



REQUEST FOR EXPRESSIONS OF INTEREST

2017-0037 – MULTI USE OF BYRON SHIRE RAIL CORRIDOR (BANGALOW TO YELGUN)

FINAL – 22ND MARCH 2018

Deadline for lodgement of EOIs:	TBC	
Method of addressing EOIs	EOIs should be addressed: "2017-0037 – Multi Use of Byron Shire Rail Corridor"	
Submit EOIs to:	The Tender Box Byron Shire Council 70-90 Station Street, Mullumbimby Or www.tendersonline.com.au/byron	
Council's nominated contact person:	Name:	
	Email:	
Details of EOI briefing:	Date:	
	Location:	
	Mandatory?	
	RSVP	

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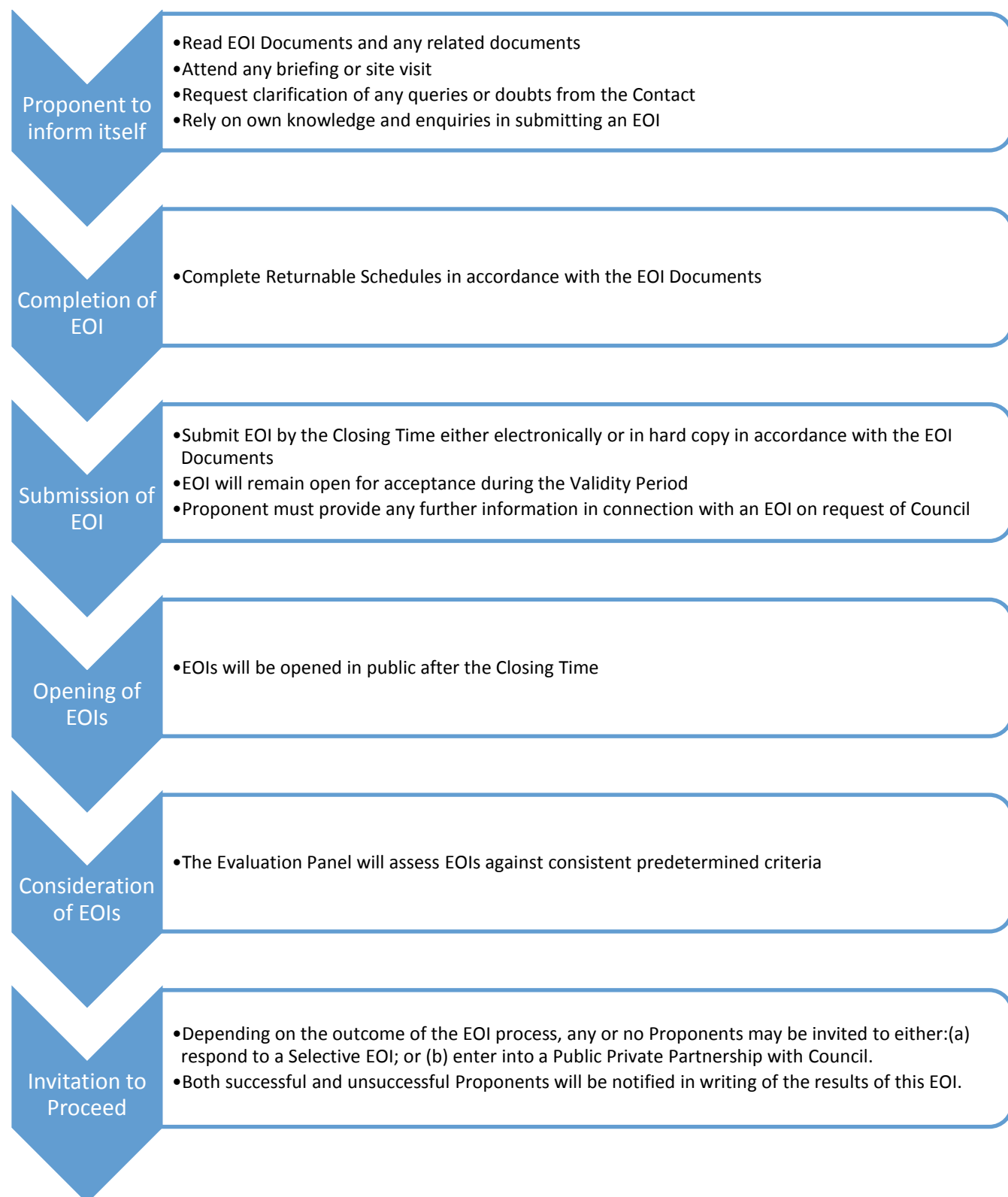
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PART A1 - BACKGROUND

