

## St Kilda Marina Project – Leasing Process Questions and Answers

No.	Question	Answer
<b>Background</b>		
1.	<b>What has been the process undertaken to secure the long-term future of St Kilda Marina?</b>	<p>Council implemented The St Kilda Marina Project to attract a long-term tenant to redevelop and operate the St Kilda Marina at the expiry of the current lease.</p> <p>The 50-year lease of the St Kilda Marina has come to an end with an interim arrangement currently in place until 2022 to enable project works to be undertaken. The lease expiry presented an opportunity for Council, the Victorian Government, community, marina users, the market and other key stakeholders to work together to reimagine the future of this site.</p> <p>In September 2016, Council resolved to undertake a competitive selection process for a new long-term lease arrangement for St Kilda Marina. In February 2018, Council approved the Project Approach, which describes the key project stages, activities and deliverables, and associated timeline. As the project evolved various requirements came to light, the Project Approach evolved. The updated <a href="#">Project Approach</a> was approved in June 2019.</p> <p><b>Stage One – Planning for the Project (2017)</b> Detailed project planning was undertaken in Stage One of the project. The <a href="#">Project Approach</a> was developed as a way of describing on a page, each stage of the project, including: description of the stage, key events and deliverables and community and stakeholder engagement to be undertaken.</p> <p><b>Stage Two – Identifying the site vision and objectives (2018)</b> Stage Two of the project included a series of investigations by council officers and technical consultants and a comprehensive community engagement program to develop the site vision and objectives. An Opportunities and Constraints paper was developed to identify what is possible for the site as well as identifying the constraints or challenges of the site that need to be managed.</p> <p>Through extensive engagement with the community and key stakeholders, the <a href="#">Vision and Objectives</a> for the site were developed and endorsed by Council in July 2018. The vision and objectives have guided the outcomes of the various steps in the project approach.</p> <p><b>Stage Three – Setting the parameters (2018/19)</b> Stage Three of the project established the parameters for the site through collaboration between Council, technical consultants and a panel of 23 community members representing diverse demographics and interests. The broader community was also invited to participate in the panel process through an online survey, testing approaches and options for the various key site elements, including the working marina, views, open space, walking and cycling trails, commercial components and built form.</p> <p>A key outcome of Stage Three, the Community Panel process, was the determination of design criteria to inform a <a href="#">Site Brief</a>. Officers from Department of Environment, Land, Water and Planning (DELWP) had a role in reviewing the Site Brief to ensure it aligned with both the <i>St Kilda Land Act 1965</i> and the <i>Marine and Coastal Act 2018</i></p> <p>The purpose of the <a href="#">Site Brief</a> is to set out the key information required for everyone to have a shared understanding of current conditions and desired outcomes at the St Kilda Marina, including Council, the community, marina and wider precinct users, and potential lease holders.</p> <p>It is a key document informing the market and guiding interested parties to provide suitable proposals in a competitive process to procure a long-term lease arrangement. It was also used as the basis for guiding responses from the market during the competitive process and assessing all design proposals for the site.</p>

No.	Question	Answer
		<p><b>Stage Four – Planning for procurement (2019/20)</b></p> <p>Under Stage 4 of the Project which covered both planning for procurement activities and the process of working through the <a href="#">Planning Scheme Amendment</a>, a Procurement Plan was developed that guided the competitive process for securing a new lease for the site. The draft lease that would be included in procurement documentation was also developed during this stage.</p> <p>The <a href="#">Procurement Plan</a> outlines a two-stage process:</p> <ol style="list-style-type: none"> <li>1. A publicly advertised invitation for Expressions of Interest (EOI)</li> <li>2. A Request for Proposals (RFP) issued to a shortlist of tenderers (determined from a robust EOI evaluation process)</li> </ol> <p>A review of the Planning Scheme was also undertaken in this stage and it became apparent that there was the need for a <a href="#">Planning Scheme Amendment</a> for the Site. The site was designated as a marina under the St Kilda Land Act. As this is a very specific use, with the parameters for future development further articulated in the Site Brief, it warrants a site-specific approach to the planning controls to support the achievement of these site-specific outcomes.</p> <p>The Amendment (formally referred to as Amendment C171port) proposes to rezone the site to the Special Use Zone Schedule 4 (SUZ4) and apply the Development Plan Overlay Schedule 2 (DPO2) to the site to enable land to be used and developed in the manner generally envisaged by the Site Brief.</p> <p>At a Council Meeting on <b>17 June 2020</b>, Council resolved to adopt Amendment C171port with changes pursuant to section 29 of the Planning and Environment Act 1987. The Council Report (and attachments) considered by Council on 17 June 2020 can be found <a href="#">here</a>.</p> <p>Council adopted the Panel's recommendations, modifying the Amendment documentation to reflect the changes proposed by the Panel, except for the recommendation to include a requirement for a Community Engagement Report as part of the Development Plan in DPO2.</p> <p>Instead, Council resolved to undertake non-statutory consultation on the Development Plan, once an application is received, prior to Council making any planning decision on the Development Plan. The Council Report (and attachments) from 17 June 2020 provides rationale for Council's adopted position (see link above).</p> <p><b>Stage Five – Procuring a new Lease (2019/20)</b></p> <p>Stage 5 of the project focused on the delivery of the two-stage procurement process and commenced when Council endorsed the Procurement Plan and the release of the Invitation for Expressions of Interest to the market on 5 June 2019.</p> <p>The Expression of Interest (EOI) process was completed on 4 September 2019, when Council endorsed the recommendation of the Evaluation Panel to progress three proponents to the Request for Proposals (RFP) stage.</p> <p>The RFP process commenced on 18 September 2019, with Council approving the release of the RFP to the shortlisted EOI participants, and has now been completed, with Council approving the commencement of the Section 190 and Section 223 of the Local Government Act 1989 process to announce its intention to enter a long-term lease with Australian Marina Development Corporation Pty Ltd for the St Kilda Marina [subject to decisions at this meeting].</p> <p><b>Stage 6 – Delivering the new lease (2020)</b></p> <p>Stage 6 of the project covers the approval of the new lease at State level (by Governor in Council), execution of the lease and the transition planning and transition to the new lease.</p>

