



EXPRESSION OF INTEREST

E020/2021

for

**Proposed Licence to Occupy Part Lot 2 DP 1255956 Showground
Road Taminda**

For further information please contact:

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Closing Date: 11:00 am on Tuesday 15 September 2020

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A. REQUEST FOR EXPRESSION OF INTEREST

Council invites Interested Parties to lodge an Expression of Interest for a Proposed Licence to Occupy Part Lot 2 DP 1255956 Showground Road Taminda.

The area to be licenced is approximately 1.61 acres. Refer attached map at **ANNEXURE B**.

The length of the Licence is for a minimum of a 12 months period with a maximum of 5 years.

The Expression of Interest should include sufficient details to enable Council to fully understand the intended use and business to be conducted on the land.

The request for Expressions of Interest has been issued in the context of Council ensuring that the proposed use of the land is consistent with Council's vision for the development of the Tamworth region as a major and vibrant regional centre together with any other relevant policies and procedures of Council.

The Expression of Interest Form is attached at **APPENDIX A**.

Any Expressions of Interest should address the following issues in detail:

1. Identify the licence fee being offered.
2. Fully detail what use is being proposed. Detailed concept plans are not required as part of expressing an interest in the Proposed Licence provided the detail provided clearly describes the use being proposed.
3. Detail how the proposed use will be consistent with existing and proposed surrounding development and use.
4. Detail how the use will be beneficial to the Tamworth regional community and provide better community outcomes being direct, indirect and ancillary.
5. Provide a proposed timeframe for commencement of the Licence.

Interested Parties are invited to discuss their concepts and proposals, and to seek additional information from:

Kirrilee Ringland
Manager Legal and Property
(02) 6767 5555
trc@tamworth.nsw.gov.au

prior to the lodging of an Expression of Interest.

B. CONDITIONS OF SUBMITTING AN EXPRESSION OF INTEREST

1. INTERPRETATION

In these “Conditions of Submitting an Expression of Interest” and elsewhere, except where the context requires otherwise:

“**Closing Date**” means the last date for the lodgement of an Expression of Interest being 11:00 am on Tuesday 15 September 2020.

“**Council**” means Tamworth Regional Council and includes its authorised delegates;

“**Day**” means business day, that is not Saturday or Sunday or a public holiday for the Council’s employees;

“**Expression of Interest**” means lodgement of a detailed proposal or concept with respect to the proposed Licence to Occupy Part Lot 2 DP 1255956 Showground Road Taminda containing all requested information and documentation, with a view towards subsequently entering into negotiations with Council (refer to clause 4 of these Conditions);

“**Interested Party**” means the person or entity lodging an Expression of Interest;

“**Person**” includes an individual, a corporation or a body politic;

“**Expression of Interest document**” includes all of the following:

- (i) the Request for Expressions of Interest document in its entirety including:
 - a) Information for Interested Parties; and
 - b) Conditions of Submitting an Expression of Interest;
- (ii) Expression of Interest Form submitted by Interested Party;
- (iii) the Information supplied by Interested Parties; and
- (iv) any further written information supplied as an addendum to this Request for Expression of Interest Document.

In these conditions, unless the contrary intention appears, words importing a gender include any other gender and words in the singular include the plural and vice versa.

2. INTERESTED PARTY STATUS

It is Council’s practice to negotiate and contract only with persons having appropriate financial resources, insurances and legal status.

If the Interested Party is a Trust or a Trustee of a Trust, then a full copy of the trust deed may be requested by Council for inspection.

It is also Council’s practice to deal with entities that have an Australian Business Number (ABN) and are registered for GST.

3. INTERESTED PARTY TO INFORM ITSELF

The Interested Party shall bear all costs or expenses incurred by it in preparing and lodging an Expression of Interest. Council recommends that you obtain independent financial and legal advice regarding the Expression of Interest document. In addition, no costs, expenses, losses, damages, allowances or payments will be paid to the Interested Party as a result of you neglecting to have examined or obtaining appropriate professional advice and/or carrying out your own due diligence. The Interested Party should make itself familiar with:-

- a) all parts of this Expression of Interest document;
- b) all information made available and/or all information obtainable in relation to the land by the making of reasonable enquiries;
- c) the site and its surroundings including the location of all existing public utility services and the availability of services (where relevant to the project);
- d) satisfied itself as to the correctness and sufficiency of its Expression of Interest.