1. OVERVIEW OF EOI PROCESS



2. KEY INFORMATION ABOUT THIS REQUEST

Name of Project:	Multi Use of Byron Shire Rail Corridor (Bangalow to Yelgun)
EOI Number:	2017-0037
EOI Validity Period:	120 days
How to Submit an EOI	<p>1. Electronic lodgement:</p> <ul style="list-style-type: none"> • Response Schedules • All attachments to be in separate files • Each file uploaded should be clearly labelled as to its contents <p>2. Hardcopy lodgement:</p> <ol style="list-style-type: none"> 1) 1 original hardcopy; and 2) 1 electronic copy replicating the original hardcopy.
EOI Documents	<p>Part A – Information for Proponents (read and keep this Part)</p> <ol style="list-style-type: none"> 1. Background 2. Invitation to Respond 3. Standard Conditions of Responding 4. Statement of Requirements 5. Form of Contract <p>Part B – Returnable Schedules</p> <ol style="list-style-type: none"> 1. Compliance Assessment 2. Capability Assessment
Contract	The general conditions of contract for this EOI are set out in Part A5

3. DICTIONARY

a. DEFINITIONS

Business Day means a day which is not a Saturday, Sunday or bank or public holiday in New South Wales;

Closing Time means the time and date by which submissions of EOIs need to be made, as specified in the Key Information About This EOI, or another time or date notified in writing to the Proponents by the Contact;

Conditions of Responding means the Key Information about this EOI and the Standard Conditions of Responding;

Conforming EOI means an EOI which complies with clause 3.1 of EOI Document A3;

Contact means the person to who all enquiries relating to this EOI are to be directed, as identified on the cover page of this document;

Contract means the contract in the same or substantially similar form as EOI Document A5;

Council means Byron Shire Council;

Goods and/or Services means the goods and/or services described in EOI Document A4 to be supplied by the successful Proponent(s);

Key Information about this EOI means the key information about this EOI process, as set out in clause 2 of EOI Document A1;

Local Government Act means the *Local Government Act 1993 (NSW)*;

Local Government Regulation means the *Local Government (General) Regulation 2005 (NSW)*;

Nominated Website means <https://www.tendersonline.com.au/byron>

Request for EOI means this request for EOI;

Returnable Schedules means the schedules which must be completed and returned by the Proponent as part of its EOI, as set out in EOI Document B1;

Standard Conditions of EOI means the standard conditions of the EOI process, as set out in EOI Document A3;

EOI means any EOI lodged by a Proponent in response to this Request for EOI;

EOI Documents means the documents described in clause 1.1 of EOI Document A3;

Evaluation Panel means the body responsible for assessing EOIs received and selecting successful Proponent(s);

EOI Validity Period means the period commencing from the Closing Time and proceeding for the period identified in Key Information About This EOI; and

Proponent means a legal entity who lodges an EOI in accordance with this Request for EOI.

b. INTERPRETATION

Headings are for convenience only and do not affect interpretation. The following rules of interpretation apply unless the context requires otherwise:

- The **singular** include the plural and vice versa;
- Where a **word** or **phrase** is defined, its other grammatical forms have a corresponding meaning;
- A reference to a **person** includes a firm, a body corporate, an unincorporated association or an authority and vice versa and includes the person's successors and permitted assigns;
- A reference to this **Request for EOI** or another **document** includes any variation, novation, replacement or supplement to any of them from time to time;
- A reference to a **part, clause, exhibit, appendix** or **schedule** is a reference to a part of, clause of, exhibit, appendix or schedule to this Request for EOI;
- A reference to a **right** or **obligation** of two or more persons confers that right, or imposes that obligation, as the case may be, jointly and severally;
- A reference to any **legislation** or to any provision of any legislation includes any modification or re-enactment of it, any legislative provision substituted for it and any regulations and statutory instruments issued under it;
- A reference to **conduct** includes any omission, representation, statement of undertaking, whether or not in writing;
- Specifying anything in this Request for EOI with the words **including, includes, or for example** or similar expressions does not limit what else might be included unless there is express wording to the contrary;
- No **rule of construction** applies to the disadvantage of a party because that party was responsible for the preparation of a document; and
- A reference to **any thing** (including any amount) is a reference to the whole or each part of it and a reference to a group of persons is a reference to any one or more of them.

PART A2 INVITATION TO RESPOND

1. INTRODUCTION

Byron Shire Council is seeking Expressions of Interest (EOI) for a contractor to supply services in accordance with the requirements set out in detail in Part A4.

It is Council's intention to proceed further with the process by inviting selected proponents to respond to a selective Request for Tender in accordance with the Local Government Regulation;

However, this call for Expressions of Interest does not constitute an offer by Council to enter into any agreement. Council may or may not proceed further with this EOI process.

PART A3 – STANDARD CONDITIONS OF RESPONDING

1. REQUEST FOR EXPRESSIONS OF INTEREST

a. EOI DOCUMENTS

The EOI Documents are:

1. The documents listed in Key Information About This EOI; and
2. Any annexure, addendum or amendment to those documents issued by Byron Shire Council before the Closing Time.

The EOI Documents must be read and construed together. To the extent that there is any inconsistency between the documents listed in the Key Information About This EOI and any annexure, addendum or amendment to these, the annexure, addendum or amendment will prevail. When more than one annexure, addendum or amendment is issued with respect to the same subject matter, the latest will prevail.

The EOI Documents must be used solely for the purpose of responding to the Request for Expressions of Interest and for no other purpose.

b. AMENDMENTS

The EOI Documents may be amended at any time prior to the Closing Time. An amendment may be made by addendum issued to Proponents. No explanation, elaboration of or amendment to the EOI Documents will be binding on Council unless it is in writing and issued as an addendum or amendment to the EOI Documents.

Proponents may be informed of amendments and other information by notices posted on the Nominated Website. To ensure Proponents are notified of any addenda issued, they should visit the Nominated Website, register as a user and download the EOI documentation for this EOI. It is in the Proponent's interest to ensure they have correctly recorded their contact details prior to downloading the EOI documentation.

c. INFORMATION PURPOSES ONLY

Any information provided to a Proponent by or on behalf of Council (including as part of the EOI Documents) is:

- (a) Provided for the convenience of the Proponent only and unless expressly incorporated into the Contract will not form part of the Contract; and
- (b) Not warranted or held out by Council as accurate, correct or adequate.

2. PROPONENT TO INFORM ITSELF

a. REVIEW OF EOI DOCUMENTS

Each Proponent will, by submitting its EOI, be taken to have fully acquainted itself with the contents of all of the EOI Documents and any documents which are referred to in the EOI Documents.

b. INFORMATION AND ENQUIRIES

If a Proponent has any queries or doubts about the meaning of the EOI Documents, it must make a written request to the Contact for clarification.

c. PROPONENT TO RELY ON OWN ENQUIRIES

All information in the EOI Documents and in the pre-EOI briefing/site visit (if any) is provided for the convenience of Proponents only. Proponents acknowledge in receiving this Request for EOI and in submitting any EOI that they have relied entirely on their own knowledge and enquiries and they do not rely on any warranties or representations made or purportedly made to them by or on behalf of Council.

Council will not be liable for any representations or warranties made or purportedly made by Council, or their representatives or agents or any other person or company on their behalf, whether in the EOI Documents, any pre-EOI briefing or otherwise.

d. PROPONENT NOT TO SOLICIT COUNCIL PERSONNEL

Proponents must not at any time before the Evaluation Panel makes a final decision to accept a EOI, interview or attempt to interview or to discuss or to attempt to discuss any matter about this Request for EOI with Council's officials or personnel, other than the Contact. Any EOI submitted by a Proponent that contravenes this clause 2d will be rejected.

e. PROPONENT WARRANTIES

The Proponent warrants to Council that by submitting an EOI:

1. It has carefully examined the contents of the EOI Documents and any other information made available by or on behalf of Council for the purposes of EOing;
2. It has examined all information relevant to the risks, contingencies, and other circumstances having an effect on the EOI;
3. It has informed itself of the nature of the obligations to be performed under the Contract, including the labour, plant, materials, mechanical plant and other resources necessary, suitable or desirable to perform these obligations;
4. It has satisfied itself to the sufficiency of its EOI for the supply of the Goods and/or Services and obligations in the EOI Documents; and
5. It has not relied on information provided, or represented to be provided, by or on behalf of Council without independently verifying that information and independently satisfying itself of the adequacy, accuracy and correctness of the information;
6. It has not approached Council officials or personnel, other than the Contact, in respect of this EOI; and
7. Information included in the EOI is accurate and complies with all applicable laws.
8. It is acknowledging that it has a firm intention to proceed.

The Proponent acknowledges that the Evaluation Panel will rely on the warranties given in this clause 2e in considering the EOI. Failure by the Proponent to do any or all of the things it warrants to have done will not relieve the Proponent of its obligations set out in the EOI documents and its EOI.

3. COMPLETION OF EOI

a. CONFORMING EOIS

Unless indicated otherwise in this Request for EOI, an EOI must:

1. Be completed (in every detail) and submitted in the form of Part B;
2. Include all information required by the EOI Documents;
3. Not contain any conditions or qualifications; and
4. Comply with this Request for EOI, including these Standard Conditions of EOI and the Requirements set out in Part A4.

Any EOI which does not comply with the requirements of this clause 3a may be rejected or, at the discretion of the Evaluation Panel, be considered as a “non-conforming” EOI.

b. OPTIONS AND PARTS

If the EOI Documents indicate that the Proponent may lodge an EOI in respect of any optional or individual part of the specified requirements, a Proponent must:

- (a) Clearly state which options or parts of the requirements are included in the EOI; and
- (b) Compile its EOI so that the information pertaining to each option or part is clearly differentiated.

4. SUBMISSION OF EOI

a. LODGEMENT OF EOI

EOIs must be submitted in writing:

1. By the Closing Time;
2. Including the number of copies of the EOI identified in the Key Information about this EOI. **Note:** EOIs must be completely self-contained and not include any hyperlinked or other material incorporated by reference; and
3. Either by:
 - a. Electronic lodgement at <https://www.tendersonline.com.au/byron> in accordance with clause 4b below and any terms of use of the Nominated Website; or
 - b. Delivery to the address for submission identified on the cover page of this EOI in accordance with clause 4c below.

Proponents must familiarise themselves with, and ensure they understand, the processes for lodgement, including any terms of use of the Nominated Website. It is the Proponent’s responsibility to submit an EOI in accordance with the conditions of EOI, in a legible form and, in the case of electronic submission, in an uncorrupted format and by secure means. Unless clauses 4b (d) or 4c (b) (as applicable) or the Local Government Regulation otherwise provides, any EOIs received after the Closing Time will **NOT** be considered.

All EOIs lodged will become the property of Council and on no account will they be returned to the Proponent.

b. ELECTRONIC LODGEMENT

The following conditions apply to EOIs lodged electronically:

- (a) Each file submitted should be no greater than 8 megabytes in size;
- (b) Proponents must ensure that transmission of all files is completed and receipted before the Closing Time.
- (c) The time displayed on the Nominated Website is deemed to be the correct time and will be the means by which the Evaluation Panel will determine that EOIs have been lodged by the Closing Time.

- (d) EOIs received after the Closing Time will not be accepted unless the delay in receipt is caused by an error with the Nominated Website (e.g. a system outage) as confirmed by the operators of the Nominated Website.
- (e) The judgement of the Evaluation Panel as to the time an EOI has been lodged will be final.
- (f) Late EOIs, incomplete EOIs, including those with electronic files that cannot be read or decrypted or otherwise in an incompatible format, EOIs which the Evaluation Panel believes to potentially contain any virus, malicious code or anything else that might compromise the integrity or security of the Nominated Website and/or the recipient's computing environment, will be excluded from evaluation.

C. HARD COPY LODGEMENT

The following conditions apply to EOIs lodged in hard copy:

- 1. EOIs lodged in hard copy must be enclosed in a sealed envelope with the number of the EOI and the project name clearly marked.
- 2. All hard copy EOIs must be accompanied by a replica copy on USB drive or similar. The electronic replica is provided for Council's convenience and, if there is any difference between the hard copy original and electronic replica, the hard copy original will prevail.
- 3. Hard copy EOIs are not to be bound.
- 4. EOIs sent by post and received at Council's address after the Closing Time will be deemed to have been received before the Closing Time only if:
 - 4.1. The envelope bears a postal authority post mark clearly indicating that the time and date of posting were before the Closing Time; and
 - 4.2. The EOI would otherwise have been able to be received by the Closing Time in the usual course of business.

d. EXTENSION OF CLOSING TIME

Council may, at its absolute discretion, extend the Closing Time for the submission of EOIs. Proponents may also request to extend the Closing Time by written application to the Contact. Any such request must be received by the Contact at least 3 Business Days before the Closing Time, and must provide sufficient reasons to support the request. **Note: a request does NOT GUARANTEE an extension of time.**

e. EOI VALIDITY PERIOD

All EOIs submitted will remain open for acceptance during the EOI Validity Period. The Proponent may not withdraw or, unless permitted by the Local Government Regulation, amend an EOI during the EOI Validity Period.

f. FURTHER INFORMATION TO BE PROVIDED BY PROPONENTS

The Proponent must if requested by Council:

- 1. Provide further information in relation to the EOI, or the Proponent's performance or financial capabilities;
- 2. Allow representatives from Council to inspect any facility or equipment proposed for use in the performance of the Contract;
- 3. Allow representatives from Council to contact any referee nominated by the Proponent and to obtain information about the Proponent from any third party who Council reasonably considers may be able to provide information about the Proponent or which is pertinent to the EOI; and
- 4. Attend an interview to discuss its EOI.

The Proponent must provide any further information requested by or on behalf of Council within the time nominated by Council.

Any information supplied by the Proponent in response to a request for information or at an interview, under this clause 4f will, if required by Council, form part of the Proponent's EOI.

5. OPENING OF EOIS

EOIs will be opened in public immediately following the Closing Time.

6. CONSIDERATION OF EOIS

a. ASSESSMENT CRITERIA

The Evaluation Panel will assess EOIs against consistent predetermined criteria. The following assessment criteria apply.

Mandatory Criteria

- (a) Proponent must have a valid Australian Business Number (ABN)
- (b) Substantial conformance to Conditions of Contract and Statement of Requirements
- (c) Workers compensation insurance for all employees
- (d) Holds, or is able to obtain, the insurances as specified in the Statement of Requirements
- (e) Satisfactory Work Health and Safety practices
- (f) Financial capacity to undertake the contract
- (g) Commitment to ethical business practice principles. Please note that Council will not contract with any organisation that gains a financial benefit from Australia's offshore detention centres or that has any involvement in contracting for the development and operation of the Carmichael mine or otherwise has ties to the Adani Group.

Qualitative Criteria

- (a) Staff experience and capability
- (b) Relevant organisational experience
- (c) Proposed program and methodology
- (d) Price

The qualitative criteria are not necessarily of equal weighting or presented in any particular order.

The Evaluation Panel will evaluate EOIs in accordance with a pre-determined EOI evaluation plan.

b. EVALUATION PROCESS

The Panel may (without limitation to any other action that may be open to it):

- (a) Seek further information from Proponents for the purposes of clarification or explanation of their EOI;
- (b) Decide not to proceed further with the EOI process.

7. DETERMINATION OF PROPONENTS TO PROCEED TO NEXT STAGE

Council shall evaluate EOI submissions in accordance with this EOI Document. Following this evaluation, Council shall determine the Proponents to proceed to the next stage as follows:

- (a) Invite selected proponents to respond to a selective Request for Tender in accordance with the Local Government Regulations; or
- (b) Negotiate with a preferred proponent with the view to entering into a contract; or
- (c) Not proceed further with this process; or
- (d) Any other course of action legally available to it.

Council specifically reserves the right not to accept any EOI to proceed to the next stage.

Council reserves the right, in its absolute discretion, to decline to accept the EOI of any or all Proponents. This Call for Expressions of Interest will not oblige Council to proceed with any further action.

8. CONFIDENTIALITY

Information provided in this Request for EOI or imparted to any Proponent as part of the EOI process must not be used by the Proponent for a purpose other than to allow the Proponent to prepare and lodge an EOI.

Information supplied to Council by a Proponent will not be treated as commercially confidential unless specifically requested by the Proponent.

By submitting an EOI, each Proponent acknowledges that:

- (1) Council is under statutory obligations concerning the management and public release of information held by it; and
- (2) The Proponent will not object to the release of any information contained in an EOI in accordance with those statutory requirements, or claim damages from Council arising from the release of such information.

9. COSTS AND EXPENSES

The Proponent must bear its own costs and expenses in preparing its EOI. The Proponent has no entitlement to make any claim for any costs, losses, expenses or damages it may suffer as a consequence of the EOI process.

10. ALTERNATIVE MATERIALS AND TECHNOLOGY

If the Proponent is aware that any material or technology specified in the EOI Document is not available the Proponent must include in its EOI:

- (a) Advice of that fact; and
- (b) An alternative material or technology and price.

11. COLLUSION

In consideration of being invited to EOI, the Proponent promises as a fundamental condition that it will not engage in any uncompetitive behaviour or other practice which denies legitimate business opportunities to other Proponents or other participants in the EOI process. In particular, the Proponent promises that:

- (a) It has, at the time of submission of its EOI:
 - i. No knowledge of the details of the EOI of any other Proponent;
 - ii. Not entered into any agreement with other Proponents as to who should be the successful Proponent;

- iii. Not been involved in any meetings of Proponents to discuss EOIs prior to the submission of the EOIs, if a representative of Council is not present;
 - iv. Not been involved in the exchange of information with other Proponents about the EOI.
- (b) Is not, at the time of submission of its EOI, a party to any contract arrangement or understanding:
- i. Pursuant to which there is or will be a payment or allowance of money or the securing of reward or benefit for unsuccessful Proponents by the successful Proponent;
 - ii. Between it and any other Proponent pursuant to which prices or conditions relating to the EOI or the Goods and/or Services or any contract for the Goods and/or Services are fixed;
 - iii. To pay or allow any money or secure any reward or benefit directly or indirectly to a trade or industry association (above the standard fees) in relation to this EOI (except as disclosed in the EOI); and
- (c) The Proponent will not submit a cover EOI (that is an EOI that purports to be genuine but which has been deliberately written in order not to win the Contract or commission) and will not provide any assistance to another Proponent to do so.

If a Proponent is in breach of this clause 12, Council may:

1. Refuse to consider its EOI or EOIs; and
2. Take such other action as it is entitled to take at law, including referring any evidence of collusion to the Australian Competition and Consumer Commission.

12. NO BUSINESS IN ABUSE

Byron Shire Council is committed to not supporting and/or contracting with companies, institutions, and organisations that profit from practices which abuse the human rights of asylum seekers. Council will only contract with organisations that:

- i. Have zero tolerance for child abuse, in policy and practice;
- ii. Respect people's fundamental rights to freedom from arbitrary and indefinite detention;
- iii. Don't treat people in a cruel, inhumane, or degrading manner;
- iv. Commit to transparency and independent monitoring to ensure these principles are upheld.

Additionally, Byron Shire Council will not contract with organisations who gain financial benefit from Australia's offshore detention centres.

13. ORGANISATION'S ASSOCIATION WITH THE ADANI GROUP

In 2017, Byron Shire Council resolved (Resolution 17-585) to not award contracts to organisations that are involved with Adani or the construction of the Carmichael mine.

PART A4 – REQUIREMENTS

1. INTRODUCTION

Following the tabling of a Mayoral Minute at the 15 December 2016 Ordinary Meeting, Byron Shire Council resolved 16-670 as provided in section 2.8. Of that resolution, parts 1 and 3 are relevant with Part 1 being Council’s resolve to support a multiple/integrated commuter, tourism attractor transport and active transport use of the rail corridor within the shire. Byron is unique in its advantageous position in the tourism market and this position should drive the base of the study. The multi use is intended to provide options for rail based services for residents, day trippers and various tourism products, along with a path based use for walking, cycling etc. Notably the resolution is silent on use of private transport, e.g. motor vehicles, within the corridor.

As for Part 3, it details specific investigations and considerations that may be included within the project brief (i.e. this document) which is compiled in efforts to gain quotations from those suitably qualified to deliver on three broad areas, being an:

1. Infrastructure assessment of existing/ required assets to inform a “State and Use of Corridor Report”;
2. Economic Feasibility Study; and a
3. Social Impact Assessment

Accordingly the following pages provide details to assist with quotations from those suitably qualified to complete the studies as outlined at Tables 2 and 3 which are specifically in regard to the rail corridor within Byron shire only and from Bangalow to Yelgun. In the case of the economic feasibility study and social impact assessment to have consideration of its broader opportunities and potential but not limited to; travel movement and experiential use of the rail corridor, by all patrons, e.g. residents, commuters and visitor patronage, tourism etc.

2. BACKGROUND INFORMATION

To assist with understanding the broader context, the following provides a summary of the state government role, including its various studies, a description of corridor alignment and the growing state of disrepair (physically, e.g. infrastructure) and differing community opinions on the best use of the corridor that the rail corridor has and continues to cause.

However as with any contentious issue, previous studies or proposals have and do draw criticisms and are unable to please all parties. Critically, care needs to be taken in distinguishing the basis of previous studies from this proposal. Notwithstanding such obstacles, the current ‘state of play’ offers and seeks positive ways forward as evident (respectively) in the recently commenced Byron Bay Railroad Company shuttle and *THE BYRON LINE* proposal seeking a comprehensive study into the social impact and economic feasibility of utilising the rail corridor¹. Previous studies have not adequately addressed the unique context of Byron Shire and an enquiring mindset will be required to consider this. Byron Shire does not necessarily need to promote further tourist visitation however must better manage existing tourist movement.

a. STATE GOVERNMENT ASSET AND MANAGEMENT

