



CITY OF  
**PORT PHILLIP**

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**St Kilda Marina Project**  
**Request for Proposals**

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**Important Notice**

The provision, receipt and use of this Request For Proposals (“**RFP**”) is subject to the terms set out herein. Only persons who have been selected to prepare a response to the RFP may receive, possess or use this RFP.

Terms used in this RFP are defined in the Definitions in section 8

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## 1. INTRODUCTION

### 1.1 Overview

This RFP:

- a) specifies the requirements for the preparation and submission of Proposals; and
- b) specifies Council's key requirements for the Project.

### 1.2 RFP Documentation

This RFP comprises:

- a) this RFP including the Evaluation Criteria and Returnable Schedules;
- b) the proposed Lease;
- c) the background information documents described in section 5 of this RFP provided to Proponents to assist with the preparation of their Proposals; and
- d) all attachments and schedules provided with or referred to in this RFP. These include:
  - (i) Returnable Schedules 1 to 9
  - (ii) Technical Specifications and Information.

### 1.3 Overview of RFP Process

1.3.1 Proponents are required to submit a Conforming Proposal.

1.3.2 Proponents are invited to also submit an Optional Conforming Proposal but are not required to do so.

1.3.3 In addition, Council will allow Proponents to submit one or more Non-Conforming Proposals provided that they have also submitted a Conforming Proposal (per section 1.3.1 above).

If any Proponent wishes to submit a Non-Conforming Proposal it must, as part of the Proposal demonstrate how the Non-Conforming Proposal could improve or enhance the delivery of the Project Objectives.

1.3.4 Council will:

- a) review all Proposals to assess whether they have sufficient information to be capable of evaluation;
- b) subject to meeting the requirements of the review described in section 1.3.5 a), evaluate all Conforming Proposals and Optional Conforming Proposals (refer to Sections 1.8 for types of proposals and 1.9 and 6.1 for compliance criteria);
- c) at its sole discretion, elect to evaluate or not, Non-Conforming Proposals (Council is not obliged to evaluate any Non-Conforming Proposals).

- 1.3.5 Evaluation of Proposals will occur in two stages as follows:
- a) Stage 1: Stage 1 will involve the initial evaluation against the Evaluation Criteria of all Conforming Proposals, Optional Conforming Proposals and any selected Non-Conforming Proposals by the Evaluation Panel; and
  - b) Stage 2: Following the evaluation in Stage 1, Council may;
    - (i) select one Proponent as preferred Proponent and engage with that Proponent to refine their offer and document a Lease;
    - (ii) select more than one Proponent and engage with them to refine their respective offers and document a Lease with one or more parties; or
    - (iii) terminate the RFP process.
- 1.3.6 If Council proceeds in accordance with section 1.3.5 (b)(i) or (ii), it will then evaluate the completed Lease(s) against the Evaluation Criteria and prepare an evaluation report.
- 1.3.7 It should be noted that in its assessment and selection of Proposals, Council will select the highest ranked Conforming Proposal unless an Optional Conforming Proposal or a Non-Conforming Proposal is equal to or more highly ranked against the non-financial Evaluation Criteria and presents an affordable value for money outcome overall.
- 1.3.8 Following Stage 2, Council may resolve to appoint a successful Proponent or terminate the RFP process.
- 1.3.9 If Council appoints a successful Proponent, Council is then required to comply with its obligations under section 190 (Restriction on power to lease land) and 223 (Right to make a submission) of the Local Government Act 1989 and decide whether or not to grant the Lease.
- 1.3.10 The Lease is also subject to approval by the Governor in Council in accordance with the St. Kilda Land Act 1965. This is facilitated through Crown Land Management officers in DELWP who make a recommendation to the Minister. If the Minister is satisfied with the Lease, the Minister will request Governor In Council approval to the Lease.
- 1.3.11 The Council may in its absolute discretion, terminate or suspend the RFP process at any time.

#### **1.4 Proponent Guidance Meetings (Interactive Workshops)**

- 1.4.1 Council intends to offer each Proponent the opportunity to meet with Council's officers during the RFP period. These sessions are intended to allow discussion of the RFP, and the clarification of issues without prejudice and without other Proponents being present.
- 1.4.2 An initial session will be convened with each Proponent within two weeks of the release of the RFP to assist in preparation of Proponent's submissions. The meeting is intended to enable dialogue in a controlled environment to

allow confidential and open discussion of the RFP and clarification of issues. It may assist to close any “expectation gaps” that exists between Council and Proponents as to the format, content and intent of the RFP process

- 1.4.3 A second interactive workshop will be held approximately 4 to 6 weeks later, to provide an opportunity for Proponents to discuss the development of their Proposals, and to receive transparent guidance on Proponent-identified issues. The interactive workshop is not a collaborative design session but intended to enable open discussion so that Proponents can optimise their approach.
- 1.4.4 Proponents will be contacted by the Council Project Manager to make arrangements for the meetings.
- 1.4.5 Proponents are required to comply with meeting protocols which will be provided at the time arrangements are made.
- 1.4.6 All interviews will be observed by the Project’s Probity Advisor.

## **1.5 Design Presentation**

- 1.5.1 Following the RFP Closing Date and during the RFP evaluation process, the Evaluation Panel may choose to interview any Proponent to seek clarification and to better understand their RFP offering and particularly the Proponent’s vision and supporting design for the Site through a design presentation.
- 1.5.2 Design presentation interviews form part of the evaluation process and may be attended by some Evaluation Panel members, Council officers, consultants and Councillors.
- 1.5.3 Proponents will be contacted by the Council Project Manager to make arrangements for the design presentation. Proponents will be required to comply with meeting protocols which will be provided at the time arrangements are made.
- 1.5.4 The procedures which will apply to the conduct of any such interview will be communicated to Proponents prior to the meetings and acceptance of these procedures will be a condition of the interview proceeding.
- 1.5.5 All interviews will be observed by the Project’s Probity Advisor.

## **1.6 Communications during RFP Competitive Process**

- 1.6.1 All Proponent enquiries relating to this RFP must be directed to [www.tenderlink.com/portphillip](http://www.tenderlink.com/portphillip)
- 1.6.2 Where required by Council, Proponents will be contacted by the Council Project Manager to make any arrangements for the proponent guidance sessions, interactive workshops or design presentations. Proponents are not to make unsolicited contact directly with the Council Project Manager other than through Tenderlink.
- 1.6.3 Site visits to public areas do not require separate authorisation. Access to the Site for areas that are not publicly accessible should be requested through Tenderlink.

## 1.7 Timetable

The indicative Project timetable is as follows:

Event	Date / Period
Release of RFP	19 September 2019
Proponent guidance meetings (including site inspections)	September / October 2019
Final date and time for queries by Proponents	2pm Thursday 5 December 2019
Closing date and time for Proposals	2PM Thursday 19 December 2019
Design presentations	February 2020
Preferred/shortlisted Proponents selected (Stage 1 completed)	Late February/early March 2020
Stage 2	March 2020
Formal Council approval	June 2020
Section 190 process, Ministerial approvals and execution of Lease	Following Council approval

## 1.8 Types of Proposals Invited

1.8.1 Through previous work, Council and the community have developed a vision for the St Kilda Marina:

*“a special place on the foreshore for everyone that welcomes a diversity of sustainable uses anchored by a working marina”.*

1.8.2 Council and the community have a distinct preference for a pedestrian and cycle connection across the mouth of the St Kilda Marina, which may suggest that a bridge is a potential solution. The Site Brief makes it clear that Proponents are to investigate and demonstrate the opportunity for the future provision of the bridge. However, the impacts of providing a bridge will be weighed against the achievement of the broader redevelopment vision.

1.8.3 To ensure that the RFP process gives rise to Proposals which are best able to address the overall vision, Council and the community has for the St Kilda Marina, and to allow options for a pedestrian and cycle connection to be realistically compared, Council seeks Proponents responses to the RFP as follows:

- a) Submission of a Conforming Proposal from each of the Proponents
- b) Council also invites Proponents to submit an Optional Conforming Proposal

- c) Proponents may also choose to submit a Non-Conforming Proposal

### **Conforming Proposal**

- 1.8.4 All Proponents are required to submit a Conforming Proposal.
- 1.8.5 A Conforming Proposal must:
- a) Meet all requirements of the RFP.
  - b) Meet all mandatory requirements of the Site Brief, with a preference for the inclusion of as many discretionary items as the proposal can accommodate.
  - c) Contain a financial offer based upon a 35-year Lease term (with an option to extend for a further 15 years subject to meeting performance and other requirements in the Lease – refer Attachment 4 for the Draft Lease).
  - d) Undertake and summarise a feasibility investigation for a pedestrian and cycle connection from the marina peninsula to the foreshore, as per Site Brief section 9.1.23 and specifically include:
    - (i) An investigation of the opportunity for the future provision of a bridge between the marina peninsula and the foreshore (to be delivered by Council or another party). Considerations required in the bridge design investigation;
      - (I) Functional marina operations,
      - (II) Bridge functionality,
      - (III) Realigned Bay Trail opportunities and constraints,
      - (IV) Sight line impacts to the beacon, and
      - (V) Public realm impacts.
    - (ii) Estimated design and construction cost of the connection developed in the feasibility investigation.

The feasibility investigation is to be sufficiently detailed to allow the Proponent to determine if a future connection is practical and viable.

Where a future connection is found to be viable, a concept design, including plans, sections and elevations (to a concept level of development) are to be included in the Proposal to indicate the location and configuration of the connection on the Site.

### **Optional Conforming Proposals**

- 1.8.6 Council also invites Proponents to submit an Optional Conforming Proposals, which, in addition to meeting the mandatory requirements and the inclusion of as many of the discretionary elements of the Site Brief as possible, considers other combinations of facilities and, includes a connection from the marina peninsula to the foreshore.



- 1.8.7 An Optional Conforming Proposal, must have the following attributes:
- a) Meets all the requirements of the RFP.
  - b) Meet all the mandatory requirements of the Site Brief and demonstrate how the offer will meet some or all of the discretionary (desirable) outcomes in the Site Brief.
  - c) Include the delivery of the peninsula / foreshore connection.
  - d) Clearly identify the expected design and construction cost to Council for the inclusion of the connection (up front capital and any on-going contributions) for consideration by Council.
  - e) Contain a financial offer based upon a 35-year Lease term (with an option to extend for a further 15 years subject to meeting performance and other requirements in the Lease).

**Non-Conforming Proposals**

1.8.8 Non-Conforming Proposals allow Proponents to submit alternative solutions that may include innovations outside Council’s contemplation as articulated in the Site Brief to meet the requirements of Council. However, only well-developed Non-Conforming Proposal should be submitted and Proponents are discouraged from submitting Proposals that have only limited thought or effort applied to them.

- 1.8.9 A Non-Conforming Proposal, must have the following attributes:
- a) Detail how the Non-Conforming Proposal provides a superior outcome for Council in terms of its Site Vision and Project Objectives; and
  - b) Clearly set out in a form capable of assessment by Council the key features of the Proposal including the design, operating model, benefits to marina users and the community and financial benefits to Council.

**1.9 Submission Requirements**

1.9.1 A submission (whether a Conforming Proposal, an Optional Conforming Proposal or a Non-Conforming Proposal) must:

- a) Contain the following documentation that will be assessed on a pass/fail basis:
  - (i) contain a completed and signed Proponent Statement in the form set out in Returnable Schedule 1;
  - (ii) a completed Site Brief Requirements Checklist in the form set out in Returnable Schedule 2 and Returnable Schedule 2A for each Conforming Proposal and/or Optional Conforming Proposal submitted; and
  - (iii) a complete OH&S schedule in the form set out in Returnable Schedule 3 for each Proposal.

- b) Contain a completed set of Returnable Schedules which comply with the requirements of this RFP (Schedules 4 to 9).
- c) Contain any other information or documentation required by this RFP.
- d) Contain any other information which Council notifies Proponents that it requires.

## **1.10 Assessment of Proposals**

- 1.10.1 In its assessment and selection of Proposals, Council will select the highest ranked Conforming Proposal unless an Optional Conforming Proposal or a Non-Conforming Proposal is equal to or more highly ranked against the non-financial Evaluation Criteria and presents an affordable value for money outcome overall.
- 1.10.2 Proponents are referred to section 6 of the RFP for more details of the evaluation of Proposals.

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## 2. THE PROJECT

### 2.1 General

Set out below is a description of the Project including:

- a) The Site Vision and Project Objectives.
- b) Requirements relating to the redevelopment of the St Kilda Marina.
- c) Required facilities and services to be provided by the Tenant.

The key terms of the proposed Lease are summarised in section 3 of this RFP document.

### 2.2 The Opportunity – St Kilda Marina

2.2.1 Council has developed a Site Brief to document current conditions and desired outcomes at the St Kilda Marina to guide future site development and lease requirements. It is a key document to inform the market and guide interested parties to provide suitable proposals for a long-term lease arrangement.

2.2.2 The Site Brief contains:

- a concise summary of essential background information for Proponents. It provides context for the current process with a precis of the St Kilda Marina History;
- a detailed regional and local context, with analysis on the local terrestrial, foreshore and marine settings;
- the current state of the St. Kilda Marina with information across a number of technical disciplines, each with an overview of investigations undertaken and policy context;
- an outline of the legislative and governance framework, with particular focus on the St Kilda Land Act, the Crown Land (Reserves) Act and the role of the City of Port Phillip Committee of Management to manage the St Kilda Marina; and
- an overview of the community and stakeholder engagement process carried out to date.

2.2.3 Importantly, the Site Brief contains the mandatory and discretionary criteria for the redevelopment, renewal and operation of the St Kilda Marina developed from the community panel and Councillor workshops that will form the basis of any new lease of the St Kilda Marina. Council is seeking RFP responses which address all of the mandatory criteria and as many of the discretionary criteria as possible.

2.2.4 The Site Brief is provided in Attachment 1.

## 2.3 Site Vision and Project Objectives

- 2.3.1 The vision for the St Kilda Marina has been developed through the community and stakeholder engagement process and the detailed background investigations undertaken. The vision aims to reflect the aspirations of the community, key stakeholders and Council.
- 2.3.2 The Site Vision is succinctly captured as:
- “A special place on the foreshore for everyone that welcomes a diversity of sustainable uses anchored by a working marina”.*
- 2.3.3 The Site Vision is articulated in the Site Brief through five key themes.
- Place identity - develop the identity of the St Kilda Marina.
  - Social and cultural - improve the social and cultural contribution of the site to the municipality.
  - Economic - derive improved economic benefit from the site.
  - Environment - ensure a net positive environmental outcome for the site and surrounds.
  - Financial - achieve financial sustainability.
- 2.3.4 Specific, measurable objectives have been created and are detailed for each theme.
- 2.3.5 The Project Objectives form the basis of the Evaluation Criteria.
- 2.3.6 The Project Objectives (including the delivery of the beneficial community outcomes set out above) should be embraced by the Tenant and delivered through the redevelopment and operations of the St Kilda Marina throughout the term of the Lease.

