

# EOI Guidelines – Special Rate Precinct Management 2024 - 2028

## Expression of Interest for Special Rate Scheme Delivery Entities

### Table of Contents

1. Overview .....	1
2. Declared Purpose.....	2
3. Designated Precincts.....	2
4. Entity eligibility requirements .....	2
5. Responsibilities .....	3
5.1 Governance.....	3
5.2 Financial Management .....	3
5.3 Reporting.....	3
5.4 Member/Special Rate payers' engagement .....	4
6. EOI Application requirements and process.....	4
6.1 EOI Application requirements .....	4
6.2 EOI process .....	5
6.3 Presentation to Council Officers .....	5
7. Key program dates .....	5
Appendix 1 .....	6

### 1. Overview

The City of Stonnington has resolved to commence a process to introduce up to six Special Rated precincts and wishes to appoint highly qualified, passionate, and focussed membership organisations to deliver activities in each precinct in line with the Declared Purpose of the Special Rate Scheme.

As a result, Council is seeking expressions of interest from suitably qualified entities (Business Associations or other suitable entities currently incorporated or willing to be incorporated) to be responsible for the expenditure of funds raised via a Special Rate Levy in designated commercial precincts across the City of Stonnington.

Successful entities will be required to enter into legally binding funding agreements with Council that confirm the terms, conditions and obligations of the entities in relation to governance, financial management, reporting and Special Rate payer engagement.

The Agreements will cover legal obligations under the *Associations Incorporation Reform Act 2012*, *Local Government Act 1989* and *Local Government Act 2020*. They will also address the findings and recommendations of the Grant Thornton Financial and Governance Audits of the City of Stonnington's former Special Rate Scheme, conducted in 2021 and 2022, and obligations that are consistent with contemporary standards for third parties who are entrusted with expending public monies.

The EOI will be open from 15 - 25 August 2023. Submissions from interested entities will be assessed and summarised by Council Officers. An Officer's Report and Recommendations for preferred entities will be tabled for decision by Council at a Council Meeting on or after 11 September 2023.

## 2. Declared Purpose

Entities will be required to deliver in accordance with the Declared Purpose of the proposed Special Rate Scheme to benefit the businesses within a defined area on behalf of their members and those that pay the Special Rate. The Declared Purpose is proposed to be:

*To conduct marketing, promotion, and business development activities in retail/commercial precincts for the benefit of those that incur the Special Rate.*

The funds are not to be used to purchase infrastructure or structures that need to be affixed to public or Council land.

## 3. Designated Precincts

There are six designated precincts within the City of Stonnington that an entity may nominate to represent and be responsible for the expenditure of Special Rate Levy funds for the benefit of ratepayers. Precincts must contain a minimum of 150 eligible commercial properties. Precincts and related boundaries are depicted in Appendix 1:

- High Street - Armadale
- Toorak Road - South Yarra
- Chapel Street - South Yarra, Prahran & Windsor
- Glenferrie Road - Malvern
- Toorak Village - Toorak
- Hawksburn Village - Toorak, South Yarra, Prahran.

## 4. Entity eligibility requirements

- a) An entity must either be incorporated as per the *Associations Incorporation Reform Act 2012* or be willing to incorporate on being selected as a preferred entity.
- b) Regardless of whether the entity is incorporated, the entity must have an established Committee that represents the entity. At a minimum, the entity Committee must have a President, Vice President, Treasurer and Secretary. Committees should total between 6 and 8 members in number to ensure representation from different sectors, business types and scales. The Committee must meet at least three times a year, with agendas and minutes recorded.
- c) Committees should include members from a range of sectors, such as hospitality, professional services, fashion, general retail, health, and wellbeing. Consideration should be given to representation by both day and night-time businesses. A skills and representation matrix may be useful in this regard.<sup>1</sup>
- d) Incorporated entities are required to sign a declaration, at the time of application, that they have a minimum of 25 individual members who have signed a membership form and have been accepted as members. These members must either own a property or a business within the relevant Special Rated precinct boundary.
- e) Unincorporated entities are required to provide a written petition/declaration of support from 25 businesses for the entity. Those who provide support must own either a property or a business within the Special Rated precinct boundary.

---

<sup>1</sup> Skills/representation matrix template will be provided by Council.

## 5. Responsibilities

Successful entities will be required to commit to undertaking the following relevant to their respective precincts:

### 5.1 Governance

- Be and remain incorporated and compliant with the *Associations Incorporation Reform Act 2012*, and any other relevant legislation.
- Adopt and follow policies and procedures that are fit for purpose and consistent, to the extent necessary, with the *Local Government Act 1989* and *Local Government Act 2020*. These include a Procurement Policy and Conflict of Interest Policy.<sup>2</sup>
- Ensure committees operate in a legal, ethical, professional, and transparent manner, including achieving quorum, keeping appropriate records, and having records available to members to review upon request. Council may also access documents so long as they are not inconsistent with the requirements of the association's obligations to members under the *Associations Incorporation Reform Act 2012*.
- The board or committee should maintain a voluntary status. If remuneration of a board or committee member is recommended by the board or committee via special rate funds, this needs to be approved by Council.
- Provide annual declarations to Council that committee members are eligible to be appointed. Committee members and entity employees will be available to attend compulsory governance training<sup>3</sup> at mutually agreed times.
- Adhere to a Code of Conduct<sup>4</sup> that sets out minimum standards of courtesy, professionalism, and cooperation with internal and external stakeholders, including Councillors and Council Officers. The Code of Conduct will be a joint code of conduct between Council and the Association. The code of conduct will bind both Council and the Associations to the same standards of conduct.

### 5.2 Financial Management

- Maintain high standards of financial management, including adopting policies and procedures consistent with expending public monies.
- Ensure high standards of record keeping and administration, including dual sign-offs and approvals, retention of contracts, receipts, and bank statements, and prohibiting any use of Special Rate monies for personal expenses.
- Will not spend funds on activities either outside the Declared Purpose (eg. Purchasing infrastructure to be installed on public land) or prohibited by the Declared Purpose (eg. used for members personal interests).

### 5.3 Reporting

- Produce and submit:
  1. A four-year Business Plan.
  2. Annual Action Plans, due in June each year, including annual budget, key measures of outcomes or performance (KPIs) and proposed Declared Purpose activities.
  3. An Annual Report due in August each year, including end of year financials and achievement of KPIs.

---

<sup>2</sup> Templates will be provided by Council.

<sup>3</sup> To be organised by Council and paid for with Special Rate funds.

<sup>4</sup> Template will be provided by Council

- Present once per year at a Council Public Meeting in June, at which the Annual Action Plan will be presented and the achievement of the year's KPIs reviewed. Every second year, the biennial survey results will form part of the presentation.
- Complete 6-monthly acquittal forms in June and December each year<sup>5</sup>, including all relevant Financial Statements, prior to a Special Rate funding instalment being released.

#### 5.4 Member/Special Rate payers' engagement

- Maintain a compliant membership register per the *Associations Incorporation Reform Act 2012*, noting that Council cannot enforce any provision of the *Associations Incorporation Reform Act 2012*.
- Ensure that the annual reports provided to Council accurately record the number of members as per the register of members, including the types of membership (Note: only members have a right to inspect the register of members, at a reasonable time according to the *Associations Incorporation Reform Act 2012*).
- Ensure that all Special Rate payers within the precinct are eligible to become Association members.
- Demonstrate that Special Rate payers (regardless of membership status) are engaged, represented, and have equitable access to all Special Rate funded activities delivered.
- Demonstrate every 2 years, that a survey is conducted with all special rate payers within the defined precinct boundary, and with all association members, and that the majority of feedback from that survey, indicates that the special rate payers and members feel they are getting benefit from the Special Rates Scheme for their Special Rate contribution.

## 6. EOI Application requirements and process

### 6.1 EOI Application requirements

Entities wishing to respond to the Expression of Interest will be required to submit documentation to Council on or before 25 August 2023. The application must include:

- A completed application form (provided by Council), confirming a commitment to the requirements in Section 4 and the responsibilities in Section 5 above.
- An entity capability statement – explaining how the entity will deliver the activities under the Special Rate Scheme in accordance with the Declared Purpose (no more than 500 words).
- 2022/23 Financial Statements, in accordance with the requirements of the *Associations Incorporation Reform Act 2012* (if applicable).
- Incorporated and Unincorporated entities are required to provide a declaration signed by 25 members or potential members that they:
  - Support for the entity to represent their businesses in the defined boundary, and
  - Support for the introduction of a Special Rate Scheme.

If Council receives more than one application from entities wishing to represent the same or similar geographic area, the City of Stonnington will only appoint one entity per precinct.

---

<sup>5</sup> Template provided by Council.

## 6.2 EOI process

The City of Stonnington reserves the right to determine the most suitable representative entity, which will be based on, but not limited to:

- a) application documentation submitted,
- b) an in-person presentation to the Council selection panel,
- c) the entity's membership representation of its business/precinct community,
- d) the entity's committee composition, and
- e) any past achievements in representing members.

## 6.3 Presentation to Council Officers

Applicants will be required to present in person to the Council Selection Panel. The Council Selection Panel will comprise Council Officers and an independent member.

The entities will need to outline their abilities and objectives in delivering on the Declared Purpose of the Special Rate Scheme. The presentations are currently scheduled for 30 and 31 August 2023, for no longer than one hour, and must include:

- a) Entity introduction,
- b) Objectives of the entity,
- c) Alignment of objectives and activities to the Council Plan and any other relevant Council strategies,
- d) Proposed operating structure,
- e) Demonstration of capabilities and experience,
- f) Demonstration of business sector representation, and
- g) Examples of potential activity.

The presentation must be attended at a minimum by the president (or representative) and another committee member.

## 7. Key program dates

The timeline for this process is depicted below:

- a) By COB 25 August 2023 - Expressions of interest, including application form and accompanying documentation must be submitted.
- b) Late August 2023 - Council will review applications and the Council selection interview applicants.
- c) On or after 11 September 2023 - Successful entities will be confirmed at a Council meeting. Council's decision will be final.
- d) September 2023 - Development of 4-year Business Plan.
- e) On or after 15 October 2023 - Successful entities must submit a letter requesting that Council commence the intention to declare process.

This request should include a declaration of support for a Special Rate Scheme from 25 ratepayers and businesses in the relevant precinct. Successful entities will be required to submit written evidence of this support to demonstrate to Council that the introduction of a Special Rate Levy will be supported by those that are required to pay the rate.

## Appendix 1

### Precinct Boundaries 2024-2028 Special Rates

#### High Street Special Rate, new 2024-2028 boundary

The precinct consists of all eligible commercial properties situated on High Street and any side streets from Glenferrie Road to the east of the Frankston/Dandenong Railway line including Kings Arcade properties to Morey Street and including property on the eastern side of Glenferrie Road Malvern.



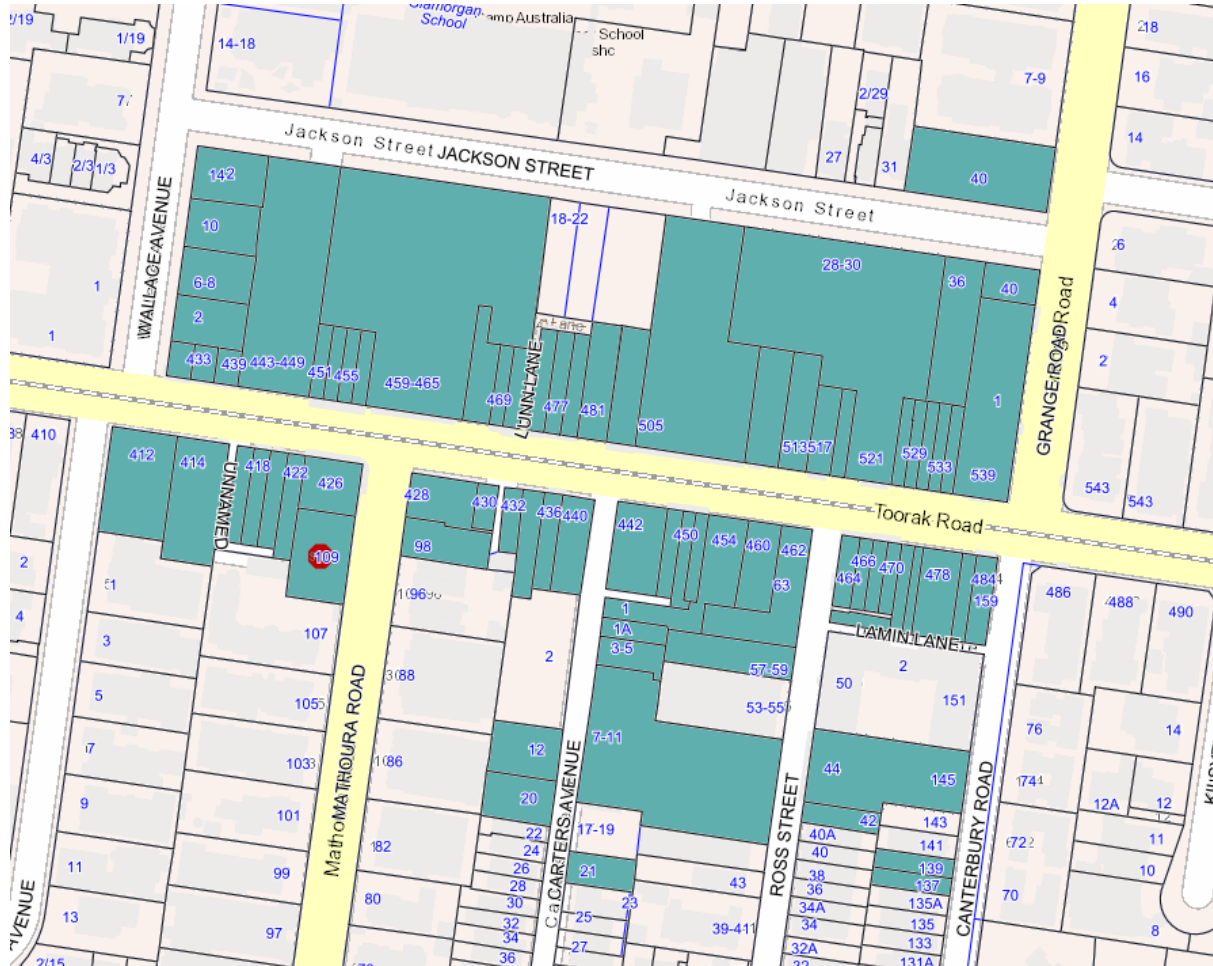
### Glenferrie Road Malvern (Unchanged)

The precinct consists of all eligible commercial properties situated on or adjacent to Glenferrie Road between High Street (yellow properties only) and Dandenong Road and all side streets including Wattletree Road, Claremont and Station Street.



### Toorak Village, Toorak (Unchanged)

The precinct includes all commercial properties on Toorak Road, Toorak including all side streets. The boundary is contained within the western boundary of Wallace Avenue (north east) and Tintern Avenue (north west), south eastern boundary of Canterbury Road and Grange Road (north east), Northern boundary Jackson Street and Southern boundary Ross Street and Ormsby Drive.



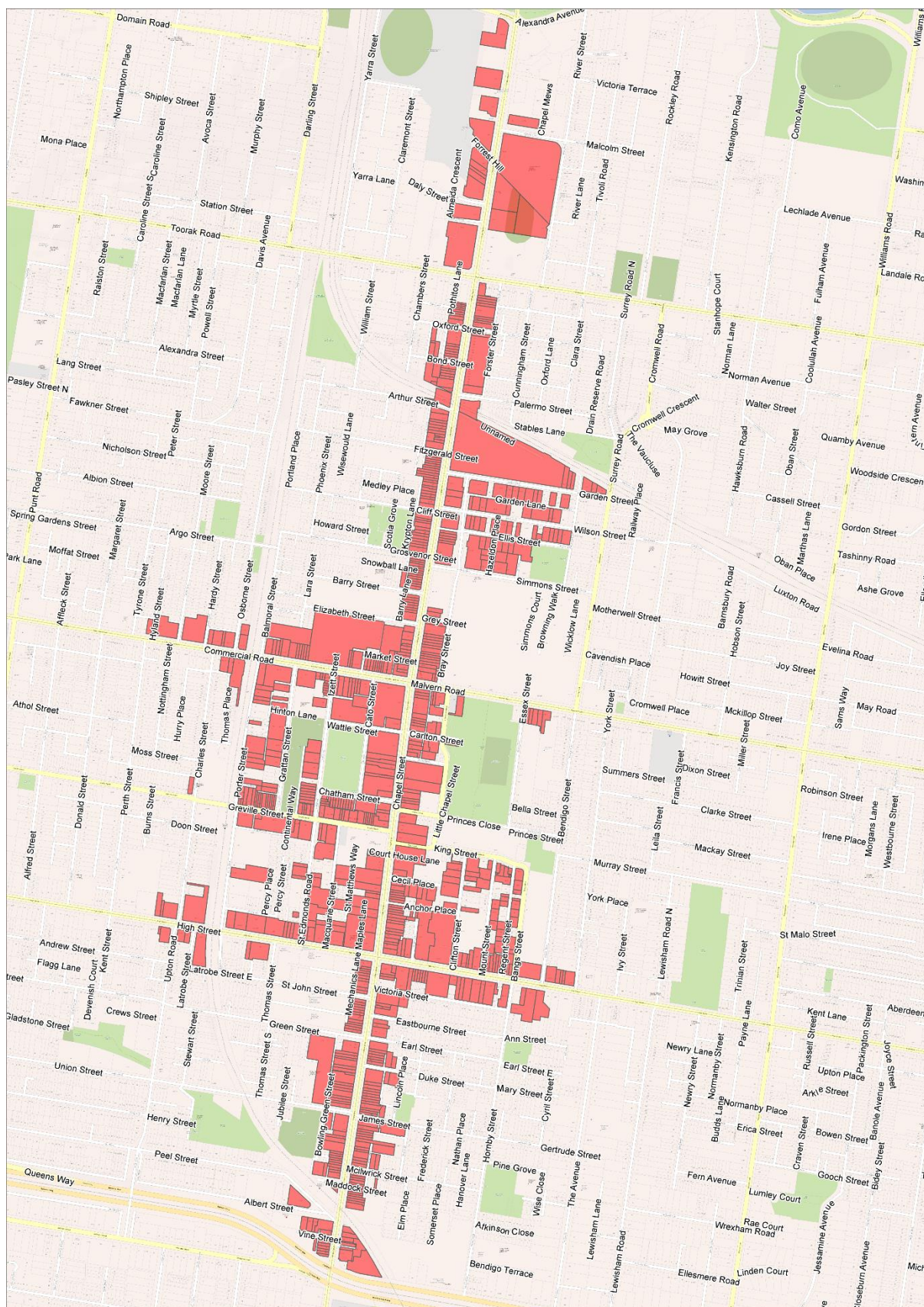
## Toorak Road South Yarra, new 2024-2028 boundary

The precinct includes all commercial properties on Toorak Road and all side streets identified in the geographic region map between Punt Road and Rockley Road and Surrey Road North and Surrey Road North northern boundary of Alexander Parade and Southern Boundary of Toorak Road. Including the entire Forrest Hill South Yarra precinct and Como Centre (but excluding Capitol Grand). This does not include any commercial properties with a Chapel Street address – either to the north or south of Toorak Road as these will be included in the Chapel Street Precinct.



### Chapel Street Special Rate, new 2024-2028 boundary

The precinct includes all commercial properties on Chapel Street and all its side streets identified in the geographic region map between Toorak Road South Yarra and Dandenong Road Windsor. In addition, it will include all commercial properties to the North of Toorak Road up to Alexander Parade which have a Chapel Street address as well as Capitol Grand.



## New Hawksburn 2024-2028 proposed boundary

All commercial properties on Malvern Road Prahran, including all side streets. Precinct is contained within the south west boundary of Bendigo Street, the north west boundary of Surrey Road, the south eastern boundary is Lorne Road and the north eastern boundary is Mathoura Road (both sides). Northern boundary is McKillop Street and laneways and southern boundary is Clarke Street and Robinson Street.

