

Request for Expressions of Interest ('EOI') No 2024-001

Licence to Occupy Building 1D and hothouse at 2 Wingrove Street, Alphington

EOI CLOSING DATE: 4:00pm Wednesday, 22 May 2024

Lodging EOI submissions

Electronically – [EOI – 2 Wingrove Street](#)

- Completed EOI form including all required attachments must be lodged using the above link before the closing date.
- Please ensure you allow enough time to complete the form and upload your submission through the portal.
- If you have special communication needs, please contact Council as soon as possible to understand lodgement options.
- ***Warnings - EOI submissions received after the closing date are invalid and will not be considered. Darebin City Council staff will accept no responsibility for lodging of EOI submissions.***

Summary

Darebin Council is seeking Expressions of Interest to lease/licence the whole (or part of) Building 1D and 'hothouse', at 2 Wingrove Street, Alphington.

We are seeking to establish compliant short/medium term licences (up to 4 years) that are aligned with Council's vision and are permitted to operate in compliance with the current zoning (PUZ6 – Council Purposes). All applications will be considered for the use of Building 1D and 'hothouse' only, and at this time Council is not considering proposals for the balance of land and buildings located at 2 Wingrove Street, Alphington.

We are seeking applications from organisations that can deliver community services on behalf of Council. Examples of community or Council services that are likely to be eligible include:

- sports or recreation uses,
- cultural and community support organisations,
- volunteering or service organisations.
- Recycling or reuse community services
- Emergency response services
- Organisations that already have a service agreement or contract for service delivery with council would be eligible to apply.

An essential requirement of the EOI is that Applicants clearly demonstrate how its use conforms with the Public Use Zoning under the planning scheme, either as a use on behalf of Council or by obtaining a planning permit. Applicants should ensure that they have read and understood the 'Planning Conformity' section of the EOI document.

INTRODUCTION – EOI DESCRIPTION

Expressions of interest are sought by Darebin City Council (“Council”) to enter into a licence agreement to occupy a site on the Council property at 2 Wingrove Street, Alphington.

Respondents must submit EOI submissions in the manner required by this Request for Expressions of Interest.

CONTEXT

The City of Darebin is committed to supporting community-minded organisations and groups whose goals align with Council’s values.

One of the key ways Council is able to support these groups is to offer occupation at sites located within Darebin City Council which are practical and accessible for these organisations.

2 Wingrove Street Alphington

2 Wingrove Street is located in the suburb of Alphington, opposite the Alphington train station. It is bordered by the Darebin Parklands and the Hurstbridge train line.

The property is easily accessible via the main gate on Wingrove Street.



Premises

Council has multiple premises available within Building 1D at 2 Wingrove Street, which would be suitable for use as warehouse, workshop or office space.

Additionally, there is a hothouse space that may be suitable for the growing and cultivation of plants. Council has not yet obtained a condition report on this space, and any proposed use of the hothouse would be subject to confirmation that the space is fit for occupation and/or a willingness from the respondent to undertake any works to make the space fit for the proposed purpose.

Council is seeking expressions of interest submissions for individual space/s and will consider submissions seeking all available spaces within one application.

The facilities available for each of the premises will vary and respondents are required as part of their EOI to specify the required services to facilitate the operation of its business.

Licence Agreement

For those respondents who align with the Planning Controls and best meet the Evaluation Criteria, Council intends to invite those respondents to enter into a Heads of Agreement for a licence agreement commencing on or after 1 September 2024.

Where Council considers there is an urgent need for the respondent to commence occupation prior to 1 September, Council may, at its discretion, agree to an earlier commencement date.

The length of the licence terms offered will be limited to a maximum of 4 years, however actual term lengths may vary depending on each licensee's needs and Council's assessment.

The parties acknowledge and agree that any Licence Agreement is not formalised until the Licence is fully executed and that either party may give notice to the other party withdrawing its interest in this matter at any time prior to full execution of the Licence without incurring any penalty or compensation as a result of this action.

Fees and Outgoings

Any licence established will be valued at current market value.

Should a respondent seek a licence fee below the market rental value, reasons should be given for why the fee should be discounted, such as the value of any community benefit offered by the licensee, confirmation of not-for-profit status or connections to First Nations People.

Respondents who are proposing to use the site to provide a service on behalf of Council will be charged a nominal fee, reflecting the service provided.

Outgoings, utility charges and service charges will be apportioned to each licensee as applicable, based on the area of the site occupied and services utilised. The Licensor may charge these outgoings and service costs as a separate cost to the Licensee or include these costs in a grossed-up licence fee.

Planning Conformity

Under the Darebin Planning Scheme, the property is within a Public Use Zone and is designated for the purpose of local government (PUZ6).

To ensure compliance with the Public Use Zone, respondents to the EOI must be either:

- 1) able to demonstrate that the proposed use of the premises will be an activity undertaken on behalf of Council, and for a local government purpose. Respondents seeking to show that the proposed use will be undertaken on behalf of Council should have an existing service agreement with Council or be willing to enter into a service agreement for this arrangement; or
- 2) willing to apply for and obtain a planning permit (at their own cost) for their proposed use.

