

AGENDA



Meeting of the Strategic Planning Committee of Council

Under Section 89 of the Local Government Act 1989, Council may resolve that the Meeting be closed to members of the public if the Meeting is discussing any of the following issues Personnel Matters, Personal Hardship of any resident or ratepayer, Industrial Matters, Contractual Matters, Proposed Developments, Legal Advice, Matters affecting security of Council property, any other matter which the Council or Special Committee considers would prejudice the Council or any person.

To be held at the

Civic Centre

511 Burwood Highway

Wantirna South

On

Monday 12 November 2018 at 7:00 pm

Order of Business

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Tony Doyle
Chief Executive Officer

1 Apologies and Requests for Leave of Absence

2 Declarations of Conflict of Interest

3 Confirmation of Minutes

Confirmation of Minutes of Strategic Planning Committee Meeting on Monday 8 October 2018

4 Considering and Ordering Upon Officers' Reports

4.1 Knox Operations Centre Construction

SUMMARY: Program/Project Manager, Major Initiatives Unit, Andrew Chadder,

This report considers and recommends the appointment of a tenderer for the construction of the new Knox Operations Centre in Henderson Road, Knoxfield.

RECOMMENDATION

That Council:

- 1. Accepts the adjusted tender submitted by Melbcon Pty Ltd for the lump sum price of \$10,666,411.80 including GST (\$9,696,738.00 excluding GST) for Contract No. 2410 – Knox Operations Centre Construction;**
- 2. Authorises the Chief Executive Officer to formalise and sign the contract documentation; and**
- 3. Advises all tenderers accordingly.**

1. INTRODUCTION

This contract is for the construction of the new Knox Operations Centre at Henderson Road, Knoxfield. The construction phase of this project involves site preparation, construction of new buildings, major civil works including drainage and extensive hardstand areas and the provision of all services to the facility. The construction phase is planned to be complete by November 2019.

In line with Council's Procurement Policy, after considering the complexity, value and risk associated with this contract, it was determined to utilise a public tender process in accordance with the approved Procurement Plan.

This report considers and recommends the appointment of a tenderer to undertake the works.

2. DISCUSSION

2.1 Background

The Knox City Council Operations Centre is currently located on a key site in the Knox Central Precinct. To enable the realisation of opportunities that are present in the Knox Central Precinct, it is intended to relocate the Operations Centre, and sell the parcel of land the Operations Centre currently occupies.

Council engaged Montlaur Project Services as the principal consultant in December 2016 to lead the Operations staff through a process of business analysis, change management, process improvement identification and development of a functional brief. As a result of this, three concept plans for the new site were prepared, with a recommended option supported by the project team, the Knox Central Advisory Committee (9 May 2017) and Council's Strategic Planning Committee (13 June 2017).

The preferred option was subsequently developed further, in conjunction with the Operations leadership team, to develop a final concept plan and cost estimate.

Council engaged Peckvonhartel as Principal Architectural Consultant in November 2017 to undertake design development and detailed design of the facility, with the ultimate objective of producing documentation suitable for tender and construction. The design process has further developed the initial concept design, while engaging with key technical disciplines to ensure service and regulatory requirements continue to be addressed.

2.2 Proposed Works

Following tender evaluation and contract award, construction works are planned to commence in November 2018 and be complete by November 2019, so that the new facility can be operational by January 2020. The construction works involve site preparation and earthworks, construction of four new buildings (including fleet workshop and storage facilities), major civil works including drainage and extensive hardstand areas and the provision of all services to the facility.

2.3 Tenders Received

Council advertised a public tender for this project on 1 September 2018, in accordance with Council's Procurement Policy and approved Procurement Plan. The tender closed on 3 October 2018.

The following tenders were received:

- Tender 1: Circon Constructions Pty Ltd
- Tender 2: May Constructions Pty Ltd
- Tender 3: Mackie Pty Ltd
- Tender 4: McCorkell Constructions Pty Ltd
- Tender 5: Melbcon Pty Ltd

2.4 Tender Evaluation Panel

The Tender Evaluation Panel consisted of suitably qualified panel members experienced in the evaluation and award of major capital works projects. The Panel was advised by Council's Contracts & Probity Advisor.

All members of the Panel signed the Conflict of Interest and Confidentiality Agreements indicating that they had no conflict of interest or association with any of the submitting tenderers.