No.	Question	Answer
2.	<p><b>What is the legislative and policy context for the lease for St Kilda Marina?</b></p>	<p><b>St Kilda Land Act 1965 and Crown Land Reserves Act 1978</b>  The lease for the St Kilda Marina was granted by Council as the Committee of Management under section 4 of the St Kilda Land Act 1965. The Act stipulates that the area is reserved for a marina and provides facilities for the recreational convenience of boat users and the public. Specifically, it defines activities on the site as an area where:</p> <ul style="list-style-type: none"> <li>• Facilities are provided for boating and associated activities</li> <li>• Facilities are provided for the parking of motor vehicles and trailers</li> <li>• Facilities are provided for the recreation, comfort and convenience of boat users, motor vehicle users and members of the public.</li> </ul> <p>The St Kilda Land Act 1965 pre-dates the Crown Land Reserves Act 1978 (CLRA) and relates specifically to the site and adjoining parcels. Despite this, it is generally consistent with the CLRA in terms of ongoing leasing requirements. Council can grant leases for up to 50 years for a marina subject to approval by Governor in Council (a legislative governance instrument to ensure appropriate use of land).</p> <p>Because the St Kilda Land Act 1965 has special leasing powers applicable to the St Kilda Marina land, the generic leasing powers contained in the Crown Land Reserves Act 1978 are not applicable.</p> <p>However, other than the leasing power, the provisions of the Crown Land Reserves Act 1978 do apply to the St Kilda Marina land. For example, the role which council undertakes in managing the land is as a committee of management under the Crown Land Reserves Act 1978.</p> <p><b>Marine and Coastal Act 2018</b>  The site is coastal Crown Land for the purposes of the Marine and Coastal Act 2018. The Act imposes controls on the use and development of coastal Crown Land, summarised as follows:</p> <ul style="list-style-type: none"> <li>• The Minister’s consent is required for use or development</li> <li>• In providing consent, the Minister must have regard to the Victorian Coastal Strategy, any Coastal Action Plan, and the purpose for which the land is reserved under the CLRA.</li> </ul> <p><b>Port Phillip Council Plan 2017-2027</b>  The <a href="#">Council Plan</a> sets out Council’s vision for the City of Port Phillip and how it will respond to the opportunities and challenges the City faces in the medium term. A key action in the Council Plan is to “Effectively manage the St Kilda Marina lease process, including developing design guidelines through stakeholder and community engagement.”</p> <p><b>Port Phillip Planning Scheme</b>  The Port Phillip Planning Scheme is a statutory document which sets out the objectives, policies and provisions in relation to the use, development, protection and conservation of land within the City of Port Phillip. Amendment C171port to the Port Phillip Planning Scheme seeks to introduce new site-specific controls for the St Kilda Marina.</p> <p><b>Planning and Environment Act 1987</b>  The purpose of this Act is to establish a framework for planning the use, development and protection of land in Victoria. The main parts of the planning system established by the Act include The Victoria Planning Provisions that set out the template for the construction and layout of planning schemes.</p> <p><b>St Kilda Foreshore Area Policy</b>  Implements the ‘St Kilda Foreshore Urban Design Framework, 2002’, which establishes strategic directions for revitalisation of (primarily public) land within the St Kilda Foreshore area.</p>

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		<p><b>St Kilda Marina Probity Plan 2017</b></p> <p>This <a href="#">Probity Plan</a> outlines the applicable legal and policy requirements for probity during both the planning and procurement phases of the project and explains how they apply to Councillors, council officers and others involved in the Project.</p>
3.	<p><b>Why was a planning scheme amendment undertaken?</b></p>	<p>Council undertook a planning scheme amendment (PSA) process to rezone the St Kilda Marina site from the Public Park and Recreation Zone (PPRZ) to the Special Use Zone (SUZ) with a new schedule and apply a Development Plan Overlay (DPO) with a new schedule.</p> <p>This was the best way to ensure delivery of Council's vision and objectives for the site (as outlined in the <a href="#">Site Brief</a>). The purpose was to align planning controls with the intended use and development of the site while providing a higher level of transparency and certainty to all stakeholders including Council, the community and future lease holders.</p> <p>The existing planning controls would not adequately facilitate the mandatory and discretionary criteria in the Site Brief that were determined to support vision and objectives for the redevelopment of the St Kilda Marina.</p> <p>The proposed new planning controls will aid the redevelopment decision-making process, ensure a 'master planned' approach and support the timely delivery of the redevelopment of the St Kilda Marina.</p> <p>At a Council Meeting on <b>17 June 2020</b>, Council resolved to adopt Amendment C171port with changes pursuant to section 29 of the Planning and Environment Act 1987. The Council Report (and attachments) considered by Council on 17 June 2020 can be found <a href="#">here</a>.</p> <p>The planning scheme amendment is currently with the Minister for approval, with a decision expected prior to September 2020.</p>
4.	<p><b>What is the role of the Victorian Government and Council in the procurement of a new long-term lease for the St Kilda Marina?</b></p>	<p>Council's role as landlord (Committee of Management) for the St Kilda Marina is to develop and undertake the leasing process, ensure the assessment of submissions is impartial and rigorous, and provide a negotiated lease for approval by the Governor in Council (GIC)</p> <p>The Department of Environment, Land, Water and Planning's (DELWP) role is to advise the Minister who progresses the lease to the GIC for approval on whether the form of the lease complies with legislation and relevant policy and provides an acceptable risk profile for the State.</p> <p>Once the lease is approved by the GIC, the lease is legally executed by the landlord (City of Port Phillip) and the Tenant (the successful proponent for the procurement process for the long-term lease).</p>
5.	<p><b>What is the current lease arrangement?</b></p>	<p>A 50-year lease between Council and Australian Marinas (A'Asia) Pty Ltd (Australian Marinas), was executed in March 1968, in the same year that Australia Marinas began construction of the key buildings and marina infrastructure on the site today.</p> <p>Through a supplemental agreement, the current 50-year lease period was recorded as 1 May 1969 to 30 April 2019. The lease was granted by Council as Committee of Management under Section 4 of the St Kilda Land Act 1965. Under this lease, Australian Marinas was required to:</p> <ul style="list-style-type: none"> <li>• Construct the improvements</li> <li>• Maintain all operations on the Marina site within the lease boundary</li> <li>• Keep all improvements in good repair, having regard to their age</li> <li>• Maintain the water depth in the harbour</li> <li>• Take adequate precautions to prevent contaminants entering the water</li> <li>• At the end of the lease, return all tenants' improvements, which should be repaired and maintained in a safe, undefaced and fit-for-use condition. This</li> </ul>

No.	Question	Answer
		<p>does not apply to the wet pens, Rollo's Kiosk and relocatable structures, which the tenant is entitled to remove.</p> <p>The work to procure a new long-term lease arrangement for the site proceeded in line with the <a href="#">Project Approach</a> and associated timeline approved in a Council Meeting on 7 February 2018 and subsequently updated and approved in a meeting on <a href="#">5 June 2019</a>. The timeline forecast that the new lease arrangement would not be in place until 2021 at the earliest and possibly 2022 after the completion of legislative processes, transition planning between leases could effectively occur and the resolution of planning related issues.</p> <p>An interim short-term lease arrangement was therefore required to cover the gap between the expiry of the existing lease on 30 April 2019 and the commencement of a new lease arrangement.</p> <p>A three-year <a href="#">interim lease</a> is currently in place with Australian Marinas, the same tenant for the original 50 year lease. The terms and conditions of the interim lease for the most part reflect that of the current lease. This lease is due to expire on 30 April 2022.</p>
6.	<p><b>What is the objective of the long term lease for the SKM Project?</b></p>	<p>The Site Vision and Objectives are provided below.</p> <p><b>Site Vision</b></p> <p>A special place on the foreshore for everyone that welcomes a diversity of sustainable uses anchored by a working marina.</p> <p><b>Site Objectives</b></p> <p><b>Place Identity</b> - Develop the identity of St Kilda Marina through:</p> <ol style="list-style-type: none"> <li>1. Creating a destination along the bay trail that complements and strengthens the foreshore and local activity centres.</li> <li>2. Creating welcoming and accessible spaces that strengthen connections to, through and within the site.</li> <li>3. A scale of development that is appropriate to the context of the site.</li> <li>4. Built form that respects the coastal open space and public views, and contributes to the character of the area.</li> <li>5. Showcasing the foreshore and a working marina through innovative design.</li> </ol> <p><b>Social and Cultural</b> - Improve the social and cultural contribution of the site to the municipality through:</p> <ol style="list-style-type: none"> <li>1. Creating opportunities and flexible spaces for active and passive recreation, quiet enjoyment and culture, welcoming people to spend more time and build community connections.</li> <li>2. Acknowledging history and heritage in design and place experience, including enhancing the existing place identity as a working marina.</li> <li>3. Balancing the relationship between public and commercial uses across the site.</li> </ol> <p><b>Economic</b> – Derive improved economic benefit from the site through:</p> <ol style="list-style-type: none"> <li>1. Drawing people from within and outside Port Phillip with a unique offer on the foreshore for work and play.</li> <li>2. Creating a dynamic precinct with an effective mix of businesses and experiences, activating the site throughout the day and year.</li> <li>3. Increasing St Kilda Marina's contribution to recreational boating in Victoria through improved infrastructure and services and increased opportunities for a range of water craft.</li> <li>4. Viable businesses that provide ongoing employment opportunities on the site</li> </ol> <p><b>Environment</b> - Ensure a net positive environmental outcome for the site and surrounds through:</p> <ol style="list-style-type: none"> <li>1. Protecting and seeking opportunities to enhance the natural environment.</li> <li>2. Incorporating progressive, environmentally-sustainable design principles in built form and landside and waterside infrastructure and management.</li> </ol>

