

# **Proposal for the Future Development of the Longwood Flats**

**1-5/10 Jean St, Longwood**

**Request for Expression of Interest**

**March 2019**



**Closes 12 April Friday 5.00pm**

## 1. INTRODUCTION

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### 1.1 Background

The subject property, 1-5 Jean Street, Longwood (herein referred to as the “flats”) has been owned by the Council and its predecessors for some time which has been the subject of a lease agreement between Council and the former Housing Commission for the land and flats, dated 20 May 1981. The lease period was to be for 55 years; however it was terminated in 2012. Hence, the land and improvements have been fully resumed by Council.

Council had been working closely with community representatives from Longwood, through the Longwood Action Group, to develop the options that were adopted by Council in May 2014. This included a re-subdivision (consolidation) of the existing titles and the preparation of a Section 173 Agreement (Local Government Act) to become a restrictive covenant on the new title post sale. The latter requiring the new owner to construct a new waste treatment system and meet other relevant construction standards to ensure the property meets community and Council’s objectives for the flats with the sale.

*In 2014 Council resolved to:*

- 1. Obtain a current land valuation for the property at 1-5/10 Jean St, Longwood (Lot 1, 4, 5 & 6 TP867790) from a Certified Practising Valuer.*
- 2. Subdivide the property as per attached proposed Plan of Subdivision, subject to consideration of submissions under Section 223 of the Local Government Act 1989.*
- 3. Enter into a Section 173 Agreement of the Local Government Act 1989 with conditions relating to the waste treatment system and other conditions deemed appropriate by the Chief Executive Officer that protect the environment and amenity of the area.*
- 4. Sell 1-5/10 Jean St, Longwood by Public Auction, subject to consideration of submissions under Section 223 of the Local Government Act 1989.*
- 5. Invite submissions under Section 223 of the Local Government Act 1989 for both the proposed sale and subdivision concurrently.*
- 6. Proceed with sale and subdivision if no submissions are received under Section 223 of the Local Government Act 1989.*

The property went to auction and was passed in. The auction process highlighted some issues relating to future development options that may be inconsistent with Council’s and the Community’s agreed objectives of sale, i.e. that the site becomes a valued asset for Longwood (private and/or public), and does not conflict with the adjacent public open space.

Representatives from the Longwood Action Group recently presented to Council with their concerns and a range of alternative options that could be investigated that would result in a “win-win” situation for Council and the Community.

*At the Ordinary Meeting of Council, 16 October 2018, Council resolved to:*

- 1. Withdraw the public sale of the Longwood Flats, 1-5/10 Jean St, Longwood until further options are explored with representatives of the Longwood Community and ratified by Council.*
- 2. Direct the Chief Executive Officer or his delegate to work with the Longwood Community Representatives to formulate further options for the Longwood Flats for formal consideration at a future Council Meeting.*
- 3. Authorise the Director of Innovation & Performance to amend the Section 173 Agreement to restrict development in the area set aside for waste water disposal and any other minor amendments that are consistent with the objectives of disposal/transfer of the Flats.*

Further the October Meeting, Council resolved to:

1. **Authorise an “Expression of Interest” process for the future of the Longwood Flats at 1-5/10 Jean St, Longwood as outlined in this report.**
2. *Direct the Chief Executive Officer or his delegate to obtain a review of the current valuation by a professional and qualified property Valuer.*
3. *Continue to work with the Longwood Community Representatives to ensure the final option for the site is compatible with Council and Community expectations.*

## 1.2 The Project

The Longwood site is an asset that is currently surplus to Council requirements.

Council is seeking EOI's to sell or transfer the site to an appropriate developer and/or for proposals that will realise a community benefit to the local population and the Shire in general. The proposals are not limited to individual entities; Council will consider proposals that have joint partners (private and/or public).