2.5 Evaluation Criteria

The evaluation criteria, as listed in the Conditions of Tender, have been assigned the following weightings in accordance with the approved Procurement Plan:

Price	50%
Demonstrated Skills and Experience	30%
Project Timeframes, Resources and Methodology	20%

The tender also nominated the following mandatory criteria:

- Public Liability Insurance
- OHS Systems
- Quality Assurance
- Commercial Builders Registration
- Compliance with tender documentation
- Financial capacity

2.6 Tender evaluation results

After considering the tender submissions and seeking additional information for clarification, the Evaluation Panel arrived at the following summary results:

1. Melbcon Pty Ltd
2. McCorkell Constructions Pty Ltd
3. May Constructions Pty Ltd
4. Mackie Pty Ltd
5. Circon Constructions Pty Ltd

The final evaluation matrix and detailed description of the evaluation process is included with the Confidential Procurement Report, appended to this report.

2.7 Preferred Tender

Melbcon Pty Ltd is the recommended tenderer with the lowest tender price. It is anticipated that Melbcon Pty Ltd will give satisfactory performance and successfully deliver the project.

2.8 Second Preferred Tender

McCorkell Constructions Pty Ltd is the second preferred tenderer. It is noted that McCorkell Constructions Pty Ltd had a slightly higher evaluation score, but ultimately the price differential between it and Melbcon Pty Ltd was the deciding factor in the opinion of the Evaluation Panel.

3. CONSULTATION

Aside from the seeking of tender clarifications and interviews with shortlisted tenderers, no further consultation was undertaken as part of the tender evaluation process.

4. ENVIRONMENTAL/AMENITY ISSUES

No environmental or amenity issues needed to be further considered in the evaluation of this contract.

5. FINANCIAL & ECONOMIC IMPLICATIONS

The project cost and funding is summarised as follows:

Description	Project Costs
Contract Lump Sum Price	\$9,596,738.00
Additional Provisional Sum (Landscape)	\$100,000.00
Revised Contract Sum	\$9,696,738.00
Contingency (15%)	\$1,454,510.70
Project Management (5%)	\$484,836.90

Total Project Cost (ex. GST): \$11,636,085.60

Funding Available

The funding sources available are as follows:

Description	Funds
CWP Allocation Number N1131 4006	\$18,000,000.00
Less expenditure/commitments to date	\$ 1,496,544.65

Total Funds Available: \$16,503,455.35

Note that the funding above relates to the overall Operations Centre project (concept, design, construction, soil remediation, operational fitout, etc). The balance of the funds will be required including for remediation of the existing operations centre site. The proposed contract sum is under the budget and pre-tender estimates for the construction phase.

6. SOCIAL IMPLICATIONS

No social implications needed to be further considered in the evaluation of this contract.

7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

Goal 5 - We have a strong regional economy, local employment and learning opportunities

Strategy 5.2 - Plan for a range of key strategic centres that provide a diversity of employment, services and amenities to support the changing needs of our community.

8. CONFLICT OF INTEREST

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author – Program/Project Manager – Major Initiatives Unit, Andrew Chadder - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Director, Engineering and Infrastructure, Ian Bell - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

9. CONCLUSION

The tender representing the best value for Council was presented by Melbcon Pty Ltd for the lump sum price of \$10,666,411.80 including GST (\$9,696,738.00 excluding GST).

The company is adequately resourced and available to successfully undertake this contract within the constraints of time, quality and cost as detailed in the contract documentation.

10. CONFIDENTIALITY

This report contains items of a confidential nature.

Report Prepared By: Program/Project Manager, Major Initiatives Unit – Andrew Chadder

Report Authorised By: Director, Engineering and Infrastructure – Ian Bell

Attachments

Procurement Report – Knox Operations Centre Construction -

A confidential appendix is circulated under separate cover

Knox Operations Centre Construction

Confidential Appendix: Procurement Report – Knox Operations Centre Construction is circulated under separate cover

4.2 Proposed Sale of Council Property Part Wellington Road Reserve and Part 899R Wellington Road, Rowville

SUMMARY: Coordinator Property Management, Angela Mitchell

This report recommends that Council confirms that the 2.495 hectares of Council owned land, being Lot A on proposed Plan of Subdivision PS807908W and being part Wellington Road Reserve and part 899R Wellington Road, Rowville (Council land), is surplus to Council's requirements in accordance with Council's Sale of Land and Buildings Policy and initiate the statutory process for the proposed sale of this Council land.