No.	Question	Answer
		<p>3. Building resilience to climate change and considering coastal vulnerability.</p> <p>4. Seeking opportunities to support the achievement of flood mitigation objectives for the area through an integrated water management approach.</p> <p><b>Financial</b> – Achieve financial sustainability for the site by:</p> <ol style="list-style-type: none"> <li>1. Achieving an appropriate level of return for Council, proportionate to the level of commercial activity that considers other non-financial benefits derived for the community.</li> <li>2. Flexibility in contractual arrangements that are responsive to future changes, challenges and opportunities.</li> </ol>
7.	<b>What consultation was undertaken?</b>	<p>Community consultation was undertaken in the two key stages of the project that set the intent for the future of the St Kilda Marina:</p> <ul style="list-style-type: none"> <li>• In Stage 2 of the project, Identifying the Site Vision and Objectives, a comprehensive community engagement program was undertaken to inform the development of a Vision and Objectives for the site. The results of the Stage 2 community engagement are available on Council's <a href="#">St Kilda Marina webpage</a>.</li> <li>• As part of the engagement approach for Stage 3 of the project, Setting the Parameters, a 24-member Community Panel was established to bring a focused community voice with broad perspectives to the development of solutions for the future of the marina site.</li> <li>• The Community Panel was selected via a public expression of interest process. From the received nominations a computer-generated random selection process was undertaken to match nominees to the selection criteria. Recruitment of the panel members was undertaken by independent consultants.</li> <li>• The panel comprised an even split of men and women across a range of ages, postcodes and socioeconomic indicators, who represent as best as possible the Port Phillip community and the relationships people have with the marina, including: <ul style="list-style-type: none"> <li>• nearby residents</li> <li>• visitors to the marina</li> <li>• private boat owners</li> <li>• recreational users</li> </ul> </li> <li>• Through the Community Panel process, where community panel members worked with Council officers and technical advisors, a set of mandatory and discretionary criteria (design criteria) for key components of the site were developed and articulated in the <a href="#">Site Brief</a>. This was the key document used to inform everyone (and particularly the market during the procurement process) of the Site Vision and Objectives for the site that were interpreted through this design criteria.</li> <li>• A further opportunity exists for consultation with the community once the lease is approved by the State. This will focus on the look and amenity of elements of the design agreed by the proponent and Council (refer to further question in this report for more detail).</li> </ul> <p>As part of the Planning Scheme Amendment process for the Site, comprehensive consultation with the community was also undertaken. The Amendment, "C171port" was placed on public exhibition from 17 October 2019 to 18 November 2019, in accordance with the requirements of the Act.</p> <p>Exhibition of the Amendment involved:</p> <ul style="list-style-type: none"> <li>• Direct notification (letters) to approximately 9,000 owners and occupiers within the surrounding neighbourhoods inviting interested stakeholders to make a submission.</li> </ul>

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		<ul style="list-style-type: none"> <li>• Direct notification (letters) to prescribed Ministers, local members of Parliament, community groups, relevant government agencies and infrastructure providers.</li> <li>• Public Notices in the Port Phillip Leader and Government Gazette.</li> <li>• Availability of amendment documentation and supporting information on Council's website. Amendment Documentation was also provided on the State Government's Planning Amendments Online website.</li> <li>• Display of information folders at Council ASSIST centres and libraries in Port Melbourne and St Kilda.</li> <li>• Two drop-in sessions were held, providing the opportunity for interested persons to speak to a planner one on one.</li> <li>• Stakeholders were also invited to call Council planners to discuss the amendment or meet one on one.</li> </ul> <p>Refer to the <a href="#">Community and Stakeholder Engagement Plan</a> for more information.</p>
<b>Probity</b>		
8.	<b>Why is probity important?</b>	<p>Good probity practice is important for:</p> <ul style="list-style-type: none"> <li>• community and business confidence in the integrity of Council processes</li> <li>• encouraging and enabling purchasers and businesses to deal with each other on the basis of mutual trust and respect</li> <li>• improving competitive processes and outcomes for all involved particularly on complex significant public projects like St Kilda Marina.</li> <li>• achieving the right balance between sharing information and protecting the confidentiality and integrity of the procurement process i.e. maintaining necessary confidentiality without unnecessary secrecy.</li> </ul>
9.	<b>How is/has probity been managed?</b>	A Probity Plan has been in place for the project and is available on Council's website. The Plan outlines probity requirements throughout the project and includes specific protocols relating to ongoing measures, such as security and confidentiality, which will remain in force when the project is complete.
10.	<b>When will the probity restrictions be lifted?</b>	Now that the outcome has been announced, staff and Councillors will be free to resume their regular dealings with people who may have been involved in the procurement process. While some information that was previously confidential has now been made public, there is other information (for example, commercial in confidence information) that will continue to be kept confidential.
11.	<b>What processes are in place to ensure that information is kept confidential?</b>	<p>The Probity Plan outlines protocols for the ongoing security and confidentiality of information:</p> <ul style="list-style-type: none"> <li>• secure storage and access controls</li> <li>• only authorised staff with a direct 'need to know' are allowed access</li> </ul> <p>personnel are reminded about confidentiality.</p>
12.	<b>If people are not happy with the process, where do they go?</b>	Council recognises and acknowledges the right of the community to complain regarding any aspect of its operations. Complaints about the process may be made by email to <a href="mailto:skmproject@portphillip.vic.gov.au">skmproject@portphillip.vic.gov.au</a> .
<b>Procurement Process</b>		
13.	<b>What procurement process is being undertaken to secure</b>	<p>The process implemented by officers and endorsed by Council in June 2019 is robust, legally compliant and considered best practice.</p> <p>The <a href="#">Procurement Plan</a> that underpinned the competitive process to secure a new long term lease outlines a two-stage process:</p>