## 1.3 Definitions

In the Expression of Interest Conditions, the following terms have the meanings indicated, unless inconsistent with the context:

**"Best Value Principles"** means the Best Value Principles described in section 208B of the *Local Government Act 1989*;

**"Closing Time for Expression of Interest"** has the meaning ascribed to it by clause 3.3;

**"Conforming Expression of Interest"** means an Expression of Interest, which is not a Non-Conforming Expression of Interest;

**"Non-Conforming Expression of Interest"** means an Expression of Interest which:

- (a) does not comply with any requirement specified in the Expression of Interest Conditions; or
- (b) contains any qualification, condition or other indication that the submitter is not willing to perform the services in strict accordance with the Tender Documents; and

**"Schedule"** means a schedule to the Expression of Interest Conditions.

## 1.4 Key Dates

The key dates for this Expression of Interest process is outlined below:

Advertising commences	Wednesday 13 March 2019
Open/Inspection Day	Friday 22 March 2019 (Between 10.00am and 1.00pm)
Closing date and time	Friday 12 April 2019 5.00pm

## **2. Scope of Submission**

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### **Submitter to make enquiries**

Submitters may request clarification of the Expression of Interest document/process at any time until four business days before the closing date.

Submitters are advised and expected to ascertain for themselves the actual extent and nature of the proposal. Council will not entertain any claim arising from a failure to do so.

Council expects each submitter to understand the requirements of the applicable legislation pertaining to proposal put forward to Council.

### **Enquiries**

All enquiries regarding the expression of Interest process must be directed to Phil Howard, Director Innovation & Performance on 03 5795 0000.

To facilitate the enquiry process, an Open Day will be held on-site on Friday 22 March 2019 between 10.00am and 1.00pm to allow interested parties to inspect the flats (both internally and externally). A representative from the Council and from the Longwood Action Group will be in attendance to assist with any enquiries. Attendance at the Open Day is not a pre-requisite but is strongly advised.

## **3. EXPRESSION OF INTEREST**

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### **3.1 Form of Expression of Interest**

As a minimum, expressions of interest must include the information set out in Schedule 1.

### **3.2 Place to lodge Expression of Interest**

An Expression of Interest may be submitted in person, by mail or by email. Submissions delivered by facsimile or verbally will not be considered.

Expressions of interest submitted by mail or in person must be delivered in a sealed envelope marked "Confidential Expression of Interest – Proposal for the future development of the Longwood Flats" and addressed to:

**Phil Howard  
Director Innovation & Performance  
Strathbogie Shire Council  
PO Box 177 (or 109A Binney Street Euroa if being hand delivered)  
Euroa Vic 3666**

on or before the Close of Expression of Interest period.

Expressions of interest submitted by email should be sent to: [info@strathbogie.vic.gov.au](mailto:info@strathbogie.vic.gov.au) with the words "Confidential Expression of Interest – Proposal for the future development of the Longwood Flats" in the subject line of the email.

Council accepts no responsibility for mailed or delivered submissions not reaching the addressee by the Close of Expression of Interest period.

### **3.3 Time for lodging Expressions of Interest**

The time and date by which Expressions of Interest must be received by Council is **5.00pm on Friday 12 April 2019.**

### **3.4 Late Expressions of Interest**

Expressions of Interest received after the Close of Expression of Interest period will not be considered and no correspondence will be entered into in respect of these.

### **3.5 Council not bound to accept Expression of Interest**

### **3.6 Non-conforming Expression of Interest**

Council reserves the right to accept or reject any non-conforming expression of interest.

## **4. EVALUATION OF EXPRESSION OF INTERESTS**

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### **4.1 Expression of Interest Evaluation**

Expressions of Interest will be assessed in accordance with the evaluation criteria set out in **Attachment A**.

Best Value Principles and community net benefit will apply and in addition to assessment against the evaluation criteria, the Council will have regard for any other factors it considers relevant.

Submitters are required to supply all information specified in **Schedule 1**. Submitters that do not provide all information sought may have their Expression of Interest rejected.

In accordance with clause 3.6 the Council may, at its sole discretion, consider an Expression of Interest that is non-conforming if the submission satisfies the needs of Council and does not involve a breach of Council policy or legislative requirements.

An Expression of Interest that fails to meet an evaluation criterion may be considered if the Submitter can satisfy the Council that the Submitter will achieve the required evaluation criterion standard within a mutually agreed time frame.