This report further recommends that Council give notice of Council's intention to sell the Council land to the Pask Group (Pask), or one or more of its nominated entities, as developer of the adjoining Kingston Links golf course (Kingston Links) at 14 Corporate Drive, Rowville by private treaty.

RECOMMENDATION

That Council

1. Confirms that 2.495 hectares of Council land comprised in part Wellington Road Reserve and part 899R Wellington Road, Rowville is surplus to Council's requirements.
2. In accordance with Section 189 of the Local Government Act 1989, gives public notice in the Knox Leader of its intention to sell an area of 2.495 hectares of Council land, being Lot A on proposed Plan of Subdivision PS807908W and comprising part Wellington Road Reserve, contained in Certificate of Title Volume 10284 Folio 966 and part 899R Wellington Road, Rowville, contained in Certificate of Title Volume 11898 Folio 242 by private treaty for \$7.6 million plus GST to the Pask Group or one or more of its nominated entities.
3. Proposes the terms of the sale be as follows:
 - a. The Council land will be sold to Pask by private treaty for a sale price of \$7.6 million plus GST, payable by 10% deposit and the balance due at settlement. Settlement is proposed to occur on the latter of 60 days after gazettal of planning scheme amendment C142, and creation of a separate title for the Council land, provided that such settlement is no earlier than 31 January 2019.
 - b. The sale will be conditional upon the following:
 - Registration of a plan under the Subdivision Act 1988 removing the reserve status from the Council land and creating a separate title for such land.
 - The gazettal of planning scheme amendment C142 by no later than 30 June 2019.
4. Hear submissions in accordance with Section 223(1)(b) and appoint the following Committee of Council comprising Cr _____, Cr _____ and Cr _____ to hear submissions on 9 January 2019 at 5.00pm.
5. Receive a further report following the conclusion of the statutory process.

1. INTRODUCTION

Council at its meeting on 26 June 2017 resolved as follows:

“That Council, having assessed that 2.311 hectares of Council land comprised in part Wellington Road Reserve and part 889R Wellington Road, Rowville is surplus to Council’s requirements, resolves to:

In accordance with Section 189 of the Local Government Act 1989, give public notice in the Knox Leader of its intention to sell an area of 2.311 hectares of Council land comprising part Wellington Road Reserve and part 889R Wellington Road, Rowville (contained in Certificate of Title Volume 10284 Folio 966 and Certificate of Title 9781 Folio 749) by private treaty to the Pask Group for a sale price of \$7.6 million plus GST.

1. In accordance with Section 223 of the Local Government Act 1989, invite submissions from the public in respect of the intention to sell the Council land.
2. Authorise the Coordinator Property Management to carry out the administrative procedures necessary to enable Council to perform its functions under Section 223 of the Local Government Act 1989.
3. Appoints Cr Seymour, Cr Pearce and Cr Holland to hear submissions in accordance with Section 223 of the Local Government Act 1989 on Monday 28 August 2017 at 5.00pm and a further report presented to Council if submissions are received.
4. Commence the sale process as listed below if no submissions are received:
 - a. The Council land will be sold to Pask by private treaty for a sale price of \$7.6 million plus GST, payable by 10% deposit and the balance due at settlement. Settlement is to occur on the later of 60 days after gazettal of planning scheme amendment C142, and creation of a separate title for the Council land, provided that such settlement is no earlier than 31 January 2019.
 - b. The sale will be conditional upon the following:
 - Registration of a Section 24A plan under the Subdivision Act 1988 vesting part of the Council land in Council and registration of a further such plan removing the reserve status from the Council land and creating a separate title for such land.
 - The gazettal of planning scheme amendment C142 by no later than 30 June 2019.
5. Delegated authority is given to the Chief Executive Officer to negotiate and finalise the relevant terms and conditions of sale and all associated documentation and to execute the same.”

Council undertook the statutory process as indicated above and two submissions were received. Neither submitter requested to be heard.

The Committee of Council considered both submissions at a meeting on 28 August 2017.

Prior to reporting back to Council and following a detailed survey of the area, it was identified that the land proposed to be sold to Pask is 2.495 hectares, noting that due to the retention of public space within this area only 2.311 hectares is developable. The original resolution and the statutory advertisement quoted the developable area (2.311 hectares) rather than the entire area. It should be noted that the valuation was undertaken on the entire land and therefore the value on the current valuation has not changed.