No.	Question	Answer
	<p><b>a new long-term lease for the SKM Project?</b></p>	<ol style="list-style-type: none"> <li>1. A publicly advertised invitation for Expressions of Interest (EOI)</li> <li>2. A Request for Proposals (RFP) issued to a shortlist of tenderers (determined from a robust EOI evaluation process)</li> </ol> <p>This two-stage process enabled Council to assess the capability of interested parties through the EOI and select only those who can achieve the project objectives to participate in the more detailed RFP stage of procurement. This approach has the benefit of an open, publicly advertised phase that reaches out to the broader market, following which it ensures that only qualified participants are invited. It promotes an open and fair process and means that only the shortlist of qualified participants will need to commit significant resources to the RFP phase.</p> <p>The two-stage model also allowed for a level of market sounding on elements of the process and the St Kilda Marina Site Brief at the (first) EOI stage. The intelligence from this informed the RFP approach and contributed to a more robust procurement exercise through increasing market confidence in a process that has had the input of very specific market expertise.</p> <p>Following endorsement by Council on 5 June 2019, an Invitation for Expressions of Interest (IEOI) was released on 8 June 2019.</p> <p>On 4 September 2019, Council endorsed the shortlisting of the following three proponents from the EOI process to be requested to submit a proposal for the St Kilda Marina long term lease.</p> <ul style="list-style-type: none"> <li>• Australian Marina Development Corporation</li> <li>• Balmain</li> <li>• Caribbean Park</li> </ul> <p>In a subsequent Council Meeting on 18 September 2019, Council endorsed the issue of the RFP. The RFP was issued on 19 September to the three shortlisted proponents and closed on 19 December 2019.</p> <p>Prior to the release of the RFP, which included among a series of technical documents a draft lease, Department of Environment, Land, Water and Planning (DELWP) officers contributed to the development of the Draft Lease.</p> <p>Proponents were asked to provide responses against a pre-determined set of criteria and were asked to verify compliance with the Site Brief on an item by item basis. The details can be found in the RFP document <a href="#">here</a>. The RFP document was part of a confidential suite of items and documents, however, now that a preferred proponent has been selected and the proposed lease will undertake the process of publishing a notice of intention to lease and inviting submissions, the RFP document can be made public.</p> <p>The St Kilda Marina Project RFP Evaluation Plan was approved by the CEO in November 2019. The Evaluation Plan sets out the evaluation process, evaluation panel membership and clarifies roles and responsibilities.</p> <p>The RFP Evaluation Plan is a confidential document. It aligns with the St Kilda Marina Procurement Plan and underpinned the evaluation process undertaken by the Evaluation Panel.</p> <p>Design, probity, legal, commercial and procurement technical advice was sought throughout the development and implementation of the leasing process to ensure that:</p> <ul style="list-style-type: none"> <li>• The evaluation panel was comprised of appropriately skilled persons (including an industry specialist) and supported by specialist advisors.</li> <li>• Best practice in public sector tendering was achieved.</li> <li>• Councillors had the information they needed to appropriately inform their decision making.</li> </ul>



No.	Question	Answer
		<ul style="list-style-type: none"> <li>• The leasing process was undertaken in accordance with the endorsed Probity and Procurement Plan</li> <li>• The process provided transparency within the confidentiality constraints of a competitive commercial leasing process.</li> </ul> <p>The RFP process resulted in the recommendation of Australian Marina Development Corporation as the preferred proponent for the role of developer and operator/tenant for the new long-term lease for the St Kilda Marina.</p> <p>Refer also to diagram provided in Question 12.</p>
14.	<p><b>What was the role of Councillors and what information was made available to Councillors to support their decision making?</b></p>	<p>The role of Councillors in the leasing process is detailed as follows:</p> <ul style="list-style-type: none"> <li>• Review and approval of the Vision for the project.</li> <li>• Review and approval of the Site Brief (including mandatory requirements, discretionary criteria and allowable uses).</li> <li>• Approval of the Statutory Planning pathway including the referral to the Minister for approval of the Planning Scheme Amendment.</li> <li>• Review and approval of the Procurement Plan (including delegated authority to CEO).</li> <li>• Reviews and approval of the Expression of Interest (EOI) document.</li> <li>• Reviews and approval of the short list of Proponents selected to participate in the Requests for Proposals (RFP).</li> <li>• Reviews and approval of the RFP document.</li> <li>• Participation in a non-voting capacity and in line with predetermined protocols at design presentation/s by respondents following an initial evaluation of proposals.</li> <li>• Consider the recommendation from the RFP Evaluation Panel and CEO for entering into a Lease with the Preferred Proposal and decide the outcome of the procurement process.</li> </ul> <p>In considering the outcomes of the RFP evaluation process for the long-term lease, Councillors needed to be satisfied that the process best addressed the project objectives and criteria, achieved the best outcome for Port Phillip and the State, and complied with probity.</p> <p>In accordance with normal process, Councillors were provided with a detailed Council Report outlining the process and the findings of the evaluation to support their decision making.</p> <p>Alongside the council report submitted for consideration, Councillors were provided with the following information to enable them to make an informed decision:</p> <ul style="list-style-type: none"> <li>• the Procurement Plan</li> <li>• the Evaluation Reports for two stages of evaluation, containing an assessment of each proposal against the approved criteria, summaries of the submissions and a recommendation for the award of the lease</li> <li>• Specialist Advisor reports (review only) – design review panel and financial</li> <li>• Probity Advisor and Probity Auditor Reports</li> <li>• RFP submissions (review only)</li> <li>• Design Presentations and Design Presentation Materials</li> <li>• Evaluation Panel membership and area of expertise they represented.</li> </ul>

No.	Question	Answer
15.	<p><b>What are the key considerations for Council when making a decision regarding lease procurement process and outcome?</b></p>	<p>The Request for Proposals (RFP) conditions provided that, Council, through an evaluation panel (refer below for details), would undertake a comprehensive evaluation of the documentation submitted by each proponent. This occurred in two stages: Stage 1 where proposals would be shortlisted to Stage 2, the Negotiation Stage. At the end of each stage a detailed evaluation report and recommendation articulating the outcome of the evaluation for that Stage was provided to Council to facilitate a final decision regarding the lease.</p> <p>The evaluation panel was required to consider the proposals against pre-determined selection criteria that were articulated in the RFP documentation that the proponents were required to respond to (refer below for details). The deliberations of the panel and the outcomes of these, including a consensus score were detailed in the evaluation report. The report also detailed the process of the evaluation.</p> <p>The Council was also given an opportunity at two points in the process to review the vision and designs for the site by proponents via a design presentation by proponents, as well as the opportunity to review, by appointment, the proposals as a whole.</p> <p>As part of the evaluation report, the evaluation plan was provided to Council.</p> <p>The key considerations for Council included:</p> <ol style="list-style-type: none"> <li>1. The evaluation panel's assessment of the proposals against each criterion</li> <li>2. The design details, and details of the proposals with respect to non-design related criteria (including financial offer; corporate social responsibility, viability, operations of the proposals; transition arrangements to the new lease and redevelopment, and the experience, capacity and capability of the proponents).</li> <li>3. The alignment of the evaluation process to the agreed evaluation plan.</li> </ol> <p>The RFP Conditions provided that Council was not bound to enter into a lease agreement and could withdraw from the process at any time. The process therefore enabled Council to enter into a lease agreement with the successful proponent or to abandon the process. Council also had the ability to request further information to support their decision making.</p> <p>These provisions enable greater confidence for Council's decision making to ensure an outcome for the site that meets the site objectives.</p> <p>In making decisions, Council is required to comply with the law.</p>
16.	<p><b>What decisions are available to Councillors when considering the recommendation of an evaluation panel for a commercial tender process?</b></p>	<p>The key decisions that Council may make in its consideration of an evaluation panel's recommendation are:</p> <ol style="list-style-type: none"> <li>1. <i>Council to decide to accept the recommendation of the evaluation panel.</i> This decision would be consistent with the procurement process.</li> <li>2. <i>Council to decide not to accept the recommendation from the evaluation panel but to decide to either abandon the process or to seek more information.</i></li> </ol> <p>Council is not bound to enter into the lease agreement and is free to withdraw from the process at any time. Similarly, Council is not required to immediately make a decision upon receiving the recommendation from the evaluation panel and may seek further information before making a decision.</p>
<b>Evaluation of Proposals for the long-term lease</b>		
17.	<p><b>What was the process to evaluate proposals?</b></p>	<p>A two-stage evaluation process for Request for Proposal submissions began after the RFP submission period closed on 19 December. The purpose of Stage 1 of the evaluation process was to evaluate and recommend proposals to Council, to proceed to Stage 2, the negotiation phase, and outline the broad framework and key points for refinement of the proposals.</p>

