



Expression of Interest E053-2024

Proposed Lease of Land for 8 Reservoir Road, Manilla

Lot 122 DP 828924, Part Lot 22 DP 1074370 and Part Lot 12 DP 1065208

20 October 2023

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TITLE: Proposed Lease of Land for 8 Reservoir Road, Manilla
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Closing Date: 11:00am AEDST on Tuesday, 12 December 2023

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A. REQUEST FOR EXPRESSION OF INTEREST

Council invites Interested Parties to lodge an Expression of Interest to lease land at 8 Reservoir Road, Manilla, being Lot 122 DP 828924, Part Lot 22 DP 1074370 and Part Lot 12 DP 1065208 (the Land). See **APPENDIX C** for an ariel image of the Land (the area marked in red on the plan will not form part of the leased area).

The Land is approximately 30 hectares, located next to the Manilla Water Treatment Plant.

Council will consider submissions from Interested Parties who are able to occupy the Land in accordance with the zoning requirements for the purpose of grazing livestock.

The Expression of Interest should include sufficient details to enable Council to fully understand the Interested Party's intended use of the Land including, but not limited to, indicating the proposed number of livestock to be run on the Land.

The term of any lease will be for two (2) years. Council may elect at their discretion to extend the term of the lease for a further one (1) year.

The request for Expressions of Interest has been issued in the context of Council ensuring that the proposed use of the site is consistent with Council's vision for the development of the Tamworth region as a major and vibrant regional centre in accordance with Blueprint 100.

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

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

1. An official offer to lease the Land including a rental offer.
2. Fully detail what use is 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 lease.
6. Provide details of the financial capacity of the party(s) providing the Expression of Interest to carry out the proposed business.
7. Provide details of the interested party's capacity and expertise to carry out the proposed business.

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

Nicholas Hawkins
Commercial Property Officer
(02) 6767 5555
invest@tamworth.nsw.gov.au

prior to the lodging of an Expression of Interest.

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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 AEDST on Tuesday, 12 December 2023.

“**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 Lease of Vacant Land at Tamworth Regional Airport 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.

“**Land**” means Lot 122 DP 828924, Part Lot 22 DP 1074370 and Part Lot 12 DP 1065208 as identified in **APPENDIX C** (excluding the area marked in red).

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.

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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 submitted to Council for formal approval for the proposed lease of the Land.

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 lease agreement (if any) will be developed by negotiation between the parties and will include, but are not limited to, the following:

- a) The term of any lease will be for two (2) years. Council may elect at their discretion to extend the term of the lease for a further one (1) year;
- b) Council will not consent to any sublease or assignment of lease arrangements between the lessee and a third party;
- c) The lessee will be responsible for providing all relevant licences and approvals required for the lease and any associated costs;
- d) The lessee is required to pay all outgoings including water and utility costs that may apply for the leased Land; and
- e) The lessee must allow Council, or its contractors and agents, access to the Land to undertake investigations of any kind, where reasonable notice has been given to the lessee of Council’s intention to enter the Land.

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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 land described as Lot 83 DP1243982 and Part Lot 58 DP1221018 and 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;

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- 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 provide its ABN and documented evidence of its registration for GST.

All rent due in accordance with the lease will be subject to GST. Any rental amount offered will be presumed to be exclusive of GST.

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 using one of the methods described in this clause, on or prior to the Closing Date.

10.2 Expression of Interest Lodgement

The Expression of Interests are to be lodged to reach Council prior to 11:00am AEDST on Tuesday, 12 December 2023.

Expression of Interest may be lodged by the following methods:

Online: In the Electronic Tender Box at www.tenderlink.com/tamworth

In Person: The General Manager
Tamworth Regional Council
474 Peel Street
TAMWORTH NSW 2340

By Post: The General Manager
Tamworth Regional Council
PO Box 555
TAMWORTH NSW 2340

By Email: trc@tamworth.nsw.gov.au

If lodging via the Tenderlink Electronic Tender Box respondents will receive a Successful Submission Receipt timed and dated upon completion. Should assistance be required when lodging the Expression of Interest via Tenderlink please use the online manual on the portal under Support/Online Manuals/Making a Submission or contact Tenderlink Customer Support by phoning 1800 233 533.