In addition to this, the previous resolution indicated that if no submissions were received, Council would resolve to sell the land. Any such resolution can only be adopted by Council at the expiration of the public notice period and compliance with the various steps in the statutory process. The decision of the Supreme of Victoria July 2017) *Pulitano Pastoral Pty Ltd*

ACN 128 937 913 v Mansfield Shire Council requires that matters of this nature, irrespective of the number of submissions, should come back to Council to be the subject of a further Council resolution at the conclusion of compliance with the statutory process.

Considering the land size has been amended and the Council did not resolve to sell the land at the conclusion of the statutory process, it is now recommended that a new statutory process be initiated, which includes obtaining a current valuation.

By way of background on the Pask development and this proposed land sale, there is currently a signed agreement with Pask on the terms of a proposed Development Contributions Agreement (DCA) in the form of a Section 173 agreement to be recorded on the title to Kingston Links. The DCA will be binding on all future owners of Kingston Links if Pask sought to sell the whole or substantive parts of Kingston Links.

The DCA proposes a package of community infrastructure contributions, which includes new sporting fields and associated pavilion; a contribution to support the delivery of new social housing in Rowville; contribution towards a new Men's Shed; and a new pedestrian crossing of the Corhanwarrabul Creek. The DCA also imposes an obligation upon Pask to provide social housing within the Pask development.

The proposed DCA further includes proposed terms for the sale of the Council land to Pask by private treaty, subject to Council's compliance with Sections 189 and 223 of the Local Government Act 1989 and resolving whether or not to sell the Council land to Pask.

The land is now zoned General Residential Zone and is subject to the Development Plan Overlay 13, which followed the gazettal of Amendment C142 (Kingston Links redevelopment).

One of Council's core responsibilities is to manage its assets in order to optimise their value to the community. Part of this responsibility involves evaluating any unused or redundant assets and releasing the funds tied up in these assets in order to acquire, develop or improve other assets. This Council land is an example of resources tied up in an asset, which Council can better deploy in other areas of priority for the reasons outlined in this report.

2. DISCUSSION

The Council land is located near Linnel Court at the southeast corner of Kingston Links. It currently has no road access, but does have pedestrian access via the Council-owned lot at 12 Linnel Court. It is also part of the Rowville Main Drain floodplain. There are a few isolated trees at the edge of the parcel, but it is mostly grassy vegetation that is mowed a few times each year by Council. It is not currently used for public recreation.

The proposed sale of this land would support the development of new active open space facilities at the western edge of Kingston Links, on the site of the current driving range. This area is large enough to accommodate two soccer pitches with an overlaid oval and a multi-use pavilion including female change facilities. It has high visibility to EastLink and is located closer to the Wellington Road entrance, which could allow direct access without sending additional traffic through the new neighbourhoods on Kingston Links. It is also within easy walking distance to the proposed mixed-use areas, where small-scale commercial development could be complementary to the public uses of the sports facilities. There is an existing car park adjacent to the proposed active open space site that could be repurposed for use by the sports precinct.

Three additional passive open space areas plus a landscape buffer along the residential interface will also be included in the development in addition to the rehabilitation of Corhanwarrabul Creek

corridor, creating a reserve approximately 30 metres wide. The reserve supports a shared path link that connects and closes Council's shared path network in this area.

2.1 Assessment against Criteria for Sale of Land and Buildings

Having regard to Council's policy on the Sale of Land and Buildings, Council previously assessed the Council land to be surplus to Council's requirements, regarding the criteria contained in that Council policy, as set out below.

The previous assessment of these criteria was as follows:

Environmental

Principle:	Council will sell surplus land where retention will not enhance or protect its environmental value.
Assessment:	The Council land has not been identified in any study as a Sites of Biological Significance.

Physical Works

Principle:	Council will sell surplus land where it is not required in the foreseeable future for the development of new assets or the improvements of existing assets.
Assessment:	The land floods periodically and has not been identified as an area for future development. The proposed sale of the Council land facilitates Council assets in a more appropriate location within Kingston Links.