No.	Question	Answer
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The Evaluation Panel Report recommending proposals progress from Stage 1 Evaluation to Stage 2 Evaluation – Negotiation was endorsed by Council in a confidential Council Meeting on 18 March 2020. This report also detailed the proposed negotiation strategy and Councillors’ feedback on design presentations.

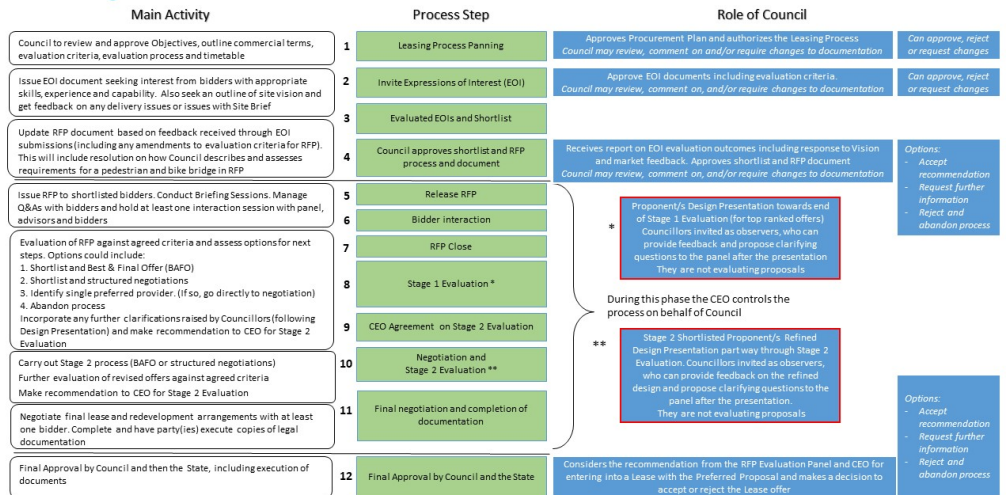
The purpose of Stage 2 Evaluation was to undertake a negotiation process with the proponents shortlisted from Stage 1. The negotiation stage provided the opportunity for Council to refine the Proposals to better suit Council’s and the community’s requirements as reflected in the Site Vision and Objectives and the evaluation criteria. Negotiations were undertaken using an agreed framework and a negotiation team that comprised panel members and advisors (legal, probity, project management).

Following initial negotiations and proposals refinement, Councillors were presented with an opportunity to review the refined designs and provide feedback. The panel considered this as part of their assessment and continued negotiations with proponents to further refine and finalise the proposals.

A detailed assessment was undertaken by the evaluation panel of the final refined proposals and an evaluation panel report detailing the process, assessment against the selection criteria and a recommendation was provided to Council for decision.

The leasing and evaluation process is articulated in the diagram below.

### Leasing Process



18. How were the RFP submissions assessed?

The RFP submissions received were assessed against the criteria endorsed by Council on 18 September 2019 and the RFP Evaluation Plan endorsed by the CEO prior to the close of the proposal period (November 2019) which detailed the evaluation process, panel, technical advisors, and evaluation criteria and weightings.

There were two stages to the evaluation process. Stage 1 involved the initial evaluation of proposals in accordance with the RFP conditions and Evaluation Plan, the outcome of which was an Evaluation Report endorsed by Council that recommended the proposals to progress to the next stage.

Stage 2 involved a Structured Negotiation process undertaken by a negotiation team and underpinned by a detailed negotiation plan to improve bids to address any deficiencies and negotiate any departures from the Draft lease issued with the RFP documents and agree the final lease.

19. What were the RFP assessment criteria and their weightings?

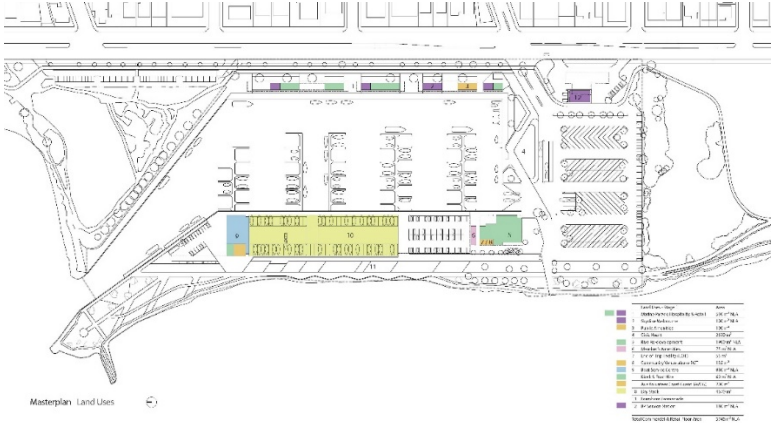
The RFP evaluation criteria were based on Council's objectives outlined in the [Site Brief](#).

The RFP assessment criteria and weightings were:

No.	Question	Answer
		<ul style="list-style-type: none"> <li>• <b>Vision, Design, Site Integration and Connectivity (25%)</b> Council sought to understand and evaluated Proposals based on: <ul style="list-style-type: none"> <li>○ The extent to which the Proposal provided a compelling and sustainable vision for the Site aligned with the Site Vision and Project Objectives</li> <li>○ The quality of the design response and the extent to which the design responds to the Site Brief including the mandatory requirements and discretionary criteria</li> <li>○ The credibility and quality of the feasibility study for the provision of a high-quality connection between the marina peninsula and foreshore</li> <li>○ The extent to which a high-quality connection can be achieved that is workable for marina operations.</li> </ul> </li> <li>• <b>Viability, Operations and Transition (25%)</b> Council sought to understand and evaluated Proposals based on: <ul style="list-style-type: none"> <li>○ The extent to which the Proponent's Proposal was capable of delivering a financially sustainable operation</li> <li>○ The quality of the project management and transition approach including the extent to which it ensured good stakeholder and community engagement, and a smooth handover</li> <li>○ The robustness of the approach to long-term asset management.</li> </ul> </li> <li>• <b>Capability, Capacity and Track Record (10%)</b> Council sought to understand and evaluated Proposals based on organisational structure, relevant experience of the Proponent (organisation), and experience and expertise of the Proponents' team key personnel (individuals). Council assessed development and operational experience related to both specific marina and non-marina aspects of development.</li> <li>• <b>Corporate Social Responsibility (10%)</b> Council sought to determine the Proponent's commitment to CSR and the impact (positive and negative) of the proposed redevelopment and operations on environmental, social and economic wellbeing. Proponents were required to respond to a schedule of items that were based on the Victorian Government's Social Procurement Framework. More information can be found here: <a href="https://www.buyingfor.vic.gov.au/social-procurement-victorian-government-approach">https://www.buyingfor.vic.gov.au/social-procurement-victorian-government-approach</a></li> <li>• <b>Financial Offer (30%)</b> Proponents were required to provide a clear and unambiguous financial proposal that Council evaluated based on the value of the financial return to Council in both nominal and net present value terms, with reference to guaranteed rental per annum and any offer of turnover rent.</li> <li>• <b>Acceptance of Lease Conditions</b> The response to the draft lease provided as part of the suite of RFP documents by the Proponents, and particularly any departures, was assessed based on risk to Council and the extent to which the departures were deemed suitable for negotiation in the negotiation phase of evaluation.</li> </ul>
20.	<b>What was the composition of the Evaluation Panel?</b>	<p>A list of the expertise required to effectively assess the proposals against the evaluation criteria was developed to determine the appropriate panel membership. This list was included in the Procurement Plan endorsed by Council in June 2019.</p> <p>The evaluation panel for the RFP submissions was made up of five panel members. The panel was supported by technical advisors to supplement the expertise of the panel where required throughout the evaluation process.</p> <p>Expertise that contributed to the evaluation of submissions is outlined below.</p>

