affordable prices for the community.

Council acts as Land Manager for a number of Crown Land sites and Licences are issued according to Section 21B Crown Land (Reserve) Act 1978 and Crown Land Acts Amendment (Lease and Licence Terms) Act 2009.



Commercial Recreation Site Details:

Any new proposed sites or new activities are subject to Council discretion

Item	Details
Site Address	Various foreshore or open space sites within City of Port Phillip. (Attachment 2)
Available Area	Open Space area
Land Status	Crown Land. Council is the appointed Committee of Management under the provisions of the Crown Land (Reserves) Act 1978.
Availability	A new agreement with successful applicants will be in place from 1 October 2019 until 30 September 2022.
Available Licence Term	3-year term
Permitted Use	Upon request a trailer for operation of an outdoor recreation activity can remain on site for a specified period and within a designated area permitted by Council. Parking permits will be the responsibility of the operator.
Estimated Outgoings	The Licensee will be required to pay metered charges for utilities such as gas, water, electricity etc.
Proposed Form of Agreement	Standard Licence under Crown Land (Reserves) Act 1978 Section 21B.

3. Expression of Interest

This EOI will;

- Provide an outline of the required services to be provided at the commercial recreation site to enable respondents to make an assessment of the opportunity available.
- Advise respondents of the information required for their response to be considered and;
- Enable an assessment of registrations.

Outdoor Commercial Recreation Activity 2019 - 2022



Lodgement of Registration

- The registration must contain the documents, information and details required by the EOI or sufficient of them in substance to enable Council (in its sole discretion) to evaluate the registration in accordance with the expressed requirements. Council may consider a registration that does not meet these requirements as being non-compliant and reject the registration.

All registrations must be lodged on or before: **12:00pm Monday 22 July 2019.**

Council has no obligation to consider any registration lodged after the closing time stated above. Such registrations may be declared invalid and returned to the respondent.

EOI Rules

The EOI is, and shall remain, the property of Council. It may only be used for the purpose of preparing a registration.

No representation made by or on behalf of Council in relation to the EOI shall be binding on Council unless that representation is in writing.

Respondents agree that:

- it will have no claim against Council or any officer, employee or adviser of Council or any of them with respect to the exercise of, or failure to exercise, any right under this EOI.
- all registrations and any accompanying documents become the property of Council.
- Council may use, retain and copy the information contained in the registrations for the purposes of evaluation of registrations, short listing of respondents, the development of any resultant licence, any review and further development of the process, or in any response to a claim raised by a respondent about or concerning the EOI process.
- all documents provided by the respondent will be held in confidence so far as the law permits.
- it will keep confidential any information received from or about Council that is classified as "Commercial-in-Confidence" as a result of or in connection with its response to the EOI.
- it will not make any false or misleading claims or statements in relation to their registration.
- it will submit the consents required by Council for undertaking security, probity and/or financial investigations.
- a director or authorised officer will make and include with its registration a declaration in the form set out in Schedule 2.

Outdoor Commercial Recreation Activity 2019 - 2022



Respondents and their officers, employees, agents and advisers must not:

- engage in any collusive tendering, anti-competitive conduct or any other similar conduct that contravenes any laws, with any other respondent or any other person in relation to the preparation or lodgement of their registration.
- neither communicates with nor solicits information related to this EOI process from employees of Council, ex-employees of Council and/or contractors or ex-contractors of Council, or with the utilisation of information unlawfully obtained from Council.
- breach any applicable laws or Council policies regarding inducements in connection with the preparation of their registration.

Council rights

Council reserves the right to:

- reject any registration or to exclude any respondent from the process after evaluation of the registration.
- amend this EOI upon giving respondents written notice of an amendment.
- vary or extend any time or date in this EOI 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 EOI process or any part of it.
- terminate further participation in the EOI process by any respondent for any reason, regardless of whether the EOI submitted conforms with the requirements of the EOI.
- call for a new EOI.
- add to, alter, delete or exclude any required services to be provided or terms and conditions of the proposed lease.
- 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.