Recreation

Principle:	Council will sell surplus land where it is not required in the foreseeable future for recreational purposes.
Assessment:	The Council land was assessed for possible public open space uses as part of the coordination process around the rezoning and redevelopment application. The strategic case for active open space on the Council land is not a strong one. In addition, its location at the far end of Kingston Links would make access more difficult than other parts of Kingston Links. Any intensive uses of Kingston Links have the potential to cause congestion, parking and amenity impacts on Linnel Court. A significant amount of active and passive open space has been included in the proposed development at the cost of the developer.

Land Use Planning

Principle:	Council will sell surplus land where there are not compelling land use planning grounds for retention.
Assessment:	There are no compelling land use planning grounds for the retention by Council of the Council land proposed for sale. If the golf course was to be developed without this parcel of land, access via the Council reserve to Linnel Court would be the only means of public access to the site.

Social

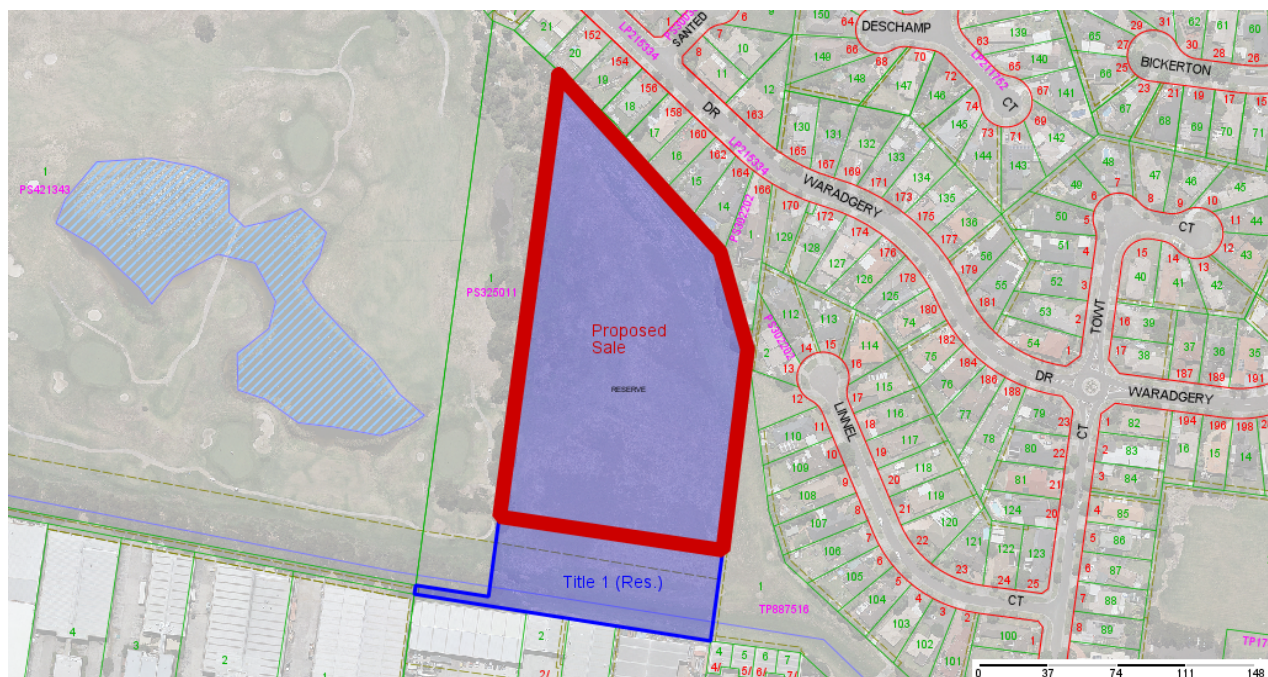
Principle:	Council will sell surplus land where alternative social uses have not been identified.
Assessment:	<p>The Knox Affordable Housing Action Plan 2015-2020 (KAHAP) outlines the roles of Council in increasing the supply of affordable and social housing in Knox as a planner, provider, partner and advocate.</p> <p>Council as a ‘partner’ seeks to develop constructive partnerships to increase the supply of affordable housing in Knox by collaborating with the community/ registered housing sector or developers to encourage development opportunities that create affordable and social housing outcomes. Council’s policies and processes support the development of affordable/social housing. Council’s policy on the disposal of Council land enable consideration of affordable/social housing outcomes for sites suitable for residential development.</p> <p>It is considered that on its own the Council land is not suitable for social housing, however integrated with a broader development as proposed for Kingston Links, social housing outcomes will be achieved. In accordance with Council’s Affordable Housing Action Plan and Planning Scheme, provision is made as part of the proposed DCA with Pask for affordable and social housing contributions.</p>

2.2 Title Particulars

The Council land forms part of two existing titles:

Title 1 (Volume 10284 Folio 966)

A substantial area of the Council land proposed for sale forms part of Certificate of Title Volume 10284 Folio 966. It is currently reserved for public recreation on title. Subsequent to the approval of Amendment C142, the land is zoned General Residential Zone 1.