## 2.4 Site Redevelopment

### 2.4.1 Overview

Council wishes to see a redevelopment of the St Kilda Marina to deliver the requirements of the Site Brief and, in doing so, realise the Site Vision and Project Objectives for the Site.

In parallel with this RFP process, Council is undertaking a Planning Scheme Amendment process to ensure that the requirements of the Site Brief can be delivered. The design criteria in the Site Brief have been used as the basis for the detail in the planning controls documents that make up the Planning Scheme Amendment.

The current lease of the St Kilda Marina comes to an end on 30 April 2022. Council plans to execute a new long-term Lease in mid-2020, providing the successful Proponent sufficient time to obtain the necessary permits and consents for the redevelopment and organise the transition arrangements with the current tenant and subtenants (to the extent required).

Council intends to select the Tenant for the new long-term Lease at a time as close as possible to the time of Ministerial approval of the Planning Scheme Amendment.

The purpose behind the parallel procurement and planning process is to allow Proponents to adequately plan their redevelopment concept (as tendered in the RFP) to include statutory approvals, delivery of renewal works and operations in the context of the planning scheme amendment process (inclusive of the public consultation activity that forms part of that process).

Council wishes to see the redevelopment of the Site take place as early as possible during the term of the Lease. While it is acknowledged that the redevelopment may be undertaken in stages, a renewal programme that prioritises a substantial redevelopment of the Site in an initial works phase is preferred.

#### 2.4.2 Site and Landlord's Improvements

It is intended that, as Landlord, Council will make the Site (shown in the Site Brief) available to the Tenant including all Landlord's Improvements including:

- a) the harbour and harbour infrastructure.
- b) the breakwater and rock wall.
- c) the "Beacon" on the tip of the breakwater.
- d) other improvements including buildings and facilities fixed on the site.

The current tenant and subtenants may or may not remove installations or any other property owned by the current tenant or subtenants. Proponents must make allowance for this.

The Landlord shall make all Landlord's Improvements that remain on the Site available to the Tenant at the commencement of the Lease on a "where is, as is" basis.

The provision of the boat storage infrastructure (comprising of the dry storage boat mounts, wet pens, and security fencing for the wet pens) is subject to a payment by the successful proponent of \$620,000 for this infrastructure, as detailed in the lease. Proponents must make an allowance for this in their Proposals.

#### 2.4.3 Existing Service Station

The service station site is included in the Site. While the Site Brief is clear that the service station is not a permitted use, Council is prepared to allow a transition period of up to 10 years from the commencement of the new Lease, during which a service station will be permitted to continue operating.

- 2.4.4 The sublease for the service station provides that at the end of its sublease, the subtenant is required to remove all fuel pumps and fuel tanks and related tenant's trade fixtures and fittings and make good any damage caused by their removal and clean up to the satisfaction of the EPA, any

pollution caused by the subtenant's act or omission during the term of the sublease.

- 2.4.5 The Proposed Works must, at a minimum, meet the mandated requirements of the RFP and the Site Brief and be capable of supporting the Proponent's operational requirements.

Council wishes to see a redevelopment of the St Kilda Marina to deliver the requirements of the Site Brief and in doing so realise the Site Vision and Project Objectives for the Site. Accordingly, the Lease with the successful Proponent will include the requirement to carry out the Proposed Works including:

- a) replacement or upgrade as required or agreed, to the Landlord's Improvements including but not limited to buildings, services infrastructure, paths/trails and pavements, marine infrastructure, landscaping, site features such as the beacon; and
- b) design and construction of proposed buildings, infrastructure or features based on the Proponent's designs.

Other than where specifically agreed otherwise, the Tenant will be responsible for all costs associated with the Proposed Works. Proponents should therefore undertake all necessary investigations and make all necessary enquiries when preparing their Proposals to fully assess and understand the nature, extent and quantum of those costs.

- 2.4.6 Proposed Works Programme

The site redevelopment is to be completed as early as possible in the term of the Lease. Proponents are to include in their Proposals, a sufficiently detailed design, construction and staging programme to show the expected scope, sequence and overall duration of the Proposed Works. The programme is to clearly articulate statutory planning timeframes and areas of the marina that are operational or shut down during the period of the Proposed Works. The programme will form the basis of agreed timeframes for completion of works, to be incorporated into the Lease.

- 2.4.7 Design Quality

Proponents must ensure their Proposal is an excellent architectural design for a high quality, cohesive, innovative and sustainable marina. This should demonstrate design innovation and creativity, contribute to a sense of place, integrate environmental sustainability and represent a sensitive responsive to the setting on the St Kilda foreshore and deliver on the requirements of the Site Brief.

- 2.4.8 Importance of Place and Adjacent Public Spaces

Proponents should be prepared to design and deliver new public spaces to achieve the Project Objectives and to align with the Site Brief.

The foreshore is Port Phillip's most outstanding natural and cultural asset and plays a vital social and recreational role. The redevelopment of the St Kilda Marina presents a unique opportunity to re-contextualise the St Kilda Marina as an integral part of the foreshore rather than a barrier on the

foreshore. New public spaces should be beautifully designed, high quality, accessible, robust and appropriately detailed for the coastal conditions.

*Council expects that Proponents will design, operate and maintain public realm works, however Council will consider Proposals which justify early handover of defined parts of the public realm to Council such as the Bay Trail.*

#### 2.4.9 Environment, Landscape, Water and Coastal Resilience.

The environmental sustainability of the St Kilda Marina and bay is considered as important as the sustainability of the business.

The St Kilda Marina redevelopment represents an opportunity to reintroduce endemic coastal vegetation and enhance local biodiversity by protecting and creating marine, intertidal and on land habitats, particularly for bird species.

The Site has a range of vegetation types that hold different ecological value and support a range of animals, including native and migratory birds and insects. There is an area of high value native vegetation to the south of the carpark bordering Moran Reserve. This area has a high diversity of trees, shrubs and ground species.

Water within the St Kilda Marina has very low clarity. This is due to stormwater discharge and lack of flushing of the marina area. The species found within the St Kilda Marina are typical of artificial environments in northern Port Phillip Bay. The most common species are introduced. Adjacent to the Marina, the in-water habitat is in good condition and is predominately unvegetated sandy seabed with small areas of patchy sea grass and hard seabed. The fauna species present in the area outside the Marina are typical of such habitats in northern Port Phillip Bay, comprising mostly of native and endemic species with a portion of introduced species widely distributed in the Bay.

High energy efficiency and integrated water management is expected across the site, and improvements to the seawall are required to ensure the site remains safe and able to function as sea levels rise.

#### 2.4.10 Boating and Marine Services

Essentially operating as a self-contained “one-stop shop”, the St Kilda Marina currently offers boating and marine services ranging from public to private boat ramps supporting by boat and trailer parking, dry and wet storage options, boat fuelling, boat maintenance, repairs and detailing and a base for the Australian Volunteer Coast Guard.

The St Kilda Marina plays an important strategic role in the Victorian Government’s network of boating facilities. The Central Coastal Board Coast Action Plan 2015/2016 (CCBCAP) sets out a vision and guiding principles for boating facilities for Port Phillip Bay, extending from Breamlea in the west to Inverloch in the east.

The CCBCAP recognises the St Kilda Marina as a regional boating facility that provides services for a large catchment and is a significant boating destination. The St Kilda Marina and its boat ramp facilities are an important community asset which facilitate access to the bay for

recreational fishing, particularly during snapper season (September to December) and holiday periods.

It provides a safe haven, quick and efficient access to and from open water, public access to a boat ramp, boat and trailer parking, and petrol to fuel boats. There are various services catering for a wide range of boating activity and skill levels in a location that is well connected by various modes of transport.

The importance of the role of the St Kilda Marina in this context is expected to be met or exceeded under the new lease arrangement.

The Australian Volunteer Coast Guard (AVCG) is a marine search and rescue organisation comprised entirely of volunteers and recognisable for its distinct yellow vessels. Operating under State and Territory Emergency Management frameworks, the volunteers respond to a variety of marine incidents, rescuing thousands of people each year. The AVGC will continue to have a base at the St Kilda Marina, and will need to be accommodated as part of the development.

Dredging within the Marina lease area is required to provide appropriate navigable depths. The existing and new lease arrangement allocates responsibility for dredging to the Tenant. The sand displaced from dredging is then utilised to renourish the adjacent St Kilda Beach North. The approaches to St Kilda Marina, outside the lease area, are not covered by the local port 'Bays Maintenance Dredging Program - Long Term Management Program'. Currently, A Marine and Coastal Management Act 2018 (MACA) consent and a works authority under the Port Management (Local Ports) Regulations 2015 are both required for dredging of the entrance, the approaches to, and within, the St Kilda Marina.

#### 2.4.11 Heritage

The St Kilda Marina Heritage Assessment, prepared by Built Heritage (12 April 2018) concluded that the St Kilda Marina is of local heritage significance and recommended that a heritage overlay should be applied. The report is included in the Attachments.

The summary of findings from the statement of significance from this assessment included the following (see the report for details of the complete heritage assessment):

- The St Kilda Marina is significant at the local level for associations with the post-war boom of recreational boating, a sub-set of the broader recurring theme of maritime activity in the municipality.
- The St Kilda Marina is significant as a unique example of a purpose-built marina that was developed from scratch as a cohesive and self-contained facility. It follows the latest American examples at the time.
- The significant fabric is defined as the extent of the original development, comprising the harbour and its infrastructure, two dry boat storage buildings, pilot beacon, former amenities block, substation and toilet block, plus a curtilage extending to the boundaries of the 20-acre site.



- The St Kilda Marina is significant for the distinctive expression of some of its components, notably the two dry boat storage buildings, with iconic zigzag roofs (symbolic of ocean waves) and the pilot beacon.

The Heritage Overlay is the most appropriate Victorian Planning Provision (VPP) tool to introduce heritage controls to the St Kilda Marina site to accommodate its recognition of local cultural heritage significance while the Development Plan Overlay will facilitate development which aligns with the overall vision and objectives for the site. In doing so, it aims to establish certainty for the future use and development of the site. It will manage the scale and form of development in a sensitive location on coastal crown land through a “master planned” approach, generally as recommended by the Site Brief.

The intention of the proposed Heritage Overlay and revised site 2057 Citation is to:

- Extend the existing Heritage Overlay 187 which currently applies to the Beacon only, to apply to the entire St Kilda Marina site, and
- Introduce a Permit Exemptions Incorporated Plan (Incorporated Document) for the St Kilda Marina that lists certain permit exemptions which would otherwise be triggered under the Heritage overlay. It is proposed to include permit exemptions for demolition or removal of a building, or to construct a building or construct or carry out works where that action is generally in accordance with the approved development plan (as required by the proposed Development Plan Overlay 2 – DPO 2).

Conservation by use is an important heritage principle and for this reason there are circumstances where it is appropriate to allow the demolition, removal and/or alteration of significant fabric to facilitate the continued use of the culturally significant land use (marina) and ensure its continued viability.

In other words, part or full demolition, or major alterations to buildings, infrastructure or features that contribute to the significance of the marina may be allowed if:

- The demolition and/or changes support the continued viability of the marina use;
- The demolition and/or changes reflect a master-planned approach to re-development of the marina; and
- The alterations are generally in accordance with the approved development plan.

The Incorporated Document proposes that where a development plan has been approved for the whole of the site, any demolition or buildings and works which is generally in accordance with that development plan is exempt from a permit under the Heritage Overlay.

The draft planning documents that provide the details behind the proposal for the Planning Scheme Amendment and resultant requirements are contained in Attachment 6. These include the Special Use Zone Schedule 4, Development Plan Overlay 2 and Heritage overlay documents. It should

be noted that these documents are in draft form and may be changed through the planning scheme amendment process. The planning scheme amendment document has also been included, this is a technical document that explains what the amendment is seeking to do.

## 2.5 Facilities and Services

### 2.5.1 Generally

Under the proposed Lease, the Tenant will be required to provide facilities and carry out the following functions and services:

- a) Operate the St Kilda Marina as a working marina providing facilities and services for the storage, launching and retrieval of boats.
- b) Continued public access to boat launch and car and trailer parking facilities and functions.
- c) Either directly or through third parties, provide access on site to marina-related services such as boat service and maintenance, mechanic services, ship chandlery and equipment supplies boat sales, boat refuelling.
- d) Open space areas with facilities and amenities at least to the extent provided for by the Site Brief.
- e) Amenities for use by the general public that are not restricted to private or commercial access.
- f) Facilities for the Australian Volunteer Coast Guard, as outlined in the Site Brief and "Tenancy Brief" provided in Technical Specifications (Attachment 17).
- g) Accommodation and facilities for sky diving activities to the extent required by Council (sky diving organisations are required to have a license to use adjacent Moran Reserve to land. An expression of interest process has recently been undertaken by Council for a new 3-year licence for Moran Reserve, for this purpose).

The Tenant is responsible for ensuring the safe and efficient operation of the St Kilda Marina at all times.

### 2.5.2 Site and Marina Availability

The Tenant must ensure key public spaces are fully publicly accessible at all times. The Tenant must ensure availability as follows:

- a) 24-hour access to the public boat ramp and associated car and trailer parking.
- b) 24-hour access to the Bay Trail.
- c) 24-hour access to public realm and key open space features where possible (depending on outcomes of the design).

Skydiving is an activity that is required to be maintained as part of the redevelopment. The organisation responsible for sky diving utilises adjacent Moran Reserve to land skydivers. The site currently accommodates their training facility and office. An allowance should be made to accommodate this within the Site to the extent required by Council.

#### 2.5.3 Maintenance and Care of the Premises

The Tenant is responsible for the ongoing maintenance and upkeep of all elements of the St Kilda Marina including day to day cleaning and rubbish / litter removal, repairs of facilities and equipment, and ensuring an overall high standard of presentation of both the St Kilda Marina areas and publicly accessible areas of the Site is maintained at all times.

The Tenant is responsible for the periodic, scheduled capital maintenance of all buildings, services and major plant and equipment used or installed on the premises.

The Tenant is to allow access for Council contractors and/or officers to undertake regular inspections of all essential services as required.

Council as Landlord shall have access to inspect the premises annually with prior written notice.

#### 2.5.4 Subleasing

Subject to the Landlord's approval, the Tenant is entitled to sublease part of the premises to third parties to carry out certain approved uses.

#### 2.5.5 Complementary Uses, Facilities and Services

Proponents are encouraged to include in their Proposals any ancillary facilities or services that will support the primary function of the St Kilda Marina as a working marina, which they consider will contribute to the Project Objectives and the beneficial community outcomes discussed above and contained in the Site Brief.

### 3. KEY LEASE TERMS

An overview of the key terms of the proposed Lease is set out below, based upon a Conforming Proposal approach.

<b>Key terms of the Lease</b>	
<b>Commencement Date</b>	1 <sup>st</sup> May 2022
<b>Lease Term</b>	A single term of 35 years.
<b>Further Term</b>	A single further term of up to 15 years subject to the Tenant meeting the Landlord's requirements as described in the Lease.