Outdoor Commercial Recreation Activity 2019 - 2022



- perform such security, probity and/or financial investigations and procedures as Council, at its absolute discretion, may determine necessary in relation to each respondent, its partners, associates, subcontractors or related entities including consortium members and their officers or employees.

Evaluation Criteria

Respondents are to provide the information and documents specified in the schedules. If a registration does not include all of the information and documents required by the EOI as specified, it may be deemed non-compliant with the EOI and may be rejected.

EOI's will be assessed against the following criteria:

- Business overview and site suitability
- Community and educational benefit
- Tourism, visitation and economic benefit
- Safety and risk management
- Environmental and sustainability benefit
- Child Safe standards (if applicable)
- Experience
- Finance

Outdoor Commercial Recreation Activity 2019 - 2022



4. Outdoor Commercial Recreation Activity 2019 - 2022 Application Form (Schedule 1)

Organisation Details:		
Name of Organisation:		
ABN:		
Name of Business Owner:		
Contact Person:		
Position Title:		
Postal Address:		
Suburb:	State:	Postcode:
Phone:	Alternate Phone:	
Email:	Fax:	
Are you willing to have your business details published on Council website (such as Business name, activity and contact details) and distributed to people wishing to engage your services? If so, please provide the information you wish to be published.		<input type="checkbox"/> Yes <input type="checkbox"/> No
Activity Description: <i>(Detailed description of the activity)</i>		
Expected yearly operating period (eg. Oct to March):		
Days of operation:		
Hours of operation:		
Daily Bump In (not before 7am):	Daily Bump Out (not after 8pm):	
If you wish to extend hours of operation during daylight savings, please provide justifications for this		
Further information:		

Outdoor Commercial Recreation Activity 2019 - 2022



Estimated participants: Per Day: Per Week: Full Season:

Site Details: *(Separate site plan/s to be attached as per checklist)*

- *No available parking for staff vehicles.*
- *Vehicles required for daily operations are not allowed to remain on site overnight unless authorisation has been granted by Council.*
- *Signage is limited to one A-Frame sign and one flag or banner (no larger than four metres high).*

How many sites would you like to operate?

- Single
 multiple

If your site/s includes use of the beach and water please outline what activities occur on each site:

Beach:

Water: e.g. *Parks Victoria information or permit*

Will your application be also submitted to Parks Victoria?

- Yes
 No

Special Conditions

1. For those commercial recreation operators that have a desire to utilise an onsite trailer to support their business functions, the operator may request authorisation for the trailer to remain at their allocated site. CoPP will review the application and consider suitability and fee. Please provide a statement if you wish to proceed.

Outdoor Commercial Recreation Activity 2019 - 2022



Selection Criteria:

Applicants are required to address and meet each of the following criteria.

Failure to satisfactory address all the criteria may disqualify the application from further assessment

Criterion 1: Business overview and site suitability

This criterion relates to the operators business structure, memberships and qualifications that may enhance the safety, management and operation of activities

- *Site Plan and Membership to relevant professional organisation/governing body will be included as part of this criterion*

Provide an overview of your business

Outline and provide evidence of relevant memberships and qualifications

Provide a business structure / organisation chart outlining the principle business owner and activity instructors. The following can be an attachment

Outline the reason for your activity and chosen site/s

Other comments (optional):

Criterion 2: Community and educational benefit

This criterion relates to the applicant's commitment to ensuring the activity provides a benefit to the community and to providing access and inclusion for all citizens in the delivery of their activity

How does your activity provide an educational benefit to the community?

How will your business improve the health and wellbeing of residents and visitors?

How will your business cater to being inclusive; children, older adults and people with disabilities?

Outline your businesses user demographics including junior and female participation numbers?

Other comments (optional):



Criterion 3: Tourism, visitation and economic benefit

This criterion relates to the benefits the applicant's business will bring to the City of Port Phillip

How will your business deliver an economic benefit to Port Phillip businesses and community groups?

How will your business attract visitors to the CoPP and enhance their experience within the city?