The Expression of Interest including all its parts must be placed and delivered in a sealed envelope (if submitted by post or in person) **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

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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 based on the following criteria:

Assessment Criteria	
Criteria	Evaluation
Part A: Conforming Submission	
Compliance with Expression of Interest document	Yes
	No
Part B: Weighted Criteria	
Rental Offer	100.00%
Total Weighted Score	100.00%

- 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.

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- 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 Lease of the land as a result of the Expression of Interest process.

13. PRE – EXPRESSION OF INTEREST MEETING

A Council Officer will be available to take Interested Parties on a site inspection of the property by way of appointment at a time suitable to Council and the Interested Party. Refer to Part D for the relevant Council Officer's details

14. 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.

15. LODGEMENT

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

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C. INFORMATION FOR INTERESTED PARTIES REGARDING THE LAND AND IMPROVEMENTS

1. LAND USE

The land is currently vacant part rural and part residential land.

2. LAND CLASSIFICATION AND ZONING

Lot 22 DP 1074370 is zoned RU4.

Lot 12 DP 1065208 is zoned RU4.

Lot 122 DP 828924 is zoned R1 and RU4

Refer to **APPENDIX B** for plan of land zoning.

3. TITLE REFERENCE

The land to be leases is Lot 122 DP 828924, Part Lot 22 DP 1074370 and Part Lot 12 DP 1065208

4. STREETScape

An aerial view of the premises is attached at **APPENDIX C**. The proposed leased area is outlined in yellow.

5. SERVICES INFRASTRUCTURE

A map showing the location of water (blue), sewer (red) and stormwater (green) services and associated infrastructure is attached at **APPENDIX D**.

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D. FURTHER INFORMATION AND INSPECTIONS

1. COMMUNICATIONS RELATING TO THIS EXPRESSION OF INTEREST INVITATION

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

Nicholas Hawkins – Commercial Property Officer

Telephone: (02) 6767 5555

Email: n.hawkins@tamworth.nsw.gov.au

(Submissions must **not** be sent to this email address. Please refer to clause 10 regarding Submission Procedure).

2. SITE INSPECTIONS

Site inspections can be arranged by contacting Benjamin Croxon.

Mobile: 0421 171 041

Email: b.croxon@tamworth.nsw.gov.au

(Submissions must **not** be sent to this email address. Please refer to clause 10 regarding Submission Procedure).

APPENDIX A

EXPRESSION OF INTEREST FORM

E053-2024

Proposed Lease of Land for 8 Reservoir Road, Manilla

Name of Project: **Proposed Lease of Land for 8 Reservoir Road, Manilla**

To: The General Manager

Tamworth Regional Council
PO Box 555 – (474 Peel Street)
Tamworth NSW 2340

ATTENTION: **Nicholas Hawkins**
Commercial Property Officer

1. Having examined the Expression of Interest Documents E053-2024 for the Proposed Lease for Vacant land at Tamworth Regional Airport, we the undersigned request that Council consider our proposal(s) and concepts for the lease as set out in the attached memorandum marked **“Submission for Proposed Lease of Land for 8 Reservoir Road, Manilla”**.
2. We undertake, if our proposal contained in this Expression of Interest Form is of interest to Council, to commence negotiations in good faith with a view towards developing a proposal or concept which might be subsequently submitted to Council for their consideration.
3. We understand that Council’s interest in developing an Interested Party’s proposal does not constitute a contract and Council is not bound to subsequently enter into a binding lease with any Interested Party.

a) Signed for and on behalf of:).....
) Print name of authorised person

b) the following Company/Companies or entities).....
) Signature

Company Name)
) Position Held

Company Name)
)

Company Name).....
 Date

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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. An official offer for the lease including a rental offer and proposed lease period.

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2. Fully detail what use is being proposed.

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3. Detail how the proposed use will be consistent with existing and proposed surrounding development and use.

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- 4. Detail how the use will be beneficial to the Tamworth regional community and provide better community outcomes being direct, indirect and ancillary.

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- 5. Provide a proposed timeframe for commencement of the lease.