<b>Premises</b>	The Landlord will lease to the Tenant all of the land and improvements contained within the lease boundary shown on the plan in Attachment 2 of the RFP.
<b>Improvements Available at Commencement</b>	Improvements available on the Commencement Date will include non-portable buildings currently on site and boat storage infrastructure (comprising the wet pens, security fencing for the wet pens and the dry storage boat mounts). The Tenant (unless it owns the boat storage infrastructure) will be required to reimburse to the Landlord the cost of the boat storage infrastructure being \$620,000 plus GST, upon the Commencement Date.
<b>Permitted Use</b>	<p>The Tenant is permitted to use the Premises as a marina as defined in the St. Kilda Land Act 1965, subject to the requirements of the Planning Scheme (as amended from time to time).</p> <p>The following uses will not be permitted by Council as Landlord</p> <ul style="list-style-type: none"> <li>a) gaming machines;</li> <li>b) private residential dwellings</li> <li>c) hotel</li> <li>d) motor vehicle service station (after a transition period of maximum 10 years from the Commencement Date of the first term).</li> </ul>
<b>Security</b>	<p>The Tenant shall be required to provide two forms of security:</p> <ul style="list-style-type: none"> <li>a) cash or an unconditional guarantee from a recognised bank or other similar financial institution equivalent for an amount to be agreed; and</li> <li>b) parent company or directors' personal guarantees.</li> </ul>
<b>Rent</b>	Rent may include ground rent and any other turnover rents related to the use or operations of the Premises.
<b>Outgoings</b>	The Tenant is responsible for all outgoings associated with the Premises including but not limited to utilities, rates & taxes (including land tax), servicing and maintenance costs.
<b>Rent Review</b>	<p>Rent will be reviewed to market on the 15<sup>th</sup> anniversary of the Commencement Date and every 5 years thereafter and on the Commencement Date of any further term.</p> <p>Unless the rent is being reviewed to market, the rent shall be adjusted by 3.5% on an annual basis.</p>

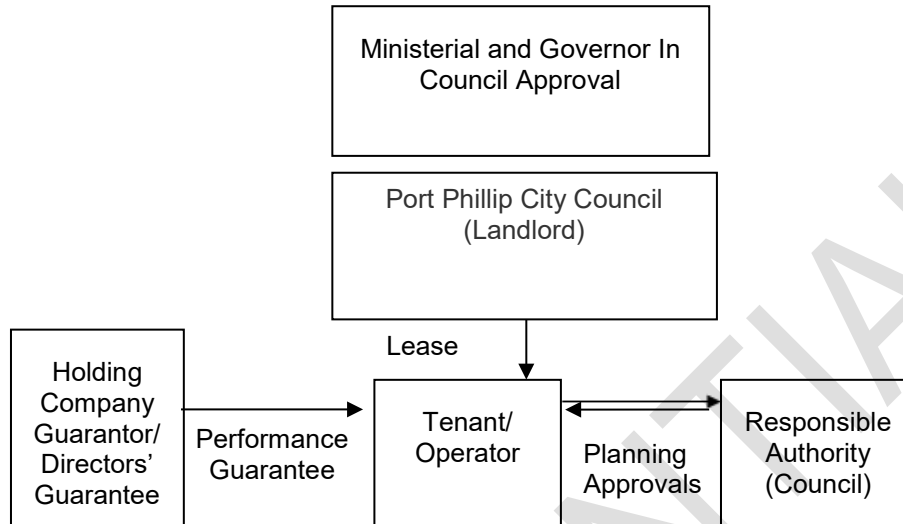
	The reviewed rent cannot be less than the rent in the previous year.
<b>Insurance</b>	<p>The Landlord must effect insurance damage and destruction of all improvements on the Premises.</p> <p>The Tenant will be required to reimburse the Landlord for the cost of insurance.</p> <p>The Tenant must effect public liability insurance at its own cost.</p>
<b>Site Renewal and Redevelopment Works (Proposed Works)</b>	<p>The Tenant is responsible for obtaining any required permits or consents for the Proposed Works and will be required to obtain the planning permits within agreed timeframes.</p> <p>The Tenant is to complete the Proposed Works within agreed timeframes.</p>
<b>Public Realm</b>	The Tenant is responsible at its cost for designing and constructing the public realm as part of the Proposed Works.
<b>Repair, Maintenance and Capital Replacement</b>	<p>The Tenant shall be responsible for repair, maintenance and capital replacement of all Improvements on the Premises, unless otherwise agreed.</p> <p>The Tenant is required to repair, maintain and replace all Improvements, in the same condition as the Improvements are in at the time of completion of the Proposed Works, subject to fair wear and tear.</p>
<b>Asset Management Plan</b>	<p>The Tenant is responsible for preparing an Asset Management Plan (<b>AMP</b>) conforming with the National Asset Management System, for all improvements and infrastructure, before the Commencement Date and immediately after any significant redevelopment or renewal stage and each 5 years thereafter.</p> <p>The AMP is intended to ensure that the Premises and all improvements are kept in a safe and compliant state and will be returned at the end of the Lease with a minimum remaining useful life of at least 5 years.</p> <p>The Tenant must obtain the Landlord's approval to the Asset Management Plan (such approval not to be unreasonable withheld).</p>
<b>Annual Report and Forecast</b>	<p>The Tenant must provide annual reports to the Landlord including but not limited to:</p> <ul style="list-style-type: none"> <li>asset condition and maintenance report for the previous 12 months</li> </ul>

	<ul style="list-style-type: none"> <li>• asset management forecast for the following 24 months including the agreed asset management plan for major equipment, buildings and infrastructure (e.g.: seawall, buildings and sheds or other heritage assets),</li> <li>• management of public realm and public space interface.</li> </ul> <p>Where turnover rents apply, the Tenant is to report annually to the Landlord on the following:</p> <ul style="list-style-type: none"> <li>• revenues related to St Kilda Marina services and operations,</li> <li>• operating expenses related to St Kilda Marina services,</li> <li>• rents and turnover related to any subleases,</li> <li>• any other income generated on the Premises.</li> </ul>
<b>Assignment</b>	<p>The Tenant will not be entitled to assign the Lease within the first 15 years of the Lease. Thereafter, the Tenant may assign the Lease with the consent of the Landlord (such consent not to be unreasonably withheld).</p>
<b>Subleasing</b>	<p>The Tenant may sublease any part of the Premises subject to the prior written consent of Council (such consent not to be unreasonably withheld).</p>
<b>End of Term arrangements and Make Good</b>	<p>Ownership of all the Tenant's improvements shall revert to the Landlord, without any compensation, upon expiration or earlier determination of the Lease.</p> <p>The Tenant must return the Premises and all improvements to the Landlord at the end of the Lease in a condition consistent with the Tenant having fulfilled its obligations under the Lease.</p>
<b>Retail Leases Act 2003</b>	<p>The Tenant acknowledges that the Lease is exempt from this Act.</p>

## 4. PROJECT PARTIES AND ROLES

### 4.1 Structure of Key Parties and Participants

The intended structure for the Project is outlined below:



### 4.2 Role of State Government

4.2.1 Under the St. Kilda Land Act 1965, the governing legislation pertaining to the St Kilda Marina site, Governor in Council is the approving body for the Lease.

4.2.2 Approval is facilitated through Crown Land Management officers in DELWP who make a recommendation to the Minister. If the Minister is satisfied with the Lease, the Minister will request Governor In Council approval.

### 4.3 Role of Port Phillip City Council (Council)

4.3.1 Council has two distinct roles in the Project – a role as Landlord, and a role as responsible authority for any required planning approvals.

4.3.2 In its role as Landlord, Council will undertake the RFP process for the Project and following completion of the RFP process, will administer the Lease as Landlord.

4.3.3 In its role as responsible authority, Council will be required to assess any planning applications against the planning scheme (as modified by the current process) and if appropriate, issue planning and associated approvals for any facility upgrades proposed by the Tenant including attaching any conditions to the approval.

4.3.4 The Council's roles as Landlord and responsible authority respectively, are carried out separately and under separate lines of governance or powers of authority. The Council's regulatory role (as responsible planning authority) must be carried out independently. Nothing contained in the Lease should be interpreted as conferring any obligation on Council acting as the

Landlord to apply or seek to apply any influence over Council acting in any other capacity.

#### **4.4 Role of the Tenant**

- 4.4.1 Under the proposed Lease, the Tenant as tenant and operator will be required to carry out all necessary tasks and functions to ensure the safe and sustainable management of the St Kilda Marina for the term of the Lease. The Tenant will be responsible for the promotion of the St Kilda Marina, contracting for the leasing and hire of the facilities, collecting revenue, and incurring all costs associated with the operation of the St Kilda Marina, including all statutory fees, charges and outgoings.
- 4.4.2 The Tenant will also be required to undertake the Proposed Works as described in section 2.
- 4.4.3 Council requires the Tenant to manage, operate and maintain the St Kilda Marina to a high standard and where applicable, in accordance with or exceeding the minimum standards of safety, accessibility and amenity, as stipulated by relevant laws and regulations.

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## 5. BACKGROUND INFORMATION AND DOCUMENTS

### 5.1 General

This RFP includes a range of background information and documents. Set out below is an outline the information and documents.

### 5.2 Site conditions and site information

5.2.1 Information regarding existing site conditions are included as Attachments to this RFP and include information on:

- a) Legislative and Governance Framework
- b) Planning Scheme documentation:
  - (i) Special Use Zone Schedule 4
  - (ii) Development Plan Overlay 2
  - (iii) Heritage overlay
  - (iv) Planning Scheme Amendment Document
- c) Environmental and Coastal Hazard Assessment
- d) AECOM Environmental and Coastal Report (including Sea Wall performance criteria)
- e) High Level Site Geotechnical and Ground Conditions Assessment
- f) Asset Condition Surveys and Plans including Existing Services Types and Locations
- g) Land and Feature Survey
- h) St Kilda Marina - Boundary Reestablishment Survey (to be provided at a later date)
- i) Traffic Surveys (vehicle, bike and boat ramp) undertaken in 2017
- j) Heritage Report
- k) Cultural/Aboriginal Heritage Due Diligence Assessment
- l) Australian Volunteer Coast Guard Tenancy Brief
- m) Community Engagement Report
- n) Port Phillip Bay Wave Climate Report 2017

5.2.2 The above information is intended to relay the comprehensive information about the Site collected over time to assist in developing proposals. In some cases, the information is dated. Council does not warrant the accuracy or validity of the reports provided. Proponents must not rely on any warranties provided to Council by the authors of any of the reports.

- 5.2.3 If any further information becomes available to Council during the RFP process, Council will issue such information to Proponents.

### **5.3 Statutory Controls**

- 5.3.1 This RFP process is envisaged to run until mid-2020. The current lease for the St Kilda Marina runs to 30 April 2022. Therefore, it is anticipated that there will be a period of up to 22 months to plan and prepare for transition from the current interim lease to the new long-term lease.
- 5.3.2 Council is coordinating a Planning Scheme Amendment for the St Kilda Marina to run in parallel with the procurement process for the Lease. More information about the planning process is available on Council's website under June 2019 Council Reports.

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## 6. PROPOSAL REQUIREMENTS AND EVALUATION CRITERIA

The following section outlines the requirements and Evaluation Criteria to be applied to all Conforming Proposals received and evaluated by Council in accordance with the RFP. Where possible, Proponents should specifically respond to these matters in their Proposals in the form set out in the Returnable Schedules.

Proposals must be complete and should be able to be read and evaluated on a stand-alone basis without requiring Council to refer to the Proponent's EOI submission.

### 6.1 Summary of Evaluation Criteria

The following criteria is to be used to evaluate the Proposals:

#### 6.1.1 Compliance Criteria (Pass / Fail)

The following two compliance criteria will be subjected to a pass / fail assessment. Proposals which do not meet the minimum requirements of these compliance criteria will not be evaluated further.

##### a) **Submission Requirements**

To meet the requirements of this criterion and progress to evaluation a **Conforming Proposal** must contain all the elements set out in section 1.9 of this RFP.

To meet the requirements of this criterion and progress to evaluation an **Optional Conforming Proposal** must contain all the elements set out in section 1.9 of this RFP.

Council is seeking RFP responses which address all of the mandatory criteria and as many of the discretionary criteria as possible contained in the Site Brief.

##### b) **Compliance with Council procurement process requirements**

To meet the requirements of this criterion and progress to evaluation a Proposal must comply with the general terms and conditions of RFP in accordance with section 7.

#### 6.1.2 Evaluated Criteria

Each of the following criteria will be assessed and scored by Council.

##### a) **Non-Financial Criteria (weighted 70%)**

1. Vision, Design, Site Integration and Connectivity
2. Capability, Capacity and Track Record
3. Viability, Operations and Transition
4. Corporate Social Responsibility

##### b) **Financial Offer (weighted 30%)**

5. Financial Offer to Council

##### c) **Risk Assessed**

6. The acceptance of the proposed Lease conditions.

The acceptance of the proposed Lease conditions (Criterion 6) will be evaluated and scored separately (refer below).

## 6.2 Details of Evaluation Criteria

All Proposals that pass the assessment of the compliance criteria will then be evaluated against the following Evaluation Criteria by the Evaluation Panel.

Proponents are to provide their Proposals in form set out in the Returnable Schedules attached to this RFP.