Other comments (optional):

Criterion 4: Safety and risk management

This criterion relates to the safety measures each operator will implement to minimise risk and keep participants and the community safe.

- *Relevant qualifications and Insurances (Public Liability Certificate of Currency and Work Cover Certificate of Currency) are required as part of this criterion*
- *Emergency management and risk management plans will be assessed as part of this criterion*

What risk management and safety processes and procedures does your business have in place? Provide evidence that this is/will be undertaken

Outline your participant safety induction process. Provide evidence that this is/will be undertaken.

Are there first aid supplies and qualified level 2 first aid person on site at all times?

If your activity is reliant on tides or other external conditions, what are the safety measures that are in place to control this?

Outline your activity's general set up locations, procedures and water entry points (if applicable). Provide evidence that it is/ will be undertaken.

Is all your equipment fit for purpose and meets all required regulations? Provide evidence and attach relevant documents if required

In the event of a participant or a bystander being injured, what is your incident response and reporting process?

Outdoor Commercial Recreation Activity 2019 - 2022



List and provide the following information:

Relevant qualifications required to deliver the recreation based activity (Eg. Certification, First aid and CPR)

Relevant insurance documents (such as Public liability and WorkCover)

Staff accreditation and evidence of training

OH&S guidelines and details of the business OH&S representative

Other comments (optional):

Criterion 5: Environmental and sustainability benefit

This criterion relates to:

How the applicant will minimise the impact of the activity on the environment and the community

Note that all licences will require organisations to:

- *Avoid single use plastic bags, straws and balloons*
- *Recycle or compost all single use cutlery and crockery*
- *Waste management plan and Sustainability plan will be assessed as part of this criteria*

What actions will your organisation take to reduce the environmental impact of your proposed activities? Eg waste, water use, car travel.

How will your proposed activities educate and support participants to reduce their own environmental impact? Eg. Appreciation of nature, participation in caring for the site?

What actions does your organisation take to reduce the environmental impact of its overall operations? Eg commitment to greenhouse gas reduction, sustainable office practices.

What arrangements are in place to address issues of public access and residential amenity?

Other comments (optional):

Outdoor Commercial Recreation Activity 2019 - 2022



Criterion 6: Child Safe standards (if applicable)

If your service involves or has access to children and young people, please complete Criterion 6.

The City of Port Phillip has zero tolerance for child abuse and we are a committed Child Safe organisation. Our commitment is to ensure that a culture of child safety is embedded across our community to safeguard every child and young person accessing City of Port Phillip. All Commercial Recreation Operators that work directly with children and young people are required to comply with legislation and regulations relating to child safety including but not limited to the *Working with Children Act 2005* and the *Working with Children Regulations 2016* and the Victorian Child Safe Standards (CSS).

All Commercial Recreation EOI applications that work directly with children and young people that are not compliant with the [Victorian Child Safe Standards](#) or be actively working towards compliance to the satisfaction of the Commission for Children and Young People, will not be eligible to receive a license for Commercial Recreation. For more information on the Victorian Child Safe Standards please refer to the attached [link](#)

For more information on how CoPP is creating a child safe Port Phillip please call Samantha Neville, Child Safe Standards Project Officer on 9209 6746 or samantha.neville@portphillip.vic.gov.au

Have you developed or in the process of developing procedures / policies that align with the [Victorian Child Safe Standards](#) ?

If you are currently working towards compliance with the CSS when do you estimate this will be complete?

Are children and young people active participants in the programs you offer? if so, please state how?

Other comments (optional):



Criterion 7: Experience

This criterion relates to the applicant's history and experience in conducting outdoor recreational activities; (please provide details and any supporting documentation)

What is your history / previous experience conducting similar activities at

City of Port Phillip

Other Councils

Have you ever received a written warning or breached conditions of use of a licence at: (please provide details)

City of Port Phillip

Other Councils

How have you worked cooperatively with Council in the past? (please provide details):

City of Port Phillip

Other Councils

Other comments (optional):

Criterion 8: Finance

This criterion relates to the operator's ability to meet the financial requirements.