No.	Question	Answer
		<p>Panel Members with the following expertise:</p> <ul style="list-style-type: none"> <li>• Complex procurement and panel chairing expertise</li> <li>• Architectural and Urban Design</li> <li>• Financial, commercial and leasing acumen</li> <li>• Marina design and operations</li> <li>• City of Port Phillip policy understanding</li> <li>• Delivery of Community Benefits understanding</li> </ul> <p>Technical Advisors with the following expertise:</p> <ul style="list-style-type: none"> <li>• Architecture, landscape architecture and urban design (Design Review Panel members)</li> <li>• Statutory and Strategic Planning</li> <li>• Environmentally Sustainable Design and Coastal Engineering</li> <li>• Heritage</li> <li>• Commercial property and financial</li> <li>• Legal</li> <li>• Probity</li> <li>• Local and State Government Procurement</li> <li>• Project Management</li> </ul>
<b>Outcome of Request for Proposals (RFP) Process</b>		
21.	<p><b>What was Council's decision regarding the recommendations of the Evaluation Panel?</b></p>	<p>The RFP evaluation process was completed on 15 July 2020, with Council endorsing the following key lease terms:</p> <p><b>Proposed Tenant:</b> Australian Marina Development Corporation Pty Ltd (AMDC)</p> <p><b>Demised Premises:</b> St Kilda Marina</p> <p><b>Permitted Use:</b> Marina</p> <p><b>Commencement Date:</b> 1 May 2022</p> <p><b>Length of Term:</b> 35 years initial term and further term of 15 years upon meeting agreed performance criteria</p> <p><b>Rental:</b> A base rent for the initial term of \$750,000 per year with yearly indexation at CPI and market rent reviews commencing on the 10th anniversary of the commencement date and every five years thereafter. The rent for the further term is on the same basis and includes the effect of yearly indexation at CPI and market rent reviews.</p> <p><b>Rental discount:</b> A rental discount applicable from the base rent of \$750,000 to \$134,000 for each of the first four years of the initial term to facilitate accelerated development of the site.</p> <p><b>Capital contribution and redevelopment:</b> Capital contribution of approximately \$30.7 million in the first four years to deliver Stage 1A and 1B of the agreed redevelopment plan, including a new dry store building with capacity for 300 boats and ancillary facilities, new wet berths re-oriented to the peninsula side, a base level of public berthing infrastructure, a new Australian Volunteer Coast Guard facility, comprehensive refurbishment of the RIVA building, Marine Parade works to create a retail/food and beverage strip, peninsula works including landscaping and Beacon restoration, landscaping across the site, the Bay Trail and carparking upgrades.</p> <p><b>Future redevelopment:</b> Further redevelopment of the site in Stages 2 and 3 of the agreed redevelopment plan to be further documented and considered for approval by Council in future,</p>

No.	Question	Answer
		<p>including replacement of the petrol station site at the end of a 10 year period and a possible increase in dry storage to the maximum 400 boats.</p> <p><b>Purchase of existing boat storage infrastructure:</b> Payment of \$620,000 + GST for the purchase of the existing wet berth and other related boat storage infrastructure.</p> <p><b>Sinking Fund:</b> Tenant to establish a sinking fund for asset renewal and improvement of a minimum of \$850,000 per annum based on estimated asset depreciation with annual reporting to Council.</p> <p><b>Maintenance:</b> Tenant to be responsible for repair, maintenance and capital replacement of the premises to an agreed condition with annual reporting that reviews progress against the agreed Asset Management Plan, includes results of periodic condition assessments and updates maintenance and renewal schedules.</p> <p><b>Service Station:</b> The service station is a permitted use for the first 10 years of the lease only, to support the redevelopment of the site and establishment of the new marina operations.</p> <p><b>Possible future amenities for the site funded by Council:</b></p> <ul style="list-style-type: none"> <li>• Bridge connecting Marina Reserve and the Peninsula: Conditions have been incorporated that enable the inclusion of a bridge in the future should Council elect to design and deliver it. They address future proofing the Proponent's design to avoid precluding a bridge, consultation with the tenant during design, maintenance and repair requirements, insurance requirements, market rent valuation (i.e. bridge is not included) and methodology for determining compensation for impacts on the Marina business.</li> <li>• Additional Public Berthing: Lease provisions will enable expansion of public berthing at an agreed cost through the installation of floating pontoons on the Eastern and Northern edge should it be desired and funded by Council.</li> </ul> <p><b>Community benefits:</b> Community benefits to include:</p> <ul style="list-style-type: none"> <li>• Access for Council or a nominee of Council to activate or use an area or areas of open space on site for a minimum of 10 events/days at cost; 10 events/days at cost for the use by Council or a nominee of Council of the community facility (dates for both to be agreed 12 months in advance); and access to the community facility for a community use (as defined by Council) for a minimum 20 days/events per annum</li> <li>• Significant investment in public infrastructure through the provision of public open space to approximately 50% of the site, well in excess of the Site Brief requirement for a minimum of 20%.</li> <li>• The development of a fit-for-purpose facility for the Australian Volunteer Coast Guard as part of the proposal, with a tenure based on peppercorn rent.</li> <li>• Provision and maintenance of a public boat ramp and trailer parking.</li> <li>• A commitment to adopt the Victorian Social Procurement Framework to influence the Proponent's commercial dealings and sourcing of suppliers in the areas of design, construction and operations on site.</li> <li>• A commitment to engage at least one supplier that employs Victorian Aboriginal people during each of the design, construction and operational phases.</li> <li>• A commitment to engage at least one supplier that employs Victorians with a disability.</li> <li>• A commitment to engage at least one supplier that employs Victorians experiencing disadvantage, and one Victorian social enterprise.</li> </ul>