<p><b>Criterion 1</b></p>	<p><b>Vision, Design, Site Integration and Connectivity</b></p> <p>Council will evaluate Proposals based on:</p> <ul style="list-style-type: none"> <li>• The extent to which the Proposal provides 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 design related aspects of 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>
<p>Specific Proposal Requirements</p>	<p>Proposals should include the following information:</p> <ul style="list-style-type: none"> <li>• Clearly demonstrate how the Proponent’s overall vision for the redevelopment of the Site embraces its unique setting and captures the Site Vision and Project Objectives contained in the Site Brief and indicate how this will benefit marina users and the wider community.</li> <li>• Explain how the design responds positively and appropriately to the requirements of the Site Brief. Proponents should demonstrate the design rationale and the functional and practical qualities of the design and how it: <ul style="list-style-type: none"> <li>○ Delivers a high-quality aesthetic outcome through a distinct architectural style, selection of materials and activation of key zones and areas of the Site.</li> <li>○ Supports marina operations including the placement and siting of key uses and functions;</li> <li>○ Provides a diverse network of publicly accessible places to suit a variety of needs and user groups, including a ‘civic heart, with a connection to the waterside, landscape and activated frontages to buildings where the design permits.</li> <li>○ Protects and enhances critical views into and across the marina and marina site, including views of Marina activity from public spaces.</li> <li>○ Defines relationships and how connections between important uses have been planned.</li> <li>○ Supports the achievement of high levels of efficiency and service quality to users of the marina to produce a viable and sustainable business outcome;</li> <li>○ Values and respects the heritage attributes of the St Kilda Marina.</li> <li>○ Contemplates a relationship between the St Kilda Marina and the surrounding public spaces and urban design.</li> </ul> </li> <li>• Show Council (in the case a Conforming Proposal via a feasibility study and in the case of an Optional Conforming Proposal as a firm offer): <ul style="list-style-type: none"> <li>○ how a high quality and functionally feasible connection between the marina peninsula and the foreshore (Bay Trail) to accommodate cycle and pedestrian paths can be delivered;</li> <li>○ the operational conditions under which the connection would be used or managed;</li> <li>○ any opportunities and/or constraints related to the realignment of the Bay Trail;</li> <li>○ any constraints or working limitations for either water-based users or land-based access to the connection and public realm;</li> <li>○ any sight line impacts to the beacon; and</li> <li>○ how the proposed solution will meet all relevant requirements including equality of access for people of all abilities.</li> </ul> </li> </ul>

Note any costs associated with the connection will be evaluated under the Financial Criterion

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<b>Criterion 2</b>	<b>Viability, Operations and Transition</b>  Council will evaluate Proposals based on: <ul style="list-style-type: none"> <li>• The extent to which the Proponent’s Proposal is capable of delivering a financially sustainable operation taking account of the redevelopment of the Site, the mix of activities and the demonstrated commercial merit of the uses and activities proposed.</li> <li>• The quality of the project management and transition approach including the extent to which it ensures good stakeholder and community engagement, ensures a smooth handover and minimises disruption on Site.</li> <li>• The robustness of the approach to long-term asset management and the extent to which this ensures assets are appropriately maintained, renewed and improved over the life of the Lease.</li> </ul>
<b>Specific Proposal Requirements</b>	<p><u>Viability</u> Proposals should include the following information:</p> <ul style="list-style-type: none"> <li>• Outline of the proposed works and the uses and functions contemplated by the Proposal; and</li> <li>• Include a 10-year cash flow showing all major capital costs, revenues and operating expenses (including any assumptions) to demonstrate the veracity of the Proposal. This should also indicate the level of debt and equity to be utilised.</li> </ul> <p><u>Operational Plan</u> Proposals should include the following information:</p> <ul style="list-style-type: none"> <li>• Describe how the Proposal will deliver an efficient, high quality and fit for purpose marina operation including non-marina related services. Include the following: <ul style="list-style-type: none"> <li>○ The proposed works including phasing of works and a cost breakdown.</li> <li>○ An outline of project management, procurement and stakeholder engagement approach to works including involvement of State and Council.</li> <li>○ The nature, extent and location of all operations and functions proposed for the Site including: <ul style="list-style-type: none"> <li>▪ Marina functions including number and configuration of wet pens, dry storage facilities, trailer storage and any other marina facilities.</li> <li>▪ Fuel sales (including clearly defining the proposed use, if any, of a service station use for up to 10 years).</li> <li>▪ Marina services including mechanic, maintenance, cleaning, ship chandlers and supplies.</li> <li>▪ Non-marina services (if any).</li> <li>▪ Retail operations including food and beverage and convenience retail.</li> <li>▪ Any other activities on Site.</li> </ul> </li> </ul> </li> </ul> <p><u>Asset Management</u> Proposals should include the following information:</p> <ul style="list-style-type: none"> <li>• Briefly articulate the proposed strategy and approach to deliver a high-quality long-term asset management outcome including: <ul style="list-style-type: none"> <li>○ Asset management planning.</li> <li>○ Reporting on actual and planned asset condition and management activities.</li> <li>○ Key asset management and maintenance assumptions.</li> <li>○ Indicative 35 year renewal timetable including, capital upgrades and replacements <u>post the completion of the initial renewal works.</u></li> <li>○ Details regarding the periodic and programmatic upkeep of facilities, ensuring compliance with current standards.</li> <li>○ Management of the Tenant’s responsibilities regarding occupational health and safety and the comfort and safety of the public.</li> </ul> </li> <li>• Include details of how Proponent proposes to ensure the return of the St Kilda Marina to Council in accordance with the requirements of the Lease.</li> </ul>

Transition

Proposals should include the following information:

- Demonstrate a clear strategy for the smooth transition from the current lease to the new lease.
- Document the timetable including specific redevelopment activities, their duration, sequence and any assumptions to demonstrate a consistent and convincing approach to achieving the redevelopment of the Site in the shortest possible time.
- Explain how disruption to the use of the Site will be minimised during redevelopment and operations of the marina are to be maintained.

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<b>Criterion 3</b>	<b>Capability, Capacity and Track Record</b>  Council will evaluate Proposals based on: <ul style="list-style-type: none"> <li>• Organisational structure</li> <li>• Experience of the Proponent (Organisational)</li> <li>• Experience and expertise of the Proponent team key personnel (Individuals)</li> </ul> Council will assess development and operational experience related to both specific marina and non-marina aspects of development. Proponents should include all information required under this criterion irrespective of whether it has been previously issued to Council through the EOI process. Proponents should also note any changes since the submission of their EOI.
<b>Specific Requirements</b>	Proponents should demonstrate the following; <ul style="list-style-type: none"> <li>• Project Structure – Clearly demonstrate organisational and individual roles and responsibilities as they relate to the development and operational phases of the Project.</li> <li>• Organisational - Demonstrated track record of the Proponent (or members of the consortium) in the successful delivery of similar projects and operations.</li> <li>• Individual - Demonstrated track record of the key staff of the Proponent or consortium (or members of the consortium) nominated to work on the Project if successful</li> </ul> In particular, Proponents should provide the following details in their Proposal. <p><u>Structure</u></p> <ul style="list-style-type: none"> <li>• Provide an organisation chart to describe the consortium, including key relationships. Include the full team including key staff, contractors and consultants.</li> </ul> <p><u>Organisational</u></p> <ul style="list-style-type: none"> <li>• Credentials – track record and experience of entity (and related entities) in delivery of this type of redevelopment and operation, and financial credentials.</li> <li>• Quality and capacity of nominated consultants and contractors committed to the Project</li> <li>• Clearly demonstrate how the experience of the key entities will contribute to the successful redevelopment, management and operation of the St Kilda Marina.</li> <li>• Examples of marina / site performance where the entity or consortium members have been successfully involved.</li> <li>• Approach and track record of the organisation in delivering community benefits.</li> <li>• Re-submit, with any updates as required, the EOI schedule of queries about financial credentials as part of Returnable Schedule 6.</li> <li>• Any specific changes to the information provided in the EOI.</li> </ul> <p><u>Individuals</u></p> <ul style="list-style-type: none"> <li>• Quality, track record and capacity of nominated key personnel committed to the Project (qualifications and time allocation).</li> <li>• Approach to bridging any capability gaps</li> <li>• Where any role is not fully allocated to the St Kilda Marina (i.e. where the role is shared with another marina or operation) this should be noted and the percentage of the role allocated to the St Kilda Marina should be clearly stated.</li> <li>• Clearly demonstrate how the experience of the key personnel will contribute to the management and operation of a successful St Kilda Marina.</li> <li>• Outline approach to ensure that key personnel credentials are maintained for the term of the Lease including strategies for managing succession over the term.</li> <li>• Approach and track record of the nominated individuals in delivering community benefits.</li> <li>• Any specific changes to nominated individuals from the information provided in the EOI.</li> </ul>



<p><b>Criterion 4</b></p>	<p><b>Corporate Social Responsibility</b></p> <p>Council has a strong focus on Corporate Social Responsibility (CSR) and uses procurement as vehicle to generate environmental, social and economic sustainability. This is reflected in the vision, objectives and design criteria in the Site Brief.</p> <p>Council is seeking 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.</p> <p>Accordingly, Council will evaluate proposals based the following criteria:</p> <ul style="list-style-type: none"> <li>• The extent to which the Proposal provides confidence in the management of the impact of development, operations and products on the environment.</li> <li>• The extent to which the Proposal demonstrates commitment to the fair treatment of staff and demonstrates commitment to safe and ethical business practices.</li> <li>• The extent to which the Proposal provides confidence in the management of the impact of the development, operations and products on the social and economic sustainability of the community.</li> <li>• The extent to which the Proposal provides confidence in the management of supply chain impacts on environmental, social and economic sustainability.</li> <li>• The extent to which the Proposal demonstrates a credible, transparent and holistic approach to reporting on planned and actual CSR performance.</li> </ul>
<p><b>Specific Requirements</b></p>	<p>Proponents should complete Returnable Schedule 7. This will require proponents to provide a response to the criteria outlined above. The responses should clearly indicate</p> <ul style="list-style-type: none"> <li>• existing policies, practices, procedures` and achievements</li> <li>• proposed policies, practices, procedures and targets</li> <li>• the extent to which mandatory and discretionary criteria in the Site Brief related to environmental, social, and economic sustainability will be achieved or exceeded by the proponent</li> <li>• the proposed mechanisms for reporting on planned and actual achievements with respect to CSR throughout the life of the lease.</li> </ul> <p>Note: in terms of environmentally sustainable proposed practices or initiatives, the Sustainability Plan (required as part of the Site Brief) should be included as part of Returnable Schedule 7.</p>

<b>Criterion 5</b>	<p><b>Financial Offer (30%)</b></p> <p>Council will evaluate proposals based on the value of the financial return to Council in both nominal and net present value terms with reference to:</p> <ul style="list-style-type: none"> <li>• The guaranteed rental per annum payable to Council and</li> <li>• Any offer of turnover rent payable to Council.</li> </ul>
Specific Requirements	<p>Proposals should include the following information.</p> <ul style="list-style-type: none"> <li>• The guaranteed rental per annum payable to Council (net of outgoings).</li> <li>• Confirmation of compliance with the rental escalation and review to market approach detailed in the Lease.</li> <li>• Any offer of turnover rent payable including details of any conditions or other mechanisms that affect the amount of turnover rent.</li> <li>• For Conforming Proposals, provide the estimated design and construction cost of the connection from the marina peninsula to the foreshore.</li> <li>• For Optional Conforming Proposals only, include the quantum and timing of any contribution required from Council with respect to the connection from the marina peninsula to the foreshore.</li> </ul> <p>Financial Model</p> <ul style="list-style-type: none"> <li>• The 10-year cashflow (as per criterion 2) is to include all elements of the Proponent's financial offer and should include all allowances for applicable rates and charges and the value and timing of other financial contributions (including the site renewal / proposed works and asset management commitments).</li> <li>• Proponents should provide detailed list of assumptions supporting the cashflow model.</li> </ul> <p>Note: Council will assess financial offers based on net present value to Council. In this regard, Council will also assess the certainty of cash flows to Council, the relative risk associated with each component of the financial offer and apply an appropriate discount rate.</p>

Criterion 6	Acceptance of Proposed Lease Conditions
Specific Requirements	<p>Proponents should note that the acceptance of the proposed lease conditions (as set out in the draft Lease) will be risk assessed. Departures requested by Proponents are to be set out in the template Schedule of Departures included in Returnable Schedule 8. Proponents are encouraged to minimise departures from the preferred form of the Lease.</p> <p>Note that, despite a Proposal having passed compliance criteria, for a Proposal to be considered, the Evaluation Panel must be satisfied that either:</p> <ul style="list-style-type: none"> <li>a) The Proponent's Lease response is acceptable to Council as submitted; or</li> <li>b) If the response is not fully acceptable, the Evaluation Panel considers that there is scope to negotiate the Proponent's response to this Criterion 6 to an acceptable level.</li> </ul> <p>If the Evaluation Panel does not consider that either a) or b) above is satisfied or capable of being satisfied, the Evaluation Panel can set aside any Proposal.</p>

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## 7. GENERAL TERMS AND CONDITIONS OF RFP

### 7.1 Lodgement details

The Proponent must submit to Council by 2pm AEST on the Closing Date, Thursday 19 December 2019, one electronic copy of its Proposal online via TenderLink at:

[www.tenderlink.com/portphillip](http://www.tenderlink.com/portphillip)

Three bound presentation copies and one unbound copy of its Proposal must also be submitted in one or more sealed envelopes or packages marked "Strictly Private and Confidential – St Kilda Marina – Request for Proposals" to the Tender Box at:

St Kilda Town Hall, 99a Carlisle Street, St Kilda, Victoria, 3182

within 24 hours of the Closing Date and Time as outlined in section 7.2 (i.e. by 2pm AEST on Friday 20 December 2019)

If there are discrepancies between the Proponent's electronic and hard copy submissions, the electronic copy shall take precedence.

### 7.2 Closing Date and Time

The closing time for submission of Proposals is **2.00pm AEST on Thursday, 19 December 2019. Council will not consider late Proposals.**

### 7.3 Enquiries

All communications relating to this RFP must be directed to

[www.tenderlink.com/portphillip](http://www.tenderlink.com/portphillip)

The final date and time for lodgement of queries about the RFP by proponents is **2pm AEST on Thursday 5 December 2019.**

### 7.4 Costs

Council, the State and any of their authorities, agencies, officers, employees, agents or advisers will not be responsible for any costs or expenses incurred by any Proponent in preparing or lodging a Proposal or in complying with the RFP process.

### 7.5 Probity

7.5.1 Council has appointed Julia Cornwell McKean of CourtHeath as its probity advisor (**Probity Advisor**) for this Request for Proposals process.

7.5.2 The Probity Advisor's role will be to independently advise on and monitor the procedural integrity (Probity) throughout this Request for Proposals process and any subsequent process.

7.5.3 The Probity objectives adopted will seek to ensure:

- a) all parties to the Request for Proposals process act honestly and in good faith;

- b) the Request for Proposals process complies with applicable laws and government policies;
- c) proponents and their associates do not engage in collusive practices, anti-competitive conduct or any other similar conduct;
- d) the confidentiality of all relevant information is maintained;
- e) there is fairness and impartiality in the Request for Proposals evaluation and selection processes;
- f) conflicts of interest are identified and addressed; and
- g) best value for money is obtained.

7.5.4 Proponents are invited to bring any matters of concern regarding the conduct of the Request for Proposals process to the attention of the Probity Advisor.

## 7.6 Confidentiality

7.6.1 The Proponent, its employees, agents and consultants, are and remain subject to the confidentiality requirements of the EOI process.

7.6.2 This RFP is a confidential document.

7.6.3 Subject to the terms of this RFP, the Proposals will become Council's property. Without limitation, each Proponent authorises Council to use and reproduce the whole or any portion of the Proponent's Proposal for the purposes of evaluation.

7.6.4 Any personal information collected as part of the RFP process will be handled in accordance with the *Privacy and Data Protection Act 2014* (Vic).

7.6.5 Until a Proponent's offer is accepted by way of entry into a Lease, the Proponent may not disclose the terms of its Proposal to any party other than Council, unless:

- a) the Proponent obtains the consent of the Council; or
- b) such disclosure is required for the purpose of the implementation of this RFP.

7.6.6 The Proponent, its employees, agents and consultants, agrees to hold all information received as part of this RFP in confidence.