- *References and Letter of Comfort will be assessed as part of this criterion*
- *Letter of Comfort is a letter from certified accountant advising business is viable, has no tax liabilities overdue and is able to pay debts when they fall due*
- *Annual report and/or audited accounts will be assessed as part of this criterion*
- *Attach financial documents*

**** All Operators are subject to successful financial background checks****

Provide proposed price structure for all activities proposed within the application (including any concession rates):

Other comments (optional):

Outdoor Commercial Recreation Activity 2019 - 2022



Fee Structure

Annual Council fee:

Set through the annual Council budget process, or as varied by Council resolution. The annual fee is required to be paid prior to operation.

DELWP User fee:

Use fee – adult* \$2.40

Use fee – child (16 and under) and school student* \$1.60

*per head per day

Commercial recreation operators must calculate and reconcile each tour for DELWP "Use Fee". All operators will be required to maintain a record of the number of persons who participate in the recreational activity on a daily basis and must be reported to Council.

Referee Details

Provision of two referees with full contact details are required.

(one referee must be from a peak governing body or state sporting association of the activity)

1. Referee Organisation & Contact Name:

Position:

Phone:

Mobile:

2. Referee Organisation & Contact Name:

Position:

Phone:

Mobile:

Outdoor Commercial Recreation Activity 2019 - 2022



Application checklist

Note: Applicants must attach all supporting documentation to the application form

Completed application form (Ensure application is prepared according to the pre-determined criterion)	<input type="checkbox"/>
Supporting documentation: For all activities	
Copy of Certificate of Currency – \$20 million	<input type="checkbox"/>
Detailed Site Plan/s	<input type="checkbox"/>
Membership / Accreditation (Contingent on recreational activity)	<input type="checkbox"/>
Staff qualifications (Contingent on recreational activity; First Aid and CPR etc)	<input type="checkbox"/>
Business Chart / organisation chart	<input type="checkbox"/>
Commercial Recreation Risk Management and Sustainability Document (Council form) attachment 4. <i>Additional attachments required and specified on document</i>	<input type="checkbox"/>
Safety Induction protocol for participants	<input type="checkbox"/>
Equipment fit for purpose (relevant documentation)	<input type="checkbox"/>
Annual report and/or audited accounts	<input type="checkbox"/>
WorkCover Certificate of Currency	<input type="checkbox"/>
Occupational Health and Safety Procedures	<input type="checkbox"/>
Letter of Comfort and financial documents	<input type="checkbox"/>
Child Safe Standards (if applicable)	<input type="checkbox"/>
Other:	<input type="checkbox"/>

Outdoor Commercial Recreation Activity 2019 - 2022



Schedule 2

Agreement

I certify that all details supplied in this application form and in the attached documents are true and correct to the best of my knowledge, and that the application has been submitted with the full knowledge and agreement of the management of the applicant organisation or auspicing body.

I agree to contact the City of Port Phillip in the event that any information regarding this application changes or is found to be incorrect. I agree that I have read all the terms and conditions associated with this licence and will abide by them in full.

Name:

Position in Organisation:

Signature:

Date:

Privacy Notification

The City of Port Phillip is collecting the personal information requested on this form for the purpose of determining Expressions of Interest for the provision of Outdoor Commercial Recreational Activities within the City of Port Phillip 2019-2022. The personal information will be used solely by the City of Port Phillip for this primary purpose and the directly related secondary purpose of sending you any further information relating to this process. The applicant understands that the personal information provided is for these purposes and that they may apply to council for access and/or amendment of the information. During the application and assessment processes information will be kept confidential, however some details of proposals may be made public as part of the Council meeting and decision making process.

Declaring Conflict of interest

An Applicant/contractor must immediately make a full disclosure in writing to the Council of the existence, nature and extent of any actual or potential conflict of interest that the Applicant/Contractor, or any of its employees, agents or sub-contractors, may have with Council.

Please refer to attachment 3