The process of obtaining any necessary planning permit is separate to this EOI process and the grant of any licence to occupy the premises. Any licence that is granted will be subject to a requirement that the respondent must obtain any necessary planning permits before the use of the premises commences.

Respondents should consider that any application for a planning permit will be assessed against the matters set out in the Planning Scheme, including the purpose and decision guidelines of the PUZ and the matters set out at clause 65.01 of the Scheme.

Respondents that may need to apply for a planning permit should consider, in particular, whether the proposed use of the facility would be consistent with the purposes of the Public Use Zone, which include:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To recognise public land use for public utility and community services and facilities.
- To provide for associated uses that are consistent with the intent of the public land reservation or purpose.

Council will use reasonable endeavours to assist respondents in their submission of any application for a planning permit, but the grant of a licence does not necessarily mean that any planning permits will also be granted.

Council Vision

Council's short to mid-term vision for the site is to deliver community outcomes through:

- Uses that deliver community outcomes directly supporting the Darebin community;
- Uses that deliver community outcomes aligned to the Council Plan Strategic priorities;
- Uses that deliver local government services on behalf of Council;
- Uses that are consistent with the environmental history of the site, as a former tip, and enable appropriate monitoring to be undertaken.

Examples of community or council services that are likely to be eligible include:

- Sports or recreation uses;
- Cultural and community support organisations;
- Volunteering or service organisations;
- Recycling or reuse community services;
- Emergency response services;
- In addition organisations that already have a service agreement or contract for service delivery with council would be eligible to apply

Expressing Interest

Entities wishing to express their interest in occupying a site at 2 Wingrove Street must do so using the electronic form provided by Council and submit the form no later than the closing date.

Where necessary and/or appropriate, Council may contact respondents to request further information in relation to the respondent's submission, or conduct interviews to adequately assess a respondent's ability to meet the evaluation criteria.

Respondents who are able to show that their proposed use will comply with the planning controls and who best fit the evaluation criteria may be asked for further documentation, including (as applicable):

- Proof of association incorporation or company registration
- Proof of status as a not-for-profit organisation
- Copies of insurance
- Copy of organisation's constitution
- Details of any funding/grants the organisation has applied for

EVALUATION CRITERIA

Prospective licensees of the property should be able to demonstrate:

1. How the proposed use by the licensee would conform with the applicable planning controls.
2. How the proposed use aligns with Council's vision for the site
3. How the proposed use benefits Darebin City Council

Council will apply the below weighting when assessing how well each respondent has satisfied the Evaluation Criteria:

Evaluation Criteria	Criteria Weighting %
Conformity with planning scheme, either as a use on behalf of Council or possibility of obtaining planning permits	Essential
Alignment with Council vision - Uses that deliver community outcomes within the Darebin community or toward Council strategies or are aligned to the Council Plan Strategic priorities	25
Benefit to Darebin City Council	20
Prepared to facilitate and maximise the optimisation of the premises	15
Respondent's financial capacity to fund the rent, outgoings obligations and fitout	10
Respondent's financial capacity to undertake capital works to the premises, if required.	10
Proposed use provides a service to culturally and linguistically diverse community members, persons with a disability, or First Nations people.	10
Any other relevant factors as determined by Council	10

KEY CONDITIONS OF EOI

Name of EOI	Licence to Occupy Site at 2 Wingrove Street, Alphington
EOI Number	2024-001
Location of Service	2 Wingrove Street, Alphington VIC 3078
Closing Date	Wednesday, 22 May 2024
Closing Time	4:00pm
Property Inspections	<p>All requests to inspect the property should be emailed to:</p> <p>Leaseandlicensing+EOI@darebin.vic.gov.au</p>
Contact Person	<p>All enquiries relating to the EOI process should be emailed to:</p> <p>Leaseandlicensing+EOI@darebin.vic.gov.au</p>
Lodging an Electronic EOI	<p>EOI submissions must be lodged with the Council by the closing date and time and in accordance with the Standard Conditions provided in this document, by using the below link:</p> <p>EOI – 2 Wingrove Street</p>

STANDARD CONDITIONS OF EOI

1. PURPOSE OF THE EXPRESSION OF INTEREST

The purposes of the EOI process are to:

- 1.1. provide an indicative outline of the site available to respondent;
- 1.2. allow the Council the opportunity to assess the level of interest expressed in the site;
- 1.3. assess the suitability of respondents to occupy the Council property;
- 1.4. advise respondents of the information required for their EOI to be considered; and
- 1.5. advise respondents in advance of some of the key conditions of the proposed licence.

2. DETAILS OF REQUIRED SERVICE

The details of the property for which EOI submissions are sought are set out in the EOI Description.