## 7.7 Canvassing

7.7.1 The Proponent, its employees, agents and consultants, must not approach, or request any other person to approach, any Councillor, member of Council's staff or consultant engaged by Council:

- a) to solicit support for its Proposal; or
- b) otherwise seek to influence the outcome of the RFP process.

- 7.7.2 The Proponent will, to the extent practicable and reasonable, avoid socialising with Councillors, members of Council's staff or consultants engaged by Council and the Evaluation Panel, and where such socialising occurs, refrain from discussing its Proposal and/or the RFP process.
- 7.7.3 The Proposal of any Proponent who seeks to canvass or who contacts a Councillor directly or indirectly, including having others make representations on their behalf, in relation to the procurement process may not be considered by the Council.
- 7.7.4 If a Proponent breaches section 7.7, Council may, in its sole discretion, disqualify the Proponent from participating in the RFP process.

## **7.8 Conflicts of interest**

Proponents must have completed the conflict of interest declaration, and declare to Council any direct or indirect conflict of interest of:

- a) the Proponent;
- b) any agent acting for the Proponent;
- c) any other consultant acting for the Proponent; and
- d) in respect of Council or the RFP process.

## **7.9 Public Statements**

A Proponent must not make any public statement, including doing any media releases, in relation to the RFP process and must refer all enquiries from the media to Council.

## **7.10 No Fettering of Council's powers**

Nothing in this RFP shall fetter or restrict the power or discretion of the Council to make or impose requirements or conditions in connection with any use or development of the St Kilda Marina or the granting of any planning approval or building permit.

## **7.11 Warranty and Acknowledgement**

By submitting a Proposal, the Proponent:

- 7.11.1 warrants to Council that the information contained in its Proposal is accurate and complete as at the date on which it is submitted, and may be relied upon by Council;
- 7.11.2 acknowledges that Council will rely on the above warranty and undertaking when evaluating its Proposal; and
- 7.11.3 acknowledges that the Proponent has read and understood the disclaimer set out in section 7.12 below and has given the confirmation set out in that disclaimer.

## 7.12 Disclaimer

Council has prepared this RFP to give Proponents background information on the Project and to detail its requirements for Proposals. None of Council, the State, any of their authorities or agencies nor any of their respective officers, employees, agents or advisers (the parties) gives any warranty, or makes any representations, express or implied, as to the completeness or accuracy of either the information contained in this RFP or any information which may be provided (for or on behalf of any of the parties) and is related in any way to the Project, and each of the parties expressly disclaims any and all liability relating to or resulting from the use of such information by any Proponent or any other person to who the Proponent provides the information.

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## 8. DEFINITIONS

In this RFP:

**Conforming Proposal** means Proposals which conform with the requirements of sections 1.8.4 of this RFP.

**Council** means Port Phillip City Council.

**Council Project Manager** means the project manager nominated by Council from time to time.

**Councillors** means elected members Port Phillip City Council.

**Closing Date** means the closing date referred to in section 7.2.

**EOI** means the expression of interest process for the Project conducted by Council in 2019.

**Evaluation Criteria** means the evaluation criteria by which Proposals will be evaluated, as set out in section 6 of this RFP.

**Evaluation Panel** means the panel appointed to evaluate Proposals in accordance with this RFP.

**Landlord** means the landlord under the Lease, being the Council as Committee of Management pursuant to the *St Kilda Land Act 1965 (Vic)*.

**Landlord's Improvements** means all improvements on the Site as at the commencement date of the Lease.

**Lease** means the lease for the St Kilda Marina.

**Minister** means the Minister for Energy, Environment and Climate Change in the State of Victoria.

**Non-Conforming Proposal** means Proposals which do not conform with the requirements of this RFP as described in section 1.8 of this RFP.

**Optional Conforming Proposal** means Proposals which conform with the requirements of sections 1.8 of this RFP.

**Planning Scheme Amendment** means the proposed planning scheme amendment (Attachment 6).

**Probity Advisor** means the probity advisor appointed by Council.

**Project** means the long-term lease of the St Kilda Marina.

**Project Objectives** means the project objectives specified in section 2.3.

**Proponent** means a person or corporate body who submits a Proposal in accordance with this RFP.

**Proponent Statement** means the form set out in Returnable Schedule 1.

**Proposal** means a Proponents response to this RFP.



**Proposed Works** means the Proponent's redevelopment works of the Site in accordance with its Proposal.

**Request for Proposals** or **RFP** means this Request for Proposals.

**Returnable Schedules** means the schedules numbered 1 to 8, attached to this RFP.

**Site** means the land contained within the lease boundary shown on the plan in Attachment 2 of the RFP.

**Site Brief** means the document attached at Attachment 1.

**Site Vision** means the site vision specified in section 2.3.

**St Kilda Marina** means the St Kilda Marina located at Marine Parade, St Kilda, Victoria.

**State** means the State of Victoria, represented by its Department of Environment, Land, Water and Planning (DELWP).

**Tenant** means the tenant under the Lease.

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## 9. ATTACHMENTS

### Attachments

#	DOCUMENT NAME
1.	St Kilda Marina - Project Site Brief
2.	St Kilda Marina - Lease Area Plan (refer to the Site Brief for the indicative lease boundary)
3.	St Kilda Marina - Plan of the premises (contained in the asset condition and map information)
4.	St Kilda Marina - Draft Lease (to be provided shortly following RFP Issue)
5.	St Kilda Marina - Legislative and Governance Framework
6.	St Kilda Marina - Planning Scheme Document:
	6.1 Special Use Zone - Clause 37.01 - Schedule 4
	6.2 Development Plan Overlay - Clause 43.04 – Schedule 2
	6.3 Heritage Overlay – CoPP - Volume 1 – Jun 19
	6.4 Planning Scheme Amendment Document - 1987 Act
7.	St Kilda Marina - Environmental & Coastal Hazard Assessment - Water Technology - Apr 18
8.	St Kilda Marina - Environmental and Coastal Report - AECOM - Mar 19
9.	St Kilda Marina - Geotechnical Overview - AECOM - Sep 18
10.	St Kilda Marina - Soil Contamination Assessment - Brief Overview - to be provided at a later date
11.	St Kilda Marina - Asset Mapping and Condition Assessment - Macutex - Mar 19
	11.1 Attachment A - St Kilda Marina - Condition Assessment Spreadsheet - Macutex - Nov 19
	11.2 Attachment B - St Kilda Marina - Building Layout Plans - Macutex - Jul 18
	11.3 Attachment C - St Kilda Marina - Plumbing & Sewerage Report - Veolia - Jun 18
	15.3.1 Attachment C - Appendix 1 - St Kilda Marina - Pit Register - Veolia - Jun 2018
	15.3.2 Attachment C - Appendix 2 - St Kilda Marina - Mark-up Map of Sewerage & Stormwater Pit Location - Jun 18
	11.4 Attachment D - St Kilda Marina - In Ground Services Location Map - Landair Surveys - Jun 18
	11.5 Attachment E - St Kilda Marina - Aerial Drone Video & Images - Macutex - Jun 18
	15.5.1 Attachment E - St Kilda Marina - Aerial Drone
	15.5.2 Attachment E - St Kilda Marina - Images
	11.6 Attachment F - St Kilda Marina - Underwater Inspection - ROV Innovations - Jul 18
	15.6.1 Attachment F - Images
	15.6.2 Attachment F - Underwater Drone Video
12.	12.1 St Kilda Marina - Land and Feature Survey - Surfcoast - Mar 18
	12.2 St Kilda Marina - Hydrographic Survey - Farren Group - Jan 2018
13.	St Kilda Marina - Boundary Re-establishment Survey – to be provided end Sept/early Oct 19
14.	St Kilda Marina - Traffic Surveys
	14.1 St Kilda Marina - Boat Ramp Count - 11. Nov 17
	14.2 St Kilda Marina - Car Count - 7 Day Overview, Nov 17
	14.3 St Kilda Marina - Car breakdown - 11. Nov 17
	14.4 St Kilda Marina - Parking Volume Numbers - 8 & 11. Nov 17
	14.5 St Kilda Marina - Pedestrian and Bike Count – Nov 17
15.	St Kilda Marina - Heritage Report - Built Heritage - Feb 18
16.	St Kilda Marina - Aboriginal Heritage Due Diligence Report - Biosis - Apr 18
17.	St Kilda Marina - Australian Volunteer Coast Guard Functional Brief - Jul 19
18.	St Kilda Marina - Community Engagement Report - Apr 19
19.	St Kilda Marina - Port Phillip Bay Wave Climate Report – 2017

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## 10. RETURNABLE SCHEDULES

Proponents are to provide their Proposals primarily in the form set out below in the Returnable Schedules.

Though not encouraged, where necessary and practical, Proponents may provide information outside the form prescribed to simplify or improve the presentation of the Proposal.

Proponents should note that where they deviate from the Returnable Schedules resulting in a less efficient assessment of Proposals, this may affect the evaluation outcome.

If a Proponent is making more than one Proposal (e.g. a Conforming Proposal and an Optional Conforming Proposal and/or Non-Conforming Proposal) a separate set of Returnable Schedules for each Proposal is to be completed and submitted.

## RETURNABLE SCHEDULE 1

### Proponent Statement

Proponent Information			
Project			
Business Name			
Trading As			
ABN		ACN	
Business Address			
Postal Address			
Contact Person		Telephone	
Email		Mobile	
Statement			

Please acknowledge all RFP tender addenda (as appropriate).

Please execute this Statement of behalf of the Proponent and include as part of your Proposal:

The Proponent accepts the provisions contained in this RFP, and offers to supply the services in accordance with the RFP for the offer set out in this Proposal.

The Proponent warrants that it has made its own investigations and has a full understanding of the requirements set out in the RFP and that it has no actual or potential conflicts of interest in connection with this RFP.

The Proponent undertakes to comply with any reasonable request of the Council or its representatives for additional information to enable Council to undertake a full assessment of the Proponent's proposal and its financial viability.

\_\_\_\_\_  
Name of Proponent's Authorised  
Representative

\_\_\_\_\_  
Signature of Proponent's Authorised  
Representative

\_\_\_\_\_  
Date

## RETURNABLE SCHEDULE 2

### Proposal Compliance and Site Brief Requirements Checklist

The Proponent is to complete and return this checklist to confirm what information is being submitted, and where relevant information can be found within its Proposal.

Tick the boxes to confirm that the Proponent's submission contains all the completed Returnable Schedules.

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#### Proposal Compliance

The Proponent considers it has submitted

- Conforming Proposal which includes  
(it is Mandatory to submit a Conforming Proposal)
  - Requirements of the RFP, including completion of all the schedules as listed below
  - Satisfies the Mandatory criteria in the Site Brief
  - Includes the Feasibility Investigation for a Bridge summarised at ..... <reference in Proponent submission>
  - Concept Design (plans, elevations, etc) at ..... <reference in Proponent submission>
  - Operational Issues, Buildability and Integration description at ..... <reference in Proponent submission>
  - Estimated Cost of connection from Marina Peninsula to the foreshore .....<reference in Proponent submission>
  - Returnable Schedule 2A – Site Brief Requirements Table
  - Returnable Schedule 3 – OH&S Schedule
  - Returnable Schedule 4 – Design Response
  - Returnable Schedule 5 - Viability, Operations and Transition Response
  - Returnable Schedule 6 - Capability and Track Record Response
  - Returnable Schedule 7 - Corporate Social Responsibility Response
  - Returnable Schedule 8 - Financial Offer
  - Returnable Schedule 9 – Acceptance of Lease Conditions

**OPTIONAL**

- Optional Conforming Proposal which includes  
(not Mandatory to submit an Optional Conforming Proposal)
  - Requirements of the RFP
  - Satisfies the Mandatory elements of the Site Brief
  - Statement as to how the Optional Conforming Proposal addresses the Discretionary (desirable) Site Brief outcomes  
..... <reference in Proponent submission>
  - Includes the Feasibility Investigation for a Bridge summarised at  
..... <reference in Proponent submission>
  - Concept Design (plans, elevations, etc) at  
..... <reference in Proponent submission>
  - Operational Issues, Buildability and Integration description at  
..... <reference in Proponent submission>
  - Estimated Cost of Bridge connection at  
.....<reference in Proponent submission>
  - Returnable Schedule 2A – Site Brief Requirements Table
  - Returnable Schedule 3 – OH&S Schedule
  - Returnable Schedule 4 – Design Response
  - Returnable Schedule 5 - Viability, Operations and Transition Response
  - Returnable Schedule 6 - Capability and Track Record Response
  - Returnable Schedule 7 - Corporate Social Responsibility Response
  - Returnable Schedule 8 - Financial Offer
  - Returnable Schedule 9 – Acceptance of Lease Conditions

**OPTIONAL**

Non-Conforming Proposal which includes  
(not Mandatory to submit a Non-Conforming Proposal)

- Reasons why a Non-Conforming Proposal is submitted, in particular, how the Non-Conforming Proposal provides a superior outcome to the Site Brief Vision and Objectives  
.....<reference in Proponent submission>
- Returnable Schedule 2A (version explicitly for the Non-Conforming Proposal)
- Returnable Schedule 3 – OH&S Schedule
- Returnable Schedule 4 – Design Response
- Returnable Schedule 5 - Viability, Operations and Transition Response
- Returnable Schedule 6 - Capability and Track Record Response
- Returnable Schedule 7 - Corporate Social Responsibility Response
- Returnable Schedule 8 - Financial Offer
- Returnable Schedule 9 – Acceptance of Lease Conditions

\_\_\_\_\_  
Name of Proponent’s Authorised Representative

\_\_\_\_\_  
Signature of Proponent’s Authorised Representative

\_\_\_\_\_  
Date

## Returnable Schedule 2A Table of Site Brief Requirements

Complete the following table of Site Brief Requirements for each Proposal submitted. This checklist itemises mandatory and discretionary (desirable) criteria identified in the Site Brief.

Proponents should ensure that:

- the mandatory criteria are addressed in submissions and identified in the table; and
- to the extent that discretionary criteria have been addressed, a reference is included to identify the location in the submission.