### **4.2 Post Expression of Interest Submissions**

Council may require a submitter to personally discuss or provide additional information concerning its Expression of Interest before any submission is accepted.

If a Submitter fails to provide the additional information, or attend personally to discuss its Expression of Interest, by the date and time stipulated by Council, its Expression of Interest may not be further considered.

### **4.3 Rectification of Errors and Omissions**

Council reserves the right to:

- check an Expression of Interest for errors and omissions;
- by agreement with a Submitter, otherwise amend the expression of Interest to remedy the effect of any errors or omissions.

### **4.4 Acceptance of Expression of Interest**

The successful Submitter will be notified in writing of the acceptance of their Expression of Interest. Notification of the acceptance of an Expression of Interest will create an agreement between the parties based on the successful submission.

## **5. PROBITY OF EXPRESSION OF INTEREST PROCESS**

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### **5.1 Canvassing**

Submitters must not approach, or request any other person to approach -

5.1.1 any member of Council's staff other than the Director Innovation & Performance or his delegate;

5.1.2 any Strathbogie Shire Councillor;

to solicit support for their Expression of Interest or otherwise seek to influence the outcome of the Expression of Interest process.

The Expression of Interest of any Submitter that engages in conduct prohibited under this clause will not be considered by the Council.

## **ATTACHMENT A – EVALUATION CRITERIA**

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In determining the best outcome for Council and its community, Expressions of Interest will be assessed against the following evaluation criteria. Sufficient information must be provided (as outlined in Schedule 1) to facilitate the evaluation of these criteria.

### **1. Compliance and Qualitative Criteria**

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The compliance and qualitative criteria for this expression of interest are not necessarily listed in any order of importance and may or may not be weighted. In addition, the Council may use material provided in response to one evaluation criterion to evaluate another criterion.

#### **Expression of Interest Compliance**

Includes consideration of the Submitter's ability to comply with the requirements of this Expression of Interest document and consideration of the acceptability or otherwise of any non-conformance of the Submitter's offer in accordance with clause 3.6.

#### **Statutory Compliance**

Ability of the Submitter to comply with all relevant legislative and other project requirements.

#### **Demonstrated Experience, Ability and Capacity**

Submitters must be able to demonstrate:

- experience and achievements in this type of project; and
- ability to meet stated requirements in terms of quality outcomes for Council and the community.

#### **Other Information**

Submitters may provide any additional information considered relevant to the evaluation of their Expression of Interest.

## 2. Evaluation Criteria

Expressions of Interest will be assessed in accordance with the evaluation criteria listed below (in order of importance). Submitters are required to address each of these categories.

<b>CRITERIA</b>	<b>SUBMITTER MUST SUPPLY</b>	<b>WEIGHT*</b>
Community net benefit and expectations	<p>Details of how the proposal will improve or preserve the lifestyle and economy for the local and wider community in the following areas:</p> <ul style="list-style-type: none"> <li>• Social;</li> <li>• Economic; and</li> <li>• Environmental.</li> </ul>	25
Council benefit	Sale price or other transfer/lease options.	20
Timing	Timeframes for development/improvement.	20
Public Interface	Interface with the public park reserve.	15
Amenity	Amenity & environment improvements.	10
Neighbourhood Character /Structure	To be consistent with the objectives of the Strathbogie Planning Scheme, in particular Clauses 15.01-5S and 21.03-3.	10
Additional Information and/or partnerships (if applicable)	Information for Council consideration in addition to criteria above, e.g. business case for public or community or private partnerships.	Not weighted

## **SCHEDULE 1 – EXPRESSION OF INTEREST**

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As a minimum, confidential Expressions of Interest must address the following: -

1. Name and contact details of individual or organisation submitting and designated contact person.
  2. Profile of individual or organisation.
  3. Profile of partners (if applicable) and the role each of them will play.
  4. Information / evidence addressing each of the evaluation criteria identified in Attachment A.
  5. Ability and commitment to comply with key dates identified in clause 1.4.
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