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- 6. Provide details of the financial capacity of the party(s) providing the Expression of Interest to carry out the proposed business.

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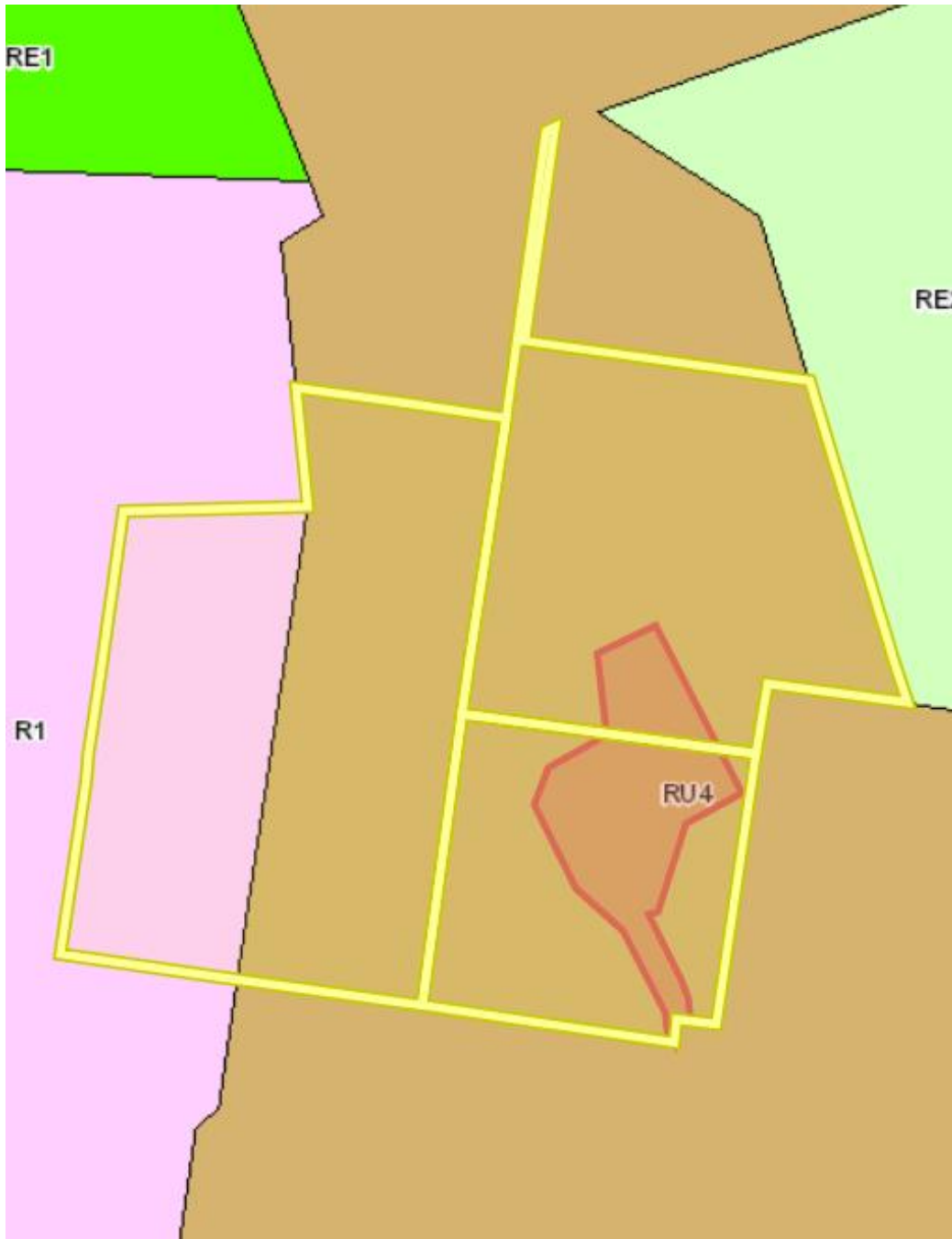
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7. Provide details of the interested party's capacity and expertise to carry out the proposed business.

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APPENDIX B
LAND ZONING
E053-2024



APPENDIX C

AERIAL IMAGE

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