Site Brief Ref: Page & Section	Item	Mandatory or Discretionary	Location in Proposal. (which returnable schedule)
<b>General</b>			
27	6.1.2	AVCG base must be accommodated	M
28	6.1.4	Tenant responsible for dredging within lease area. Dredging assessment required for new lease. Tenant requirement to obtain MACA consent and works authority each 5 years	M
31	6.3.1	How the proposed scheme addresses walking mobility issues in line with Move, Connect, Live Integrated Transport Strategy 2018	D
32	6.3.2	How the proposed scheme addresses cycling mobility issues in line with Move, Connect, Live Integrated Transport Strategy 2018	D
33	6.3.3	How the proposed scheme addresses vehicle access and parking issues	D
42	7.1	St Kilda Land Act 1965 activities: <ul style="list-style-type: none"> <li>• Facilities for boating and associated activities</li> <li>• Parking for motor vehicles and trailers</li> <li>• Facilities for the recreation, comfort and convenience of boat users, motor vehicle users and members of the public</li> </ul>	M M M
50	8.4.4	Community Panel – areas of agreement and contention <ul style="list-style-type: none"> <li>• Market to determine the Viability of a bridge</li> </ul>	D
<b>Design Criteria</b>			
54	<i>Views and movement criteria</i>		
	9.1.1	Protect and enhance all identified views	M
	9.1.2	Locate buildings to avoid obstructing sightlines	M
	9.1.3	Create working marina views from public spaces	M
	9.1.4	Building design to respond with active frontages to public spaces	M
55	<i>Bay Trail criteria</i>		
	9.1.5	Relocate Bay Trail to remove conflict with the loading activity of the boat ramp. Locate so that walkers and cyclists can safely access key areas of the site	M
	9.1.6	Provide clearly legible, separated walking and cycle paths in high traffic areas	M
	9.1.7	The Bay Trail separated paths must achieve minimum path widths of 3 m for walkers, a 0.5 m separator, and a bidirectional cycle path of 3.5 m	M
	9.1.8	Where there is adjacent on-street vehicle parking an outer separator of 1 m is required	M



	9.1.9	Provide clear lines of sight for trail users and walkers at pedestrian crossings	M	
	9.1.10	Demonstrate a wayfinding strategy that promotes legibility to and through the site for walkers, cyclists and drivers in the design response	M	
	9.1.11	Support the future provision of a bridge at the Marina entrance and the possible alignment of the Bay Trail to utilise the bridge	M	
	9.1.12	Design pathways and public realm to improve safety at conflict locations (Refer 6.3, Mobility) between different users (walkers, bike riders, vehicles and boat ramp users). Discretionary (Desirable)	M	
	9.1.13	Upgraded Bay Trail to provide sightlines to Marina activity	D	
56	<i>Other Walking and Cycling Connections criteria</i>			
	9.1.14	Remove fencing and provide high quality links from Marine Parade and Marina Reserve to the Marina promenade, as described in the Movement diagram (figure 13, page 55)	M	
	9.1.15	Enhance pedestrian amenity and safety with a design that allows for a slower walking environment along the Marina promenade (figure 13). Incorporate passive design measures to restrict active travel users (i.e. bike riders, inline skating). Incorporate areas of shade along the Marina promenade	M	
	9.1.16	Create a primary walking and cycling entry at the Dickens Street approach into the Marina site	M	
	9.1.17	Investigate public realm enhancements resulting from the potential modification or relocation of traffic signals to St Kilda Marina	M	
	9.1.18	At Marina approach and activity view locations (figure 12, page 54), accessing the site from all Bay Trail, primary and secondary connections (figure 13), provide sightlines to the Marina, activity and key public places	M	
	9.1.19	Provision of bike parking must exceed the requirements set out under Planning Scheme Clause 52.34	M	
	9.1.20	Improve access for walking and cycling connections from Blessington Street into the site	D	
	9.1.21	Improve cycling amenity such as end of trip and cycle repair facilities	D	
	9.1.22	Relocate electrical substation away from the primary entry at the Dickens Street approach	D	
56	<i>Bridge Criteria</i>			
	9.1.23	Investigate and demonstrate an opportunity for the future provision of a bridge between Marina Reserve and the peninsula (to be delivered by Council or another party). Considerations required in the bridge design investigation: functional marina operations, bridge functionality, realigned Bay Trail opportunities and constraints, sightline impacts to the beacon and public realm outcomes	M	
	9.1.24	Provide a bridge (pedestrian and cycle) between the Marina Reserve and peninsula that does not significantly impact marina operations	D	
	9.1.25	Bridge design to demonstrate design excellence in its contextual architectural response including through integration with adjoining public realm	D	
58	<i>Dry Storage Criteria</i>			
	9.2.1	Dry storage facility to be a maximum of 15 m high above ground	M	
	9.2.2	Dry storage to be a maximum of 6,500 sqm in footprint	M	

		area, up to a maximum building width of 40 m, with a total maximum volume of 97,500 m <sup>3</sup>		
9.2.3		Dry storage facility does not obstruct defined view lines (figure 12, page 54)	M	
9.2.4		Up to 300 boats (dry storage only) allowable in stage 1	M	
9.2.5		Must demonstrate design excellence responding to its visual prominence on the esplanade and visibility from key public places in the Marina. The dry storage must be constructed from durable, high-quality materials	M	
9.2.6		Must demonstrate building and landscape design in response to its location within a significant coastal landscape and the environmental requirements identified in this brief	M	
9.2.7		Elements of internal dry storage operations, to reinforce the Marina identity, are clearly visible from key sightline approaches including: Marine Parade, from the peninsula approaching the beacon and other key public areas	M	
9.2.8		Expand the range of storage facilities to support small craft (SUP/kayak), with the provision of a safe launching area	M	
9.2.9		Prepare a wind engineering report to confirm there is no loss of Marina functionality due to proposed changes. In addition, suitable wind effect studies are required to confirm the amenity of public spaces	M	
9.2.10		Highly desirable for the dry storage building footprint to be smaller than the described envelope	D	
9.2.11		Highly desirable for staged development approach, while maintaining design excellence	D	
9.2.12		An additional 100-boat dry storage capacity is permissible subject to Council approval, with evidence of sustainable market demand	D	
9.2.13		Footprint area of dry storage can be increased to a maximum of 7,000 sqm, if complementary uses are incorporated	D	
9.2.14		Architectural features such as domes, towers, masts and building services, including enclosed stairwells, can exceed the maximum height of the dry storage facility to a maximum of 3 m. The floor area of these features must not exceed 20 per cent of the gross floor area of the top building level	D	
59	<i>Public Boat Ramp and Trailer Parking criteria</i>			
9.2.15		Provide safe public boat ramp(s), with minimum four vessel capacity at the current location or alternative location(s) suitable to provide equivalent vessel loading amenity (on land and marina water)	M	
9.2.16		Boat ramp functionality to meet best practice outcomes as identified in the AS 3962-2001 Guidelines for design of marinas for safe water, vessel and vehicle access	M	
9.2.17		Create a safe, high quality environment for walkers. Support primary and secondary connections for walkers (figure 13, page 55)	M	
9.2.18		Provide a minimum of 80 public trailer parking spaces within proximity of the public boat ramp	M	
9.2.19		Trailer parking area to have safe walking connectivity and public access	M	
9.2.20		Investigate carparking systems to increase efficiency of land dedicated to parking. Demonstrate alternative uses (of trailer parking area) in the boating low-season	M	
9.2.21		Trailer parking area must incorporate landscaping and water sensitive urban design (WSUD) principles to increase surface permeability and improve place amenity when not in use	M	

	9.2.22	Provide additional capacity for public boat launching in peak periods, ensuring this does not compromise safety, queuing or safe water practice and functionality	D	
	9.2.23	Improve the efficiency of boat ramp operations for vessel launching and retrieval	D	
	9.2.24	Reduce traffic congestion on Marine Parade caused by peak boat ramp use periods	D	
	9.2.25	Trailer parking integrated to an improved interface with Moran Reserve can be investigated; see investigation zone (figures 14 and 15, page 60). However, existing high value vegetation to be retained	D	
	9.2.26	Boat ramp design to optimise 'all weather' safe haven and reduce congestion of the marina water.	D	
62	<i>Complementary Uses</i>			
	9.3.1	Up to 3600 sqm of leasable commercial and retail floor area	M	
	9.3.2	Include Australian Volunteer Coast Guard (AVCG) facility with improved facilities, including vessel berth and vehicle access (refer to the Technical Specifications document)	M	
	9.3.3	Relocate AVCG facilities such as carparking to support AVCG operations (refer to the Technical Specifications document)	M	
	9.3.4	Commercial uses to demonstrate a coastal or tourism dependency, reflecting the site's coastal foreshore location or recreational marina function	M	
	9.3.5	Mix of uses to activate the precinct, provide a unique experience different to nearby foreshore destinations, and provide a diversity of offers to support a wider demographic	M	
	9.3.6	Uses to activate the site year-round, particularly for key public spaces	M	
	9.3.7	Include facilities suitable to maintain the skydiving activity at the site	M	
	9.3.8	Include a flexible meeting venue for community and AVCG use, to suit 100 people for regular and seasonal events (refer to the Technical Specifications document). This may be achieved through an existing venue being made available	M	
	9.3.9	Additional 1400 sqm commercial and leasable area (in addition to 3600 sqm) subject to Council approval and demonstration of demand	D	
	9.3.10	Preferred alternative site locations for improved public access identified in Australian Volunteer Coast Guard (AVCG) functional brief	D	
	9.3.11	Creating a dynamic environment through a mix of uses and activities, influenced by the Marina or the coastal environment	D	
	9.3.12	Increased employment compared to current condition	D	
	9.3.13	Buildings are flexible to allow for adaptation to suit a diverse range of different uses over time	D	
	9.3.14	Social enterprise businesses or community uses	D	
63	<i>Built Form Envelopes – Built Form Criteria</i>			
	9.3.15	Built form is within the extents described at figure 16, and demonstrates design excellence in response to its coastal location, visual prominence on the foreshore, sightlines and history	M	
	9.3.16	Commercial and retail buildings (exclusive of dry storage) to be no more than 12 m in height (inclusive	M	

		of all roof structures) above ground level		
	9.3.17	All built form to incorporate durable, high-quality materials and display design excellence appropriate to sensitive coastal location	M	
	9.3.18	Buildings on Marine Parade respond to the scale and rhythm of adjacent built form	M	
	9.3.19	Buildings on the peninsula set back a minimum 15 m from the crest of the seawall	M	
	9.3.20	Commercial and retail buildings (excluding dry storage) fronting onto key public spaces and primary and secondary connections have active frontages; refer figure 16. All built form along Marine Parade must include active frontages addressing both Marine Parade and the marina water	M	
	9.3.21	The dry storage buildings must showcase the working marina either through active frontages or visual connections between the interior of the buildings and key public spaces, and primary and secondary connections	M	
	9.3.22	Built form between Marine Parade and the marina water to occupy a maximum of 50 per cent of the Marine Parade frontage to allow for sightlines and site permeability	M	
	9.3.23	Minimum setback of 4 m from Bay Trail on Marine Parade to accommodate sufficient area for sightlines, entries, walking and landscaping	M	
	9.3.24	A collection of smaller interrelated buildings is preferred creating diversity of public spaces with extensive areas of publicly accessible ground floor interface	D	
65	<i>Peninsula Open Space criteria</i>			
	9.4.1	Integrate the design of the peninsula with restoration of the seawall, with high quality public access comprising the minimum of a peninsula promenade and open space incorporating the beacon	M	
	9.4.2	If a bridge is to be constructed as part of the proposal: a peninsula promenade path (see figure 13, page 55) must include a minimum 3 m path for walkers, minimum 0.5 m separator and bidirectional cycle path of 2.5 m	M	
	9.4.3	If a bridge is not to be constructed as part of the proposal: a peninsula promenade path (see figure 13) must include a minimum 4 m wide pedestrian priority shared path. Provision must be made for the widening of this path as an outcome of a future bridge, to a minimum 3 m for walkers, minimum 0.5 m separator and 2.5 m bidirectional cycle path	M	
	9.4.4	Restore the beacon and maintain for the term of lease	M	
	9.4.5	Maintain and enhance the landmark role, destination and setting of the beacon and marina water when viewed from coastal view lines (see figure 12, page 54)	M	
	9.4.6	Establish and improve habitat for native flora and fauna across the site through planting native vegetation and create a continuous vegetation corridor along the breakwater	M	
	9.4.7	Incorporate marina heritage significance, local Aboriginal cultural heritage and biodiversity knowledge into design through wayfinding, activation, infrastructure, information or art	M	
	9.4.8	Incorporate publicly accessible open space reflecting the distinctive foreshore of St Kilda 'resort beach' to Elwood 'coastal parkland'* as a network of active, passive, and viewing places	D	

	9.4.9	If a bridge is not to be constructed as part of the proposal: early delivery of the separated peninsula promenade path is preferred, (see figure 13, page 55) including a minimum 3 m path for walkers, minimum 0.5 m separator and bidirectional cycle path of 2.5 m	D	
	9.4.10	Incorporate intuitive wayfinding design strategies to reinforce the legibility for public access along the peninsula	D	
	9.4.11	Paths along the foreshore to the beacon are designed to reduce impact on flora and fauna	D	
66	<i>Other Open Space criteria</i>			
	9.4.12	Provide a diverse network of publicly accessible places to suit a variety of needs and user groups, including: activity-based (strolling), events (seasonal) and quiet public places throughout the Marina site. Publicly accessible open space equivalent to an area of 20 per cent of the total unencumbered land area within the Marina project area	M	
	9.4.13	Provide a free, publicly accessible and active 'civic heart' of a minimum 700 sqm area, with shelter and a connection to the water and boating activities within the envelope shown on Figure 16, or an alternate location providing an equivalent level of amenity	M	
	9.4.14	Provide activated frontages to buildings adjoining key public places, for example, for outdoor dining opportunities	M	
	9.4.15	Provide a sense of connection to the waterside through public seating and active uses	M	
	9.4.16	Incorporate wayfinding design strategies to reinforce the legibility for public access along the peninsula and between the seawall and Marine Parade	M	
	9.4.17	Provide clear, legible connection to Marina Reserve and Moran Reserve through design	M	
	9.4.18	Provide sightlines to the marina water, key public places, from identified approach view lines	M	
	9.4.19	Establish and improve habitat for native flora and fauna across the site through planting native vegetation and create a continuous vegetation corridor along the breakwater	M	
	9.4.20	Provide accessible toilets and associated amenities for use by the public, independent of those provided by the commercial operations	M	
	9.4.21	Respond to micro-climate conditions of the coastal location, and the proposed function of each open space	D	
	9.4.22	Marina operations are visible from key public spaces	D	
	9.4.23	The marina water edge is designed to encourage a diversity of public uses and user groups, including places for young people and places of quiet contemplation	D	
	9.4.24	Additional open space beyond 20 per cent of the total unencumbered land area, and a diversity of spaces	D	
	9.4.25	Places which can be used for temporary events	D	
67	<i>Carparking criteria</i>			
	9.4.26	A shared-user carpark management system to reduce total quantity of public, business and marina carparking to achieve a minimum of 30 per cent reduction of car bays from the typical statutory provision (in the planning scheme)	M	
	9.4.27	Carpark structures and on grade parking to be designed for whole of life outcomes, including future conversion to alternative uses. For carparking structures, ground level heights minimum of 3.3 m and other levels 3.0 m	M	