3. CONDUCT OF THE EXPRESSION OF INTEREST

- 3.1. The Request for Expressions of Interest provides an outline of the Council property and requires the respondents to provide summary information about their financial viability, suitability and alignment with Council's vision for the property.
- 3.2. Where, at the Council's discretion, adequate interest has been expressed in the property, suitable parties will be approached to negotiate the terms of the licence agreement.
- 3.3. The Council does not warrant that it will enter into agreements following the EOI and reserves the right to:
 - 3.4.1 seek further interested parties outside the process envisaged under this Request for Expressions of Interest; or
 - 3.4.2 proceed with any other method which it considers appropriate to enter into agreements for part or all of the property.
- 3.4. The submission of an EOI by a respondent will not give rise to any agreement governing or in any way concerning the EOI process or any aspect of the EOI process. The Council expressly disclaims any intention to enter into any such agreement.

4. PROBITY OF THE EOI PROCESS

4.1. Respondents must not approach, or request any other person to approach –

- any member of the Council's staff; or
- councillor of the Council –

individually:

- to solicit support for their application;
- offering of any gifts or hospitality, perceived or actual: or
- otherwise seek to influence the outcome of the EOI process.

The EOI of any respondent which engages in conduct prohibited under clause 4 may not be considered by the Council.

5. SUBMISSION OF EOI

- 5.1. EOI submissions must be submitted by the closing time on the closing date indicated in the Key Conditions of EOI. The Council will not consider late EOIs.
- 5.2. EOI submissions must be lodged online using the method indicated in the Key Conditions of EOI "Lodging an EOI".
- 5.3. Respondents should submit all information which they consider relevant to allow assessment of their suitability for selection.
- 5.4. Darebin City Council staff will accept no responsibility for lodging of any EOI.

6. THE EOI PROCESS

The process to be followed by the Council is as follows:

- 6.1. evaluate EOI submissions;
- 6.2. where Council considers it necessary and/or appropriate to do so, contact respondents to request further information or conduct interviews to adequately assess a respondent's ability to meet the evaluation criteria;
- 6.3. shortlist respondents who best meet the criteria detailed in this Request for Expressions of Interest;
- 6.4. provide Heads of Agreement to short-listed respondents; and
- 6.5. prepare Licence Agreements on the terms outlined in the Heads of Agreement.

7. FURTHER INFORMATION

All enquiries relating to the Request for Expressions of Interest must be directed to the "Contact Person" specified in the Key Conditions of EOI ("**Contact Person**")

8. DISCREPANCIES AND OMISSIONS

- 8.1. Should a respondent find a discrepancy or omission in the Request for Expressions of Interest (EOI) or should there be any doubt as to the meaning of the Request for Expressions of Interest, a respondent should notify the Contact Person before the closing date for EOI submissions.
- 8.2. If necessary a discrepancy or omission will be rectified, or a matter will be clarified, by issue of an addendum to all persons who have collected the Request for Expressions of Interest.
- 8.3. Respondents should note that any statement made by a member of the Council's staff cannot be construed as modifying this request for Expressions of Interest unless confirmed in writing by the Contact Person.

9. EOI ADDENDA

The Council may issue to each respondent addenda to the Request for EOI no less than 4 days prior to the Closing Time for EOI.

The Contact Person has no authority to make any representation or give any explanation to respondents as to the meaning of anything contained in the Request for EOI or anything to be done or not to be done by a respondent, other than by a written addendum.

10. LATE EOI's

The Council takes no responsibility for submissions which are not submitted using the online form at the Closing Time for the EOI request. EOI submissions that are not submitted at the Closing Time for EOI submissions will be non-conforming.

11. RECORDS MANAGEMENT

11.1. Record means any document within the meaning of the Evidence Act 2008 (Vic), including:

- (a) anything on which there is writing; or
- (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; or
- (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; or
- (d) a map, plan, drawing or photograph.

11.2. Recordkeeping means making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information.

11.3. *Ownership & Custody*

The Darebin City Council retains legal ownership of all records of the services provided by the outsourced organisation. Upon termination or completion of this Agreement, the beneficial ownership of all records of the services provided by the outsourced organisation will be transferred to the Victorian Government.

11.4. *Access*

The outsourced organisation must immediately provide access to records relating to services provided by the outsourced organisation in any of the following circumstances:

- (i) in accordance with the requirements of the Public Records Act 1973 and all relevant legislation, including the Information Privacy Act 2000, Freedom of Information Act 1982, Health Records Act 2001 and Evidence Act 2008;
- (ii) to the Victorian Auditor-General or Victorian Ombudsman upon request in writing;
- (iii) to a Government representative upon request in writing; or
- (iv) for the purposes of performance monitoring.

11.5. *Disposal*

The outsourced organisation must only dispose of a record in accordance with standards issued under the Public Records Act 1973 and in accordance with any specific instructions provided by the Public Records Office Victoria from time to time. When transferring custody of records to the agency the outsourced organisation must transfer the records in a format and manner which allow the records to be quickly and easily retrieved, reviewed and utilised by the Darebin City Council.