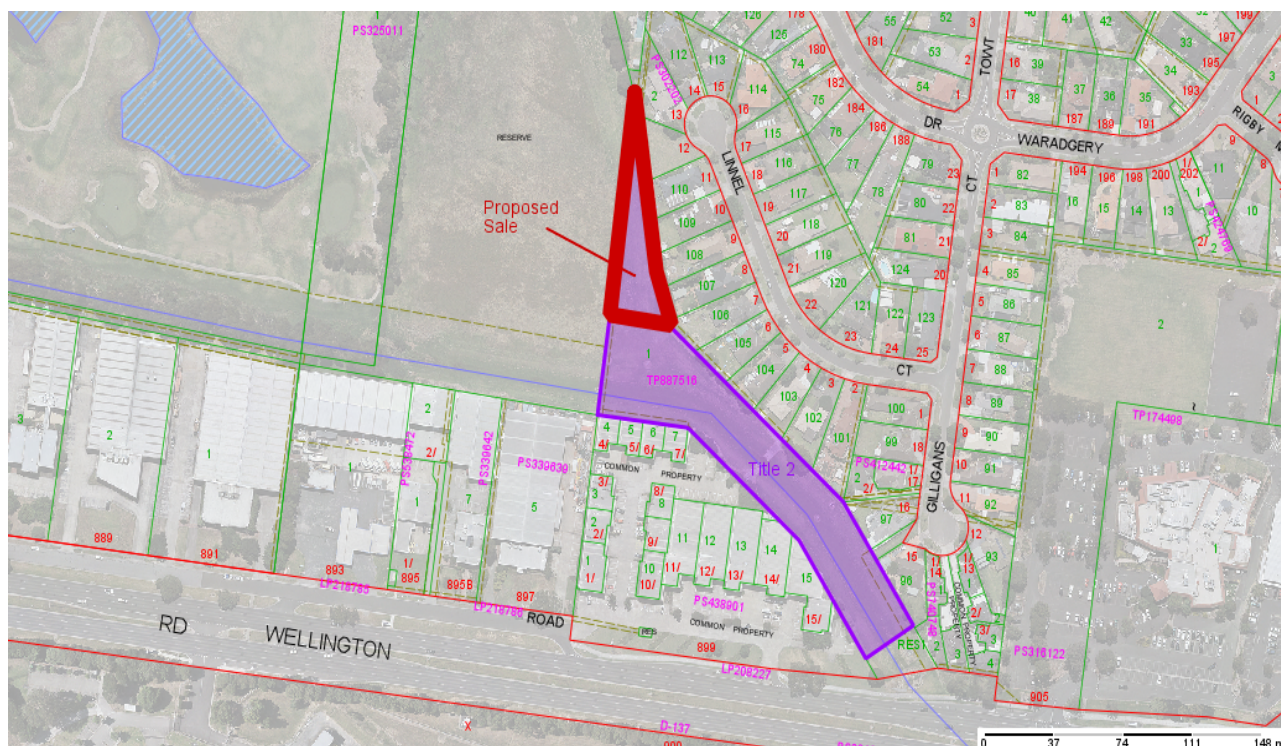


Title 2 (Volume 11898 Folio 242)

A small wedge on the south west corner of the Council land proposed for sale is part of a separate title with the area highlighted in red being the area proposed to be sold.

Subsequent to the approval of Amendment C142, the land is zoned General Residential Zone 1.

It is proposed that the sale of the Council land will be conditional upon the registration of a plan of subdivision under the Subdivision Act 1988, removing the reserve status from the land and creating a separate title for the Council land.



The balance of land in the reserve is to remain part of the floodplain for the Corhanwarrabul Creek and Rowville Main Drain catchments.

2.3 Section 189 and 223 of the Local Government Act 1989

Section 189 and 223 of the Local Government Act 1989 specifies obligations that Council must comply with if it is intended to sell Council land.