No.	Question	Answer
		<ul style="list-style-type: none"> <li>• An endeavour to engage suppliers that have implemented a family violence policy.</li> <li>• A commitment to engage suppliers that have a gender equity policy and that will all attest to compliance with a code of conduct.</li> <li>• The provision of a comprehensive Sustainability Plan that addresses key initiatives highlighted for the site as part of the Site Brief for design, construction and operations that aligns with Council Policy</li> <li>• Commitments to undertake accreditation within the first 12 months of being awarded the lease for ISO 9001 (Quality Management) and ISO 14001 (Environmental Management System).</li> <li>• A commitment to provide a CSR Plan identifying and elaborating on specific targets within 120 days of lease award; and annual reporting of performance against the CSR Plan and a forecast setting out the details of the major activities to be undertaken for the upcoming 24 months.</li> </ul>
22.	<p><b>What redevelopment of the St Kilda Marina site is proposed by the preferred proponent?</b></p>	<p>The redevelopment comprises three stages described as follows:</p> <p><b>Stage 1 - Main redevelopment (first four years of the lease):</b></p> <ul style="list-style-type: none"> <li>• Stage 1a) Demolition of existing dry storage buildings and replacement with new dry store building accommodating 300 boats (relocate dry stack and hardstand storage boats) and Chandlery, peninsula upgrade and landscaping (including new promenade), Australian Volunteer Coast Guard new facility, RIVA building renovation, site landscaping and sea wall (including removal of fencing), divert Bay Trail, new 'Civic Heart' and upgrading carparking.</li> <li>• Stage 1b) Re-orientation of the wet berths to peninsula side, installation of public wet berths (including floating berths for smaller vessels at both the Eastern edge and the boat ramp, and mooring points, fenders and fixed access points along the entire Eastern and Northern marina walls), Marine Parade upgrade and removal of fencing.</li> </ul> <p><b>Stage 2 - Expansion of Dry Store Building to accommodate an additional 100 boats (400 in total), subject to a demand study</b></p> <p><b>Stage 3 – Service Station Replacement (following year 10 of the lease). The nature of the replacement is subject to a business case.</b></p>  <p>Concept plans and staging plans are provided as part of the <a href="#">St Kilda Marina Project update - New Long Term Lease</a> and on the website <a href="#">here</a>.</p>
<p><b>Social, Cultural, Environmental and Financial Benefits associated with the lease</b></p>		
23.	<p><b>What is the overall assessment of the AMDC proposal?</b></p>	<p>The AMDC proposal for the St Kilda Marina was found to be a very good proposal that embraces the Site Vision and Objectives that were developed through a comprehensive community engagement program. It offers value in successfully meeting or exceeding all mandatory criteria and several discretionary criteria outlined in the St Kilda Marina Site Brief (developed by a Community Panel with Council officers and expert consultants). It does this through delivering a considerable</p>

No.	Question	Answer
		<p>upgrade to the site while offering a suitable rental amount particularly in terms of the current rent and market conditions and coupled with significant public realm benefits.</p> <p>The overall redevelopment and operational proposal will deliver significant social, economic and environmental benefits to marina users, the Victorian Boating network and the wider community as identified in the items below.</p>
24.	<p><b>What are the community and cultural benefits associated with the lease?</b></p>	<p>Community and Social Benefits to be delivered include:</p> <ul style="list-style-type: none"> <li>• Significant investment in public infrastructure through the provision of public new landscaped open space to approximately 50% of the site, more than the Site Brief requirement for a minimum of 20%, and well in excess of the current extent of open accessible space (4%).</li> <li>• Access for Council or a nominee of Council to activate or use an area or areas of open space on site for a minimum of 10 events/days at cost; 10 events/days at cost for the use by Council or a nominee of Council of the community facility (dates for both to be agreed 12 months in advance); and access to the community facility for a community use (as defined by Council) for a minimum 20 days/events per year</li> <li>• The development of a fit for purpose facility for the Australian Volunteer Coast Guard as part of the proposal, with a tenure based on peppercorn rent.</li> <li>• Provision and maintenance of a public boat ramp and trailer parking.</li> <li>• The possibility for the inclusion of a bridge from Marine Reserve to the Peninsula at a future date funded by others.</li> <li>• A commitment to adopt the Victorian Social Procurement Framework to influence the Proponent's commercial dealings and sourcing of suppliers in the areas of design, construction and operations on site.</li> <li>• A commitment to engage at least one supplier that employs Victorian Aboriginal people during each of the design, construction and operational phases.</li> <li>• A commitment to engage at least one supplier that employs Victorians with a disability.</li> <li>• A commitment to engage at least one supplier that employs Victorians experiencing disadvantage, and one Victorian social enterprise.</li> <li>• An endeavour to engage suppliers that have implemented a family violence policy.</li> <li>• A commitment to engage suppliers that have a gender equity policy and that all will attest to compliance with a code of conduct.</li> <li>• The provision of a comprehensive Sustainability Plan that addresses key initiatives highlighted for the site as part of the Site Brief for design, construction and operations that aligns with Council Policy</li> <li>• Commitments to undertake accreditation within the first 12 months of being awarded the lease for ISO 9001 (Quality Management) and ISO 14001 (Environmental Management System).</li> </ul>
25.	<p><b>What are the environmental benefits associated with the lease?</b></p>	<p>The key environmental features of the proposal include:</p> <ul style="list-style-type: none"> <li>• Highly accessible open space and landscaping to approximately 50% of the site (well in excess of the current extent of open space being approximately 4% and in excess of the Site Brief requirement for minimum of 20%). This includes improved access to highly valued foreshore areas of the site (particularly along the peninsula which is currently inaccessible) for pedestrians and cyclists.</li> <li>• Upgrades to the existing sea wall that protects from storm surge and is intended to provide natural habitats that encourage biodiversity.</li> <li>• A commitment to enhancing the Sustainability Plan for the development of the site to ensure Council's Sustainability targets are met as articulated in an Environmental and Coastal Resilience Design Report by a consultant that aligns the targets to the site. The lease will include a requirement to meet Council's Act and Adapt Sustainable Environment Strategy 2018-2028. The</li> </ul>



No.	Question	Answer
		<p>features range from various coastal resilience measures (protection and enhancement) to environmental design initiatives that benchmark against the Design and As-Built Green Star tool (which focuses predominantly on how the built development is constructed and operated). Initiatives include but are not limited to waste management systems, low carbon, energy and water efficient building design and operations, bicycle facilities to exceed 5 Star Green Star, and Site predominantly powered by 100% electricity with the provision of on-site renewable energy supply and solar power to a minimum of 50% roof area.</p> <ul style="list-style-type: none"> <li>• A commitment to provide an Environment Management Plan that addresses coastal resilience measures and various environmental design elements prior to lease commencement with ongoing five yearly updates.</li> <li>• A commitment to achieve accreditation for ISO 14001 (Environmental Management System) within the first 12 months of the lease being awarded.</li> </ul> <p>Included in the commitment to environmental sustainability are measures that address climate emergency. These include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Upgrade of the sea wall to protect against storm surge and sea level rise</li> <li>• Provisions for raising the finished floor level to accommodate Melbourne Water requirements for sea level rise (to be determined in discussions with Melbourne Water during design development with the support of Council)</li> <li>• Low carbon, energy and water efficient building design and operations</li> <li>• Waste management system that reduce the impact on the environment.</li> </ul>
26.	<p><b>What are the financial benefits associated with the lease?</b></p>	<p>The cumulative effect of the financial contribution by the proponent for the term of the lease is in the order of \$160 million broken down as follows:</p> <ul style="list-style-type: none"> <li>• Redevelopment (approximately \$25.3 million for commercial and approximately \$5.4 million for public realm for Stage 1)</li> <li>• Rental for a 50-year lease (approx. \$60.9 million including CPI increases)</li> <li>• Asset maintenance and renewal (minimum of \$68 million)</li> <li>• A series of community benefits ranging from increased access to the site to specific opportunities to utilise/hire facilities at direct or no cost over the lease period</li> </ul>
<p><b>Additional Questions</b></p>		
27.	<p><b>How does the lease protect access to the St Kilda Marina for the local community?</b></p>	<p>The community will have access to a far greater extent of the site than is currently permitted. The proponent's proposal for the site has restricted its fenced areas to only the area on the peninsula between the proposed Dry Store building and harbour (including the Dry Store building) and two small carparks on either side for boat owners, Coast Guard staff and chandlery operators.</p> <p>The open space areas will increase from the current 4% to approximately 50% of the site (well in excess of the current extent of open space being approximately 4% and more than the Site Brief requirement for minimum of 20%). This includes improved access to highly valued foreshore areas of the site (particularly along the peninsula which is currently inaccessible) for pedestrians and cyclists. All open space areas will be landscaped, and facilities for use by the public (e.g. shelter, seating, BBQs) will be provided in these areas across the site.</p> <p>Access will be provided for:</p> <ul style="list-style-type: none"> <li>• Council or a nominee of Council to activate or use an area or areas of open space on site for a minimum of 10 events/days at cost;</li> <li>• 10 events/days at cost for the use by Council or a nominee of Council of the community facility (dates for both to be agreed 12months in advance); and</li> <li>• Access to a community facility for a community use (as defined by Council) for a minimum 20 days/events per annum.</li> </ul>
28.	<p><b>Why was the initial report to Council with</b></p>	<p>The RFP and evaluation criteria were kept confidential until the procurement process had been completed to maintain high standards of probity and protect the integrity of</p>