4. EXPRESSION OF INTEREST

The lodgement of an Expression of Interest by an Interested Party in accordance with these "Conditions of Submitting an Expression of Interest" will constitute an offer to enter into negotiations with Council with a view towards exploring and developing a proposal that may subsequently be proposed to Council for formal approval for the proposed Licence to Occupy Part Lot 2 DP1255956 Showground Road Taminda.

The Expression of Interest lodged by an Interested Party will remain open for Council to consider and commence negotiations with an Interested Party until 180 days from the Closing Date.

5. GENERAL CONDITIONS OF CONTRACT

The general conditions of any subsequent Lease (if any) will be developed by negotiation between the parties.

6. ACKNOWLEDGEMENT BY INTERESTED PARTY

The Interested Party acknowledges and agrees that:

- a) it does not rely upon any verbal agreement or other conduct whatsoever by or on behalf of Council amending these "Conditions of Submitting an Expression Of Interest";
- b) Council will not be liable for any cost whatsoever incurred in preparing and submitting the Expression of Interest;
- c) None of those "Conditions of Submitting an Expression Of Interest" will be waived, discharged, varied, amended, modified or released except by written notification by Council;

- d) It shall be responsible for any interpretation, deduction and conclusion made from the information made available and accepts full responsibility for any such interpretation, deduction and conclusions;
- e) It does not rely in making its Expression of Interest upon any warranty or representation made by or on behalf of Council except as are expressly provided in the Expression of Interest Documents and has relied entirely upon its own enquiries, professional advice and inspections in respect of the documents inspected;

7. CONFIDENTIALITY

Any information disclosed or obtained from either Council or the Interested Party about this Expression of Interest must be kept strictly confidential except in the situations where disclosure is:

- a) necessary in the process of assessing Expressions of Interest, or where Council discloses all or part to any of its advisers and consultants or where Council publishes in its business papers, details of the Expression of Interest as may be required and permitted by law;
- b) under compulsion of law or it is already public knowledge; or
- c) with the written consent of Council.

8. COLLUSIVE EXPRESSIONS OF INTEREST

Any participation in or condoning of a collusive activity by an Interested Party shall lead to the immediate disqualification of the Interested Party or of all Interested Parties involved. Any Interested Party involved may be barred from lodging an Expression of Interest or tender for any further contracts with Council. A collusive activity includes but is not limited to:

- a) any agreement as to who should be the successful Interested Party;
- b) any agreement for the payment of money or a reward or benefit for unsuccessful Interested Parties by the successful Interested Party;
- c) any agreement or collaboration of Interested Parties to fix prices, rates of payment or conditions of contract;
- d) the submission of a "cover Expression of Interest", being an Expression of Interest submitted as genuine but which has been deliberately prepared in order not to win the right to negotiate.

9. LEVIES AND TAXES

The Interested Party shall:

- a) provide its ABN and documented evidence of its registration for GST; and
- b) specify whether any price offered is inclusive or exclusive of GST (Goods and Services Tax).

10. SUBMISSION PROCEDURE

10.1. Requirements

An Expression of Interest must be in writing. It must contain the documents, information and details required including the Expression of Interest Form, filled out and properly signed. It must be lodged in the Expression of Interest Box using one of the methods described in this clause, on or prior to the Closing Date.

10.2 Expression of Interest Box Lodgement

The Expression of Interest shall be:

- a) posted to the address of the Council shown in the Expression of Interest document so that it is received not later than the Closing Date for Expressions of Interest; or
- b) placed in the Expression of Interest Box located at the address of the Council shown in this document not later than the Closing Date.

The Expression of Interest including all its parts must be placed and delivered in a sealed envelope **clearly displaying the Expression of Interest Number and the project title**.