2.4 Valuation

In accordance with its statutory obligation, Council has obtained a valuation of the Council land based on its highest and best use for residential development. The proposed sale price reflects this market valuation (refer confidential Appendix A.)

2.5 Method Sale

Council's policy on the Sale of Land and Buildings provides that the sale will generally occur through a public process unless Council resolves that circumstances exist that justify an alternative method of sale.

The recommendation of Council officers is that the Council land be sold by private treaty to Pask as developer of the adjoining Kingston Links for the following reasons:

- 2.5.1 The Council land currently has no road access and only pedestrian access by means of an adjoining Council owned lot.
- 2.5.2 The proposal is to sell the Council land at no less than market value. It is unlikely that the proposed agreed price could be secured by any public process of sale, having regard to the unique value of the Council land to Pask as the developer of the largest adjoining site.
- 2.5.3 The Council land in its current form has little or no development potential other than in association with development of Kingston Links.
- 2.5.4 The sale proposal will deliver benefits to Council and the community that could not be delivered by any other sale proposal, namely:
 - A higher standard and greater area of public open space in a more usable and accessible location within the Kingston Links development than can be offered on the Council land, including the landscape buffer area; and
 - A better outcome will be achieved overall in respect of drainage provision for the locality, having regard to the cut and fill works that will be undertaken by Pask as part of the development of Kingston Links.

3. CONSULTATION

Council will undertake public consultation in order to fulfil both its statutory and community engagement obligations.

The consultative process covers the following measures:

- Pursuant to Section 189 of the Local Government Act 1989, Council will place a public notice in a newspaper, which is generally circulating within the municipality.
- The public notice will invite submissions on the proposal to sell the land.
- Submissions will be considered by Council pursuant to Section 223 of the Local Government Act 1989.
- Submitters have the opportunity to be heard, in person, in support of any written submission they make should they desire to do so.
- Following consideration of the Committee's report, Council will then decide whether to proceed with its proposal to sell the land.

4. ENVIRONMENTAL/AMENITY ISSUES

There are a few isolated trees at the edge of the Council land but it is mostly grassy vegetation that Council mows a few times each year. It is not currently used for public recreation. Amenity issues such as impacts on neighbouring properties and landscaping were considered as part of the amendment process and restrictions placed on any development that might occur there in the future.

5. FINANCIAL & ECONOMIC IMPLICATIONS

The proposed disposal of part of the Council land will meet Council's financial objectives and provide significant proceeds from the sale. A valuation has been undertaken, dated 11 October 2018, and is attached as confidential Appendix A.

6. SOCIAL IMPLICATIONS

The Council land proposed to be sold on its own is not considered suitable for social housing, however integrated with a broader development as proposed for Kingston Links, social housing outcomes would be achieved. In accordance with Council's Affordable Housing Action Plan and Planning Scheme, provision is made as part of the proposed DCA with Pask for affordable and social housing contributions.

7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

Goal 8 - We have confidence in decision making

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations.

8. CONFLICT OF INTEREST

Under Section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author – Coordinator Property Management, Angela Mitchell - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Director, Corporate Services, Michael Fromberg - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

9. CONCLUSION

The proposed divestment of the Council land for the Kingston Links development will provide a unique opportunity to deliver a positive outcome to the community. The conversion of the funds will also provide funds in other areas of priority as well as those within the Kingston Links development site.

It is therefore recommended that Council confirm that the land is surplus to Council's requirements and that it initiate the statutory process to give notice of Council's intention to sell the land to the Pask Group by private treaty in accordance with the recommendations contained in this report.

10. CONFIDENTIALITY

This report contains items of a confidential nature.

Report Prepared By: Coordinator Property Management, Angela Mitchell

Report Authorised By: Director Corporate Services, Michael Fromberg

Attachments

Valuation – Proposed Sale of Council Property Part Wellington Road Reserve and Part 899R Wellington Road, Rowville

A confidential appendix is circulated under separate cover

Proposed Sale of Council Property Part Wellington Road Reserve and Part 899R Wellington Road, Rowville

Confidential appendix: Valuation of Wellington Road Reserve and part 899R Wellington Road, Rowville is circulated under separate cover

5 Motions for Which Notice has Previously Been Given

6 Supplementary Items

7 Urgent Business

7.1 Urgent Business

7.2 Call Up Items

8 Confidential Items