No.	Question	Answer
	<b>the Request for Proposals and evaluation criteria for approval kept confidential?</b>	the commercial leasing process and in doing so seek the best value for the community.
29.	<b>Why was the Evaluation Panel Report and details contained in the Council Report with the outcomes of the RFP process made confidential?</b>	<p>The Evaluation Report containing the results of the evaluation and recommendations for the lease was made confidential because it contains commercial in confidence material and intellectual property that Council does not have permission to make public.</p> <p>Similarly, the Council Report contains sensitive information that will remain confidential to protect the integrity of the process.</p> <p>Key lease terms will be made public as part of Council's intention to undertake statutory process to publish a public notice under Section 190 and invite submissions from interested parties under Section 223 of the Local Government Act, in relation to Council's intention to enter into a long-term lease arrangement (35 years, with the possibility of an additional 15 years) with the successful proponent from the procurement process.</p> <p>Information that was approved for release has now been made public and is available on Council's website. The information excludes commercial-in-confidence information that Council does not have permission to make public.</p>
30.	<b>What information has Council made available?</b>	<p>After the decision by Council to endorse the recommendation for the preferred proponent for the role of developer and operator/tenant for the new lease for St Kilda Marina, Council has made the following information available:</p> <ul style="list-style-type: none"> <li>• The RFP document including the evaluation criteria</li> <li>• The selection criteria and weightings</li> <li>• A broad summary of how the winning bid addresses the selection criteria</li> <li>• How the new lease will manage the interface between adjacent amenities (including the Bay Trail, Marina Reserve, Moran Reserve)</li> <li>• Key lease terms</li> <li>• Community benefits associated with the lease</li> <li>• How the lease will support access to the St Kilda Marina for the boating and general community.</li> </ul> <p>Information that Council will keep confidential includes:</p> <ul style="list-style-type: none"> <li>• The number and details of submissions</li> <li>• Detail regarding the unsuccessful bids</li> <li>• The evaluation reports and the associated scoring matrices.</li> <li>• The detailed evaluation plans.</li> </ul> <p>Note: The Procurement Plan that outlines the procurement and evaluation process was made public at the time of endorsement (June 2019).</p>
31.	<b>Why was the IEOI made public but not the RFP?</b>	<p>The IEOI was a public invitation seeking expressions of interest for the long-term lease for the St Kilda Marina. The IEOI was advertised widely on several general and specific to the industry public forums</p> <p>By contrast, the RFP was issued to only the shortlisted applicants from the EOI. It was not an open process where anyone could apply.</p> <p>The RFP was kept confidential until the procurement process had been completed to maintain high standards of probity and protect the integrity of the commercial leasing process and in doing so seek the best value for the community.</p> <p>Now that the process has been completed, the RFP has been made available <a href="#">here</a>.</p>

No.	Question	Answer
32.	<b>Why has the panel membership not been made public?</b>	<p>Having appropriate expertise on the panel was key to the evaluation. The general approach to and operations of the evaluation panel was documented in the endorsed Procurement Plan, which has been made public.</p> <p>Publicly disclosing the panel membership can place undue focus and pressure on the members of an evaluation panel and thus it is usual practice not to make the membership of Victorian Government evaluation panels public.</p>
33.	<b>What are the design and planning considerations associated with the new lease?</b>	<p>Any works proposed by the tenant will be subject to landlord (Council as committee of management) approval and relevant planning approvals.</p> <p>Refer to the <a href="#">Site Brief</a>, which sets out the mandatory requirements (and discretionary criteria) for the development of the site. The proposals were required to verify compliance with the Site Brief, and the evaluation panel made their assessments accordingly.</p>
34.	<b>How will Council monitor the operator's compliance with the lease conditions</b>	<p>The tenant will be required to provide an annual report on:</p> <ol style="list-style-type: none"> <li>1. Asset Management Plan – provision of a comprehensive plan for landlord approval prior to commencement of the lease with annual reporting of performance under this plan, an update on future planning for the following two years and reporting against use of the sinking fund (to be used for upgrades and renewals)</li> <li>2. Environmental Management Plan - provision of a comprehensive plan for landlord approval prior to commencement of the lease with annual reporting of performance under this plan and an update on major activities for the following two years</li> <li>3. Corporate Social Responsibility Plan - provision of a comprehensive plan for landlord approval prior to commencement of the lease with annual reporting of performance under this plan and an update on major activities for the following two years</li> <li>4. Marina utilisation report – upon request by the Landlord, the tenant must give to the Landlord a report on the utilisation of the various berthing options.</li> </ol>
35.	<b>What opportunities will be made available for further community input?</b>	<p>Following approval of the lease by the Governor in Council (anticipated to be late 2020), the community will be provided with an opportunity to have its say on elements of the St Kilda Marina design. The consultation will focus on the look and amenity of public realm elements chosen by Council in consultation with the proponent. This may include selected open space areas such as the 'Civic Heart' and parts of the carpark (when not heavily utilised outside of peak seasons).</p>
36.	<b>What information has been or will be made publicly available?</b>	<ol style="list-style-type: none"> <li>1. This document including Key Lease terms and process information</li> <li>2. Procurement Plan</li> <li>3. Probity Plan</li> <li>4. Project Approach</li> <li>5. Site Brief</li> <li>6. Community Engagement Plans and Reports</li> <li>7. Invitation for Expressions of Interest (EOI)</li> <li>8. EOI Council Report (but not the Evaluation Report, which contains sensitive commercial information)</li> <li>9. Request for Proposal (RFP) document</li> <li>10. RFP Council Report Resolution</li> <li>11. For the S190 process – key lease terms as above and site and staging plans, various perspectives and renders.</li> <li>12. Community consultation process scheduled following approval of the lease at Ministerial level - site and staging Plans, various perspectives and renders, and details on what elements may be consulted about.</li> </ol>