	9.4.28	Design on grade carpark infrastructure for temporary activation off-season and incorporate soft landscape elements	M	
	9.4.29	Visible carparking structures must demonstrate design excellence and incorporate high quality screening	M	
	9.4.30	Recognise in the provision of carpark infrastructure, the regional role of the Marina site, and its role for non-local visitors	D	
	9.4.31	Central carpark infrastructure to be partially or fully below grade. Note that environmental constraints (including potentially contaminated land and flooding) will need to be mitigated	D	
	9.4.32	Minimise the requirement for mechanical ventilation of carpark structures	D	
	9.4.33	Minimise visibility of on grade carparking where visible from streets and pathways	D	
	9.4.34	Structured carparking to be sleeved with active uses when addressing key public spaces	D	
69	<i>Seawall and Coastal resilience criteria</i>			
	9.5.1	Protect and seek opportunities to enhance the natural environment, such as by planting saltbush along the seaward edge of breakwater and creating vegetation connections with Elwood Canal	M	
	9.5.2	Repair or replace seawalls and internal marina walls for storm protection, and to accommodate projected sea level rise (0.8 m by 2100)	M	
	9.5.3	Repair or replace seawalls to ensure intertidal areas are not less than present day extent and are preserved for projected water levels in 2070 (anticipated seawall design life) to accommodate bird roosting	M	
	9.5.4	Provide water quality systems (including WSUD) for stormwater outfalls within the Marina lease area to exceed current standards	M	
	9.5.5	Protect land, water and air from pollutants associated with boat maintenance, repair and cleaning as well as from spills, leaks or breakdowns in accordance with State environmental protection policies	M	
	9.5.6	Provide effective litter control through avoidance of wind-blown litter, regular litter sweeping of water, or sea bins	M	
	9.5.7	Design, construction and use must minimise environmental impact on surrounding coastal environment	M	
	9.5.8	Identify and protect sensitive marine habitats potentially impacted by modifications to the seawall	D	
	9.5.9	Manage the control of marine pests within the marina water	D	
	9.5.10	Repair internal marina walls using alternative treatment to increase habitat amenity	D	
70	<i>Environmental Design Criteria</i>			
	9.5.11	Site powered by 100 per cent electricity (with the exception of commercial kitchen facilities). Provide on-site renewable energy supply sufficient to meet or exceed site requirements. Solar PV to be provided to a minimum 50 per cent of all roof area	M	
	9.5.12	Provide waste management systems (separation, litter reduction, sewerage pump-out or interceptor pits)	M	
	9.5.13	Demonstrate low carbon, energy and water efficient building design and operations	M	

9.5.14	Sustainability Plan demonstrating how Council's sustainability targets will be achieved or exceeded (refer to the Act and Adapt Sustainable Environment Strategy 2018-28)	M	
9.5.15	Environmental Management Plan (as a lease condition)	M	
9.5.16	Provide bicycle facilities to exceed 5 Star Green Star equivalent for staff, marina users and visitors	M	
9.5.17	Upward light output ratio must be less than five per cent for all external lighting	M	
9.5.18	Equivalent 5 Star Green Star Communities equivalence or higher	D	
9.5.19	Closed loop systems for integrated ESD for water, waste and energy	D	
9.5.20	Waste treatment and re-use on site	D	
9.5.21	Virtual power plant	D	
	<END OF SCHEDULE>		

## RETURNABLE SCHEDULE 3

### OH&S Schedule

Tenderers must complete the following OHS Management System Questionnaire as part of the submission. Failure to complete the questionnaire and to provide the information required, or to provide a commitment to provide the information at a later date as set out in the schedule (if not provided as part of the proposal) will be grounds for the Tender being deemed non-conforming.

		Yes	No
<b>1</b>	<b>OHS POLICY AND MANAGEMENT</b>		
1.1	Is there a written health and safety policy?		
	<b>If yes provide a copy of policy.</b>		
1.2	Does the tenderer have an OHS Management System certified or an accreditation by a recognised independent authority?		
	<b>If yes provide details .</b>		
1.3	Does the tenderer have an OHS management system manual or plan?		
	<b>If yes provide a copy of manual or plan.</b>		
1.4	Are health and safety responsibilities clearly identified for all levels of staff?		
	<b>If Yes provide details.</b>		
<b>2</b>	<b>SAFE WORK PRACTICES AND PROCEDURES</b>		
2.1	Has the tenderer prepared safe operating procedures or specific safety instructions relevant to its operations and/or operations that would typically occur at a Marina precinct?		
	<b>If yes, provide a summary listing of procedures or instructions.</b>		
2.2	Does the tenderer have any permit to work systems and/or operations that would typically occur at a Marina precinct?		
	<b>If yes, provide a summary listing or permits</b>		
2.3	Is there a documented incident investigation procedure? <b>If yes, provide a copy of a standard incident report form.</b>		
2.4	Are there procedures for maintaining, inspecting and assessing the hazards of plant operated/owned by the tenderer?		
	<b>If yes, provide details.</b>		



		Yes	No
2.5	Are there procedures for storing and handling hazardous substances?		
	<b>If yes, provide details</b>		
	Reference to own Manual		
2.6	Are there procedures for identifying, assessing and controlling risks associated with manual handling?		
	<b>If yes, provide details.</b>		
<b>3</b>	<b>OHS TRAINING</b>		
3.1	Describe how health and safety training is conducted in the Proponent's organisation.		
3.2	Is a record maintained of all training and induction programs undertaken for employees in the Proponent's organisation?		
	<b>If yes, provide examples of safety training records.</b>		
<b>3</b>	<b>COMMITMENT TO DEVELOP OHS POLICY AND MANAGEMENT PROCEDURES</b> If the Proponent has answered 'no' to any of the above questions (or requires project specific documentation relevant to the St Kilda Marina Project), please respond to the following:		
3.1	Will the Proponent commit to developing a written Health and Safety Policy and Management Plan in the first six months following lease execution?		
3.2	Will the Proponent commit to developing safe operating instructions or specific safety instructions relevant its operations and/or operations that would typically occur at a Marina precinct in the first six months following lease execution?		
3.3	Will the Proponent commit to developing a health and safety training program for all employees and contractors working for the organisation in the first 6 months following lease execution, to be implemented as required for the commencement of any works for the St Kilda Marina?		

## RETURNABLE SCHEDULE 4

### Design Response

For each Proposal submitted, a separate Returnable Schedule 4 is to be completed, to fully describe the attributes of each Proposal.

Note that page limits for each issue are prescribed, and these are not to be exceeded.

Proponent Name:.....

Proposal:.....

Issue	Requirement	Attached (Yes/No)
<p><b>Vision</b></p> <p><b>Page limit 4 A4 pages</b></p>	<p>Clearly demonstrate how the Proponent's overall vision for the redevelopment and renewal of the site embraces its unique setting and captures the Site Vision and Project Objectives contained in the Site Brief and indicate how this will benefit marina users and the wider community.</p> <p>Include a design statement to accompany design drawings which:</p> <ul style="list-style-type: none"> <li>• Explains the design rationale in terms of the Site and its place in a sensitive coastal environment with highly valued environmental, community and heritage settings.</li> <li>• Explains an overall vision for the redevelopment and renewal of the Site that is consistent with and responds to the Site Brief.</li> <li>• Clearly demonstrate using various media including a suite of concept documentation, how the overall Proponent's vision for the redevelopment and renewal of the Site that embraces its unique setting and captures the Site Vision and Project Objectives and criteria in the Site Brief.</li> </ul>	<p><input type="checkbox"/> Attached Information at .....</p> <p>&lt; Proponent to complete &gt;</p>
<p><b>Design Response</b></p> <p><b>Page limit 6 A4 pages plus 15 A3 pages for diagrams (excludes Returnable Schedule 2A)</b></p>	<p>Provide commentary and plans, elevations, renders and imagery to demonstrate how the design specifically responds to the issues identified in the Site Brief and indicate how this will benefit the wider community.</p> <ul style="list-style-type: none"> <li>• Explain how the design responds positively and appropriately to the requirements of the Site Brief. Proponents should demonstrate the design rationale and the functional and practical qualities of the design and how it: <ul style="list-style-type: none"> <li>○ Delivers a high-quality aesthetic outcome through a distinct architectural style, selection of materials and activation of key zones and areas of the Site.</li> <li>○ Supports marina operations including the placement and siting of key uses and functions.</li> <li>○ Defines relationships and how connections between important uses have been planned.</li> <li>○ Supports the achievement of high levels of efficiency and service quality to users of the marina to produce a viable and sustainable business outcome.</li> <li>○ Values and respects the heritage attributes of the St Kilda Marina.</li> </ul> </li> </ul>	<p><input type="checkbox"/> Attached Information at .....</p> <p>&lt; Proponent to complete &gt;</p>

	<ul style="list-style-type: none"> <li>○ Contemplates a relationship between the St Kilda Marina and the surrounding public spaces and urban design.</li> <li>○ Provides a diverse network of publicly accessible places to suit a variety of needs and user groups, including a 'civic heart, with a connection to the waterside, landscape and activated frontages to buildings where the design permits.</li> <li>○ protects and enhances critical views into and across the marina and marina site, including views of Marina activity from public spaces.</li> </ul>	
<p><b>Connectivity</b></p> <p><b>Page limit 6 A4 pages</b></p>	<p>Show Council (in the case a Conforming Proposal via a feasibility study and in the case of an Optional Conforming Proposal as a firm offer);</p> <ul style="list-style-type: none"> <li>○ How a high quality and functionally feasible connection between the marina peninsula and the foreshore (Bay Trail) to accommodate cycle and pedestrian paths can be delivered.</li> <li>○ The operational conditions under which the connection would be used or managed;</li> <li>○ Any opportunities and/or constraints related to the realignment of the Bay Trail.</li> <li>○ Any constraints or working limitations for either water-based users or land-based access to the connection and public realm.</li> <li>○ Any sight line impacts to the beacon.</li> <li>○ How the proposed solution will meet all relevant requirements including equality of access for people of all abilities.</li> </ul> <p><i>Note any costs associated with the connection will be evaluated under the Financial Criterion</i></p>	<p><input type="checkbox"/> Attached Information at .....</p> <p>&lt; Proponent to complete &gt;</p>

**RETURNABLE SCHEDULE 5****Viability, Operations and Transition Response**

For each Proposal submitted, a separate Returnable Schedule 5 is to be completed, to fully describe the attributes of each Proposal.

Note that page limits for each issue are prescribed, and these are not to be exceeded.

Proponent Name:.....

Proposal:.....

Issue	Requirement	Attached (Yes/No)
<b>Viability</b>  <b>Page limit 4 A4 pages Plus 10 year cashflow (in MS Excel)</b>	Summarise the key operational elements of the Proposal to demonstrate its viability. Specifically: <ul style="list-style-type: none"> <li>• Outline of the proposed works and the uses and functions contemplated by the Proposal.</li> <li>• Include a 10-year cash flow showing all major capital costs, revenues and operating expenses to demonstrate the veracity of the Proposal. The 10-year cashflow is to include:               <ul style="list-style-type: none"> <li>○ All elements of the Proponent's financial offer (including guaranteed and turnover rent payable to Council).</li> <li>○ A redevelopment cashflow showing the timing and cost of all renewal works.</li> <li>○ All allowances for applicable rates and charges and the value and timing of other financial contributions (including asset management commitments); and</li> <li>○ A detailed list of assumptions supporting the cashflow model.</li> <li>○ The level of debt and equity to be utilised.</li> <li>○ Any assumptions made.</li> </ul> </li> </ul>	<input type="checkbox"/> Attached Information at ..... < Proponent to complete>  <input type="checkbox"/> Attached Information at ..... < Proponent to complete>
<b>Asset Management</b>  <b>Page limit 4 A4 pages</b>	Include a response regarding the asset management approach including; <ul style="list-style-type: none"> <li>• Briefly articulate the proposed strategy and approach to deliver a high-quality long-term asset management outcome including:               <ul style="list-style-type: none"> <li>○ Asset management planning.</li> <li>○ Reporting on actual and planned asset condition and management activities.</li> <li>○ Key asset management and maintenance assumptions;</li> <li>○ Indicative minimum 25 year renewal timetable including, capital upgrades and replacements <u>post the completion of the initial renewal works.</u></li> </ul> </li> </ul>	<input type="checkbox"/> Attached Information at ..... < Proponent to complete>

	<ul style="list-style-type: none"> <li>○ Details regarding the periodic and programmatic upkeep of facilities, ensuring compliance with current standards.</li> <li>○ Management of the Tenant’s responsibilities regarding occupational health and safety and the comfort and safety of the public should be provided.</li> <li>● Include details of how the Proponent proposes to ensure the return of the St Kilda Marina to Council in accordance with the requirements of the Lease.</li> </ul>	
<p><b>Operational Plan</b></p> <p><b>Page limit 4 A4 pages</b></p>	<p>Include a response regarding operational planning including:</p> <ul style="list-style-type: none"> <li>● Describe how the Proposal will deliver an efficient, high quality and fit for purpose marina operation including non-marina related services. Include the following: <ul style="list-style-type: none"> <li>○ The proposed works proposed including phasing of works and a cost breakdown.</li> <li>○ An outline of project management, procurement and stakeholder engagement approach to works including involvement of State and Council.</li> <li>○ The nature, extent and location of all operations and functions proposed for the Site including: <ul style="list-style-type: none"> <li>▪ Marina functions including number and configuration of wet pens, dry storage facilities, trailer storage and any other marina facilities.</li> <li>▪ Fuel sales (including clearly defining the proposed use, if any, of a service station use for up to 10 years).</li> <li>▪ Marina services including mechanic, maintenance, cleaning, ship chandlers / supplies.</li> <li>▪ Non marina services (if any).</li> <li>▪ Retail operations including food and beverage and convenience retail.</li> <li>▪ Any other activities on Site.</li> </ul> </li> </ul> </li> </ul>	<p><input type="checkbox"/> Attached Information at .....</p> <p>&lt; Proponent to complete &gt;</p>
<p><b>Transition</b></p> <p><b>Page limit 6 A4 pages</b></p>	<p>Include a response regarding the transition approach including:</p> <ul style="list-style-type: none"> <li>● Demonstrate a clear strategy for the smooth transition to the new Lease.</li> <li>● Document the timetable including specific redevelopment activities, their duration, sequence and any assumptions to demonstrate a consistent and convincing approach to achieving the redevelopment of the Site in the shortest possible time.</li> <li>● Explain how disruption to the use of the Site will be minimised during redevelopment and operations of the marina are to be maintained.</li> </ul>	<p><input type="checkbox"/> Attached Information at .....</p> <p>&lt; Proponent to complete &gt;</p>

## RETURNABLE SCHEDULE 6

### Capability and Track Record Response

Issue	Requirement	Attached (Yes/No)
<b>Organisational structure</b>  <b>Page limit 2 A4 pages</b>	Provide an organisation chart to describe the consortium, including key relationships. Include the full team including key staff, contractors and consultants.	<input type="checkbox"/> Attached Information at ..... < Proponent to complete>
<b>Organisational Experience</b>  <b>Page limit 10 A4 pages</b>	Provide the following information with respect to nominated entity or entities: <ul style="list-style-type: none"> <li>• Credentials – track record and experience of entity (and related entities) in delivery of this type of renewal work, and financial credentials.</li> <li>• Quality and capacity of nominated consultants and contractors committed to the Project.</li> <li>• Clearly demonstrate how the experience of the key entities will contribute to the management and operation of a successful St Kilda Marina.</li> <li>• Examples of marina / site performance where the entity or consortium members have been successfully involved.</li> <li>• Approach and track record of the organisation in delivering community benefits.</li> <li>• Any specific changes to the information provided in the EOI.</li> </ul>	<input type="checkbox"/> Attached Information at ..... < Proponent to complete>
<b>Experience of Nominated Individuals</b>  <b>Page limit 4 A4 pages plus CVs</b>	Provide the following information with respect to nominated individuals. <ul style="list-style-type: none"> <li>• Quality, track record and capacity of nominated key personnel committed to the Project (qualifications and time allocation).</li> <li>• Where any role is not fully allocated to the St Kilda Marina (i.e. where the role is shared with another marina or operation) this should be noted and the percentage of the role allocated to the St Kilda Marina should be clearly stated.</li> <li>• Clearly demonstrate how the experience of the key personnel will contribute to the management and operation of a successful St Kilda Marina.</li> <li>• Outline approach to ensure that key personnel credentials are maintained for the term of the Lease including strategies for managing succession over the term.</li> <li>• Approach and track record of the nominated individuals in delivering community benefits.</li> <li>• Any specific changes to nominated individuals from the information provided in the EOI.</li> </ul>	<input type="checkbox"/> Attached Information at ..... < Proponent to complete>

	Provide summary CVs for key staff that are direct employees of the consortium lead (maximum 2 pages per person).	
	Provide summary CVs for other key personnel (maximum 2 pages per person).	

The proponent shall also respond to the following. If the answer to any of the below is a 'yes' the Proponent shall provide an explanation.

Number	Query	Answer and, if required, explanation
1.	Are there any significant events, matters or circumstances, which have arisen since the end of the last financial year which may significantly affect Proponent's operations?	
2.	Are there any mergers/acquisitions either recent (within the past 12 months) or that are imminent?	
3.	Are there any proceedings, either actual or threatened, against the Proponent, its parent or associated entities or any director of the Proponent, its parent or associated entities or have there been any such proceedings within the past five years? If so, what (if any) remedial action has been taken in respect of such proceedings?	
4.	Are there any bankruptcy actions against a director of the Proponent, its parent or associated entities, or has there been within the past five years?	
5.	Are there any de-registration actions against the Proponent, its parent or associated entities on foot, or have there been any within the past five years?	
6.	Are there any insolvency proceedings, actual or threatened (including voluntary administration, application to wind up, or other like action) against the Proponent, its parent or associated entities on foot, or have there been any within the past five years?	

7.	Is the Proponent, its parent or associated entities currently in default of any agreement, contract, order or award that would or would be likely to affect the financial capacity of the Proponent to provide the Goods and/or Services contemplated by this procurement process?	
8	Are there any other factors, which could adversely affect the financial ability of the Proponent to perform successfully, the obligations contemplated by this procurement process?	
9	Is the Proponent insolvent and/or unable to meet debts (as and when they fall due) in the normal course of business?	



## RETURNABLE SCHEDULE 7

### Corporate Social Responsibility Response

Council has a strong focus on Corporate Social Responsibility. To deliver on Council's commitment to local community and to the environment, Council uses procurement as a vehicle to generate:

- A) Environmental sustainability;
- B) Social sustainability; and
- C) Economic sustainability

To assist Council to determine Tenderer's commitment to Corporate Social Responsibility and the impact of proposed services, Tenderers are to complete the forms below. During the Tender evaluation period Council may require Tenderers to submit further documentation in support of their responses.

Please complete the following questions regarding your organisations Corporate Social Responsibility including how Council's environmental, social and economic objectives and design criteria in the Site Brief will be achieved or exceeded the redevelopment and operation of the Marina.

Council recognises that each aspect will apply differently to different organisations (including size, geography and sector), so please respond as relevant. Note that a minimum level of response and management approach is expected for all questions and failure to respond may result in disqualification from consideration.

Indicator	Question
1. Environment	<p><b>How does or will your organisation minimise its impact on the environment?</b></p> <ul style="list-style-type: none"> <li>- This may include approaches to management (such as policies, procedures, environmental management systems, ISO 14001 certification, impact assessments, measuring and reporting environmental performance, objectives and targets for improvement, spill/emergency response and investigation) as well as actions taken to reduce emissions, water and waste (such as technologies implemented, product design, training and behaviour change initiatives).</li> <li>- If your facilities or the services / goods provided are subject to any environmental regulations or licences, please include your record of compliance, including any infringements, penalties or convictions, and any corrective actions taken.</li> <li>- Please provide evidence of policies, certifications, performance reporting and any environmental targets you have set (and are in place), for items such as on-site renewable energy, solar power, upward light output ration, Green Star or equivalent ratings, closed loop systems, water treatment and re-use on site, protection and enhancement of the natural environment, water quality systems, protection from pollutants, litter control and other key initiatives.</li> </ul> <p>Sustainability Plan Please include the Sustainability Plan and confirm your commitment to developing an Environmental Management Plan, as part of the Lease. The Sustainability Plan should outline the initiatives to be delivered; and targets the proponent will look to achieve, to deliver any statutory and policy requirements, the mandatory</p>

Indicator	Question
	<p>environmental criteria (at a minimum) outlined in the Site Brief and describe what, if any, of the desirable criteria will be incorporated in the Proposal.</p> <p>Proponents are referred to Adapt Sustainable Environment Strategy 2018-2028 to facilitate a response that considers the components of the strategy that are relevant to their proposal. Proponents are also referred to the following to assist with a response:</p> <ul style="list-style-type: none"> <li>• Planning Scheme Requirements – the intent of this is to provide a response that demonstrate the initiatives and targets that are over and above the Planning Scheme</li> <li>• Move, Connect, Live, Integrated Transport Strategy</li> <li>• Greening Port Phillip, Urban Forest Strategy</li> <li>• the Sustainable City Community Action Plan</li> <li>• the foreshore Management Plan</li> <li>• the Sustainable Design Strategy and Policy</li> <li>• the Water Sensitive Urban Design (WSUD) Guidelines</li> <li>• the Don't Waste It! Waste Management Strategy</li> </ul> <p>Note 1: Any sustainability elements contained within the Proposal (even if covered elsewhere in the Proposal) should be included in the Sustainability Plan so as to create a holistic document addressing the ESD requirements and desires for the Site.</p> <p>Note 2: An Environmental Management Plan is not required to be submitted with Proposals but will be a requirement of the Lease.</p>
<b>Tenderer's response</b>	
<b>2. Workforce</b>	<p><b>How does or will your organisation ensure its staff are treated fairly?</b></p> <ul style="list-style-type: none"> <li>- This may include non-discrimination (equal opportunity policies and diversity programs), fair remuneration (in comparison to minimum wage and living wage), working hours (ensuring overtime is voluntary and compensated), freedom to bargain collectively (e.g. join a union), regular employment (versus use of casual and temporary staff), freedom from bullying and harassment (reporting and response to incidents), prevention of forced labour and underage labour (i.e. modern slavery), and grievance mechanisms.</li> <li>- If any violations have occurred, including against local labour legislation, please provide information on the nature of the incident(s) and how these were addressed.</li> <li>- Please provide evidence of key policies, certifications (e.g. SA8000) and performance reporting (e.g. diversity metrics).</li> </ul>

Indicator	Question
Tenderer's Response	
<b>3. Ethical business practices</b>	<p><b>How does or will your organisation ensure its business is conducted safely and ethically?</b></p> <ul style="list-style-type: none"> <li>- This may include prevention of bribery, conflict of interest and fraud (such as through code of conduct, training, consequences of unacceptable behaviour, data analysis, internal and external audits, whistle blower channel), as well as fair operating policies (such as toward suppliers and customers / consumer rights).</li> <li>- This may include Occupational Health and Safety certifications or accreditation to AS/NZ 4801, ISO 45001 or equivalent., OHS policies and procedures, safe work practices, training and induction. Please provide evidence as required.</li> <li>- Please report whether your organisation has dealings with, supports or provides ancillary services or funds activities in the following industries: Offshore detention; Tobacco; Fossil fuels energy generation distribution, exploration or extraction; Gambling including poker machines; Entertainment involving animals, including racing; Arms. Please indicate what measures your organisation will take to reduce, eliminate or avoid such dealings in the future</li> <li>- If any incidences of corruption have been raised (either internally or externally), please provide information on the nature of the incident(s) and how these were addressed.</li> <li>- Please provide evidence such as policies and the percentage of staff trained.</li> </ul>
Tenderer's Response	
<b>4. Community</b>	<p><b>How does or will your organisation manage its impact on the community in which it operates?</b></p> <ul style="list-style-type: none"> <li>- This may include both prevention of negative impacts (such as minimising disturbance, protecting access to resources, community safety and the local economy) and positive contributions (such as community programs, volunteering, charitable donations, local employment and purchasing, training and employment of disadvantaged people, and supporting Aboriginal and Torres Strait Islander or Culturally and Linguistically Diverse communities and businesses).</li> </ul> <p>This may also include but not be limited to the following items in the Site Brief (desirable features):</p> <ul style="list-style-type: none"> <li>• Inclusion of social enterprise business or community uses, increased employment opportunities and the extent to which the Australian Volunteer Coast Guard is provided for in the development</li> </ul>

Indicator	Question
	<ul style="list-style-type: none"> <li>• The extent and quality to which the following has been accommodated in the development: Peninsula Open Space; free and publicly available accessible and active Civic Heart and general open spaces; incorporation of marina heritage significance, local Aboriginal cultural heritage and biodiversity knowledge into design through wayfinding, activation, infrastructure, information or art; treatment of carparking, public amenities such as accessible toilets and bathrooms and generally the extent of accessible and inclusive open spaces</li> <li>• The extent and quality of public boat launch and parking facilities that have been accommodated</li> </ul> <p>- If any community objections or protests have been raised previously, please provide information on the nature of the dispute(s) and how these were addressed.</p> <p>- Please provide evidence of key policies</p>
<b>Tenderer's Response</b>	
<b>5. Supply chain management</b>	<p><b>How does or will your organisation manage sustainability impacts in its supply chain and contracted parties? If you are offering or providing physical products to Council, please state the country of origin where these are manufactured and if possible where key raw materials are sourced from (e.g. cotton, palm oil, stone).</b></p> <p>- This may include product supply chain considerations (e.g. use of recycled content, environmental and human rights (including modern slavery) impacts in the raw material sourcing, manufacture, packaging and transport (use and end of life are addressed in Q1), supplier management (e.g. ensuring suppliers meet environmental, social, OHS and ethical criteria), supplier diversity (use of Indigenous-owned, disability, and other minority-owned enterprises) and supply chain transparency (tracing key products and materials to ensure ethical sourcing).</p> <p>- If you employ third parties to subcontract core activities or service delivery, please describe how they are managed to meet expectations around the key criteria above.</p> <p>- Please provide evidence of key policies and any product/key supplier certifications (e.g. FSC, RSPO, Fairtrade, SA8000).</p> <p>It may be deemed advantageous if product/s:</p> <ul style="list-style-type: none"> <li>- have a relevant ecolabel or certification that reduces impact (see above),</li> <li>- are recycled content or has less environmental impact in sourcing and manufacture than competing options,</li> <li>- are manufactured in Australia or New Zealand.</li> </ul>
<b>Tenderer's Response</b>	

Indicator	Question
<b>6. Measurement and reporting</b>	<p><b>What is your proposed approach to ongoing measuring and reporting on corporate social responsibility?</b></p> <ul style="list-style-type: none"> <li>- The approach the proponent has undertaken to address Council's desires for CSR for the design, construction and operational phases will inform the approach to measurement and reporting. Examples include reporting annually on recycled content, energy consumption (i.e. against the targets set in the Sustainability Plan), targets for supplier expenditure with social enterprises or other related targets.</li> <li>- This may include reporting to Council on an annual basis on achievements and performance against agreed targets in the previous financial year as well as plans for the year ahead. e.g. the successful proponent may be required to submit written Social Procurement Performance Reports to the Lease Manager outlining its performance against the Social Procurement Commitment Schedule every year.</li> </ul>
<b>Tenderer's Response</b>	

## RETURNABLE SCHEDULE 8

### Financial Offer

For each Proposal submitted, a separate Returnable Schedule 8 is to be completed, to fully describe the attributes of each Proposal.

Proponent Name:.....

Proposal:.....

Issue	Requirement	Attached (Yes/No)
<b>Base rent and escalation</b>	<ul style="list-style-type: none"> <li>Provide details of guaranteed rental per annum payable to Council (net of outgoings).</li> <li>Provide confirmation of compliance with the rental escalation and review to market approach detailed in the Lease.</li> </ul>	<input type="checkbox"/> Attached Information at ..... <Proponent to complete>
<b>Turnover rent</b>	Provide details of any offer of turnover rent payable to Council including details of any conditions or other mechanisms that affect the amount of turnover rent.	<input type="checkbox"/> Attached Information at ..... <Proponent to complete>
<b>Cost of Connection</b>	<ul style="list-style-type: none"> <li>For Conforming Proposals, provide the estimated design and construction cost of the connection from the marina peninsula to the foreshore.</li> <li>For Optional Conforming Proposals only, in addition to providing the estimated design and construction cost, include the quantum and timing of any contribution required from Council with respect to the connection from the marina peninsula to the foreshore.</li> </ul> <p><i>Note: Council reserves its right to select an Optional Conforming or Non-Conforming Proposal that is ranked equal to or higher than a Conforming Proposal against the non-financial Evaluation Criteria and presents an affordable value for money outcome overall .</i></p>	

## RETURNABLE SCHEDULE 9

### Acceptance of Lease Conditions

The Proponent is required to submit a Conforming Proposal in accordance with the RFP. Proponents should note that the acceptance of the proposed Lease conditions will be evaluated and scored. Departures requested by Proponents are to be set out in the template Schedule of Departures and Clarifications included below.

The Proponent is required to identify any departures from, and clarifications required to, the proposed Lease conditions. Proponents are encouraged to minimise departures from the preferred form of the Lease.

Any departures and/or clarifications not shown on this Schedule will not be considered

### Compliance with the Draft Lease

This offer is fully compliant with all of the requirements of the Request for Proposals, the draft Lease and the other constituent documents.

YES  NO

(if the answer to this question is 'No' the Proponent shall complete the table below)

\_\_\_\_\_  
Name of Proponent's Authorised Representative

\_\_\_\_\_  
Signature of Proponent's Authorised Representative

\_\_\_\_\_  
Date

All departures from, and clarifications to, the proposed Lease conditions made by the Proponent are listed in the table below (Proponent to complete and include with submission).

### *Schedule of Departures and Clarifications*

Area and Clause (as applicable)	Description of Departure or Clarification, and Rationale	Proposed variances (if Applicable)