Council will only consider a late Expression of Interest (received after the Closing Date) where the Interested Party is able to verify that the Expression of Interest document was posted or lodged at a Post Office or other recognised delivery agency in sufficient time to enable the document to have been received by Council before the Closing Date in the ordinary course of business.

10.3 Acceptance of Non-conforming Expressions of Interest

Council reserves the right to waive compliance with a formality requirement for making a submission at the sole discretion of Council.

11. OPENING OF EXPRESSIONS OF INTEREST

Council will not open Expressions of Interest until immediately after the Closing Date.

12. ASSESSMENT AND ACCEPTANCE

- a) Expressions of Interest will be assessed on their merits.
- b) Once submitted, an Expression of Interest may be varied to provide further information by way of explanation or clarification or to correct a mistake or anomaly.
- c) Council reserves the right to contact an Interested Party to seek clarification and further information regarding any aspect of an Expression of Interest prior to making a decision.
- d) Council will advise the successful Interested Party and/or Interested Parties in writing by posting a notice seeking to enter into further discussions and

negotiations with a view towards developing a proposal which may subsequently be submitted to Council for a decision.

- e) Council reserves the right to enter into discussions with more than one Interested Party and to discontinue negotiations with an Interested Party at any time.
- f) Council may request an Interested Party to make a presentation which explains their proposal for the use of the land.
- g) Council may not enter into any Licence to Occupy the land as a result of the Expression of Interest process.

13. ACCEPTANCE / REJECTION OF EXPRESSION OF INTEREST

Council has the right at its sole discretion to explore and to reject any Expression of Interest or may discontinue negotiations with an Interested Party after it has been requested to enter into negotiations.

14. LODGEMENT

An Interested Party may lodge more than one proposal or concept in response to this request for lodgement of an Expression of Interest.

C. INFORMATION FOR INTERESTED PARTIES REGARDING THE LAND AND IMPROVEMENTS

1. LAND USE

The land is currently used as part of Tamworth Cemetery.

2. LAND CLASSIFICATION

The land is classified as Operational Land.

3. STREETScape

An aerial view of the premises is attached at **APPENDIX B**.

4. ZONING

The land is zoned B5 – Business Development. Refer **APPENDIX C**.

D. FURTHER INFORMATION

1. COMMUNICATIONS RELATING TO THIS EXPRESSION OF INTEREST INVITATION

The principal Council contact relating to this **Expression of Interest** process is:-

Kirrilee Ringland
Manager Legal and Property
PO Box 555
TAMWORTH NSW 2340

Telephone: (02) 6767 5555

Email: trc@tamworth.nsw.gov.au

APPENDIX A

EXPRESSION OF INTEREST FORM

E020/2021

OR

The Common Seal of)
.....) Print Name of authorised person
was affixed by the Authority of the Board in the)
presence of:)
.....) Signature
.....)
.....)
.....) Position Held
.....)
.....)
.....) Date

c) Executed by authority under Power of)
attorney by:) Print Name
.....)
for and on behalf of:)
.....) Signature
.....)
.....)
.....) Title
.....)
.....)
.....) Date

SCHEDULE 1

EXPRESSION OF INTEREST MANDATORY INFORMATION

Please attach written responses to each of the following mandatory points.

1. Proposed licence fee excluding GST.
2. Proposed use of the site.
3. Approximate time-frame for commencement and completion of the lease.

APPENDIX B

AERIAL IMAGE

E020/2021



 <p>Tamworth REGIONAL COUNCIL</p>	<p>Tamworth Regional Council</p> <p>Aerial Image</p> <p>Part Lot 2 DP 1255956 Showground Road Taminda</p>	<p>Scale @ A4: 1: 1,000</p> <p>Printed: 29-Jul-2020 By: User</p> <p>© TRC GIS & Spatial Services</p> 	<p>DISCLAIMER:</p> <p>This map should be used as a guide only and should not be relied upon for any purposes. Information provided in this map should be verified if required before being relied upon. Any reliance on this map is done solely at the risk of the user, and the user fully indemnifies TRC in this regard from any loss and damage arising from such use.</p>	 <p>Tamworth Regional Council GIS and Spatial Services</p>
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APPENDIX C

ZONING MAP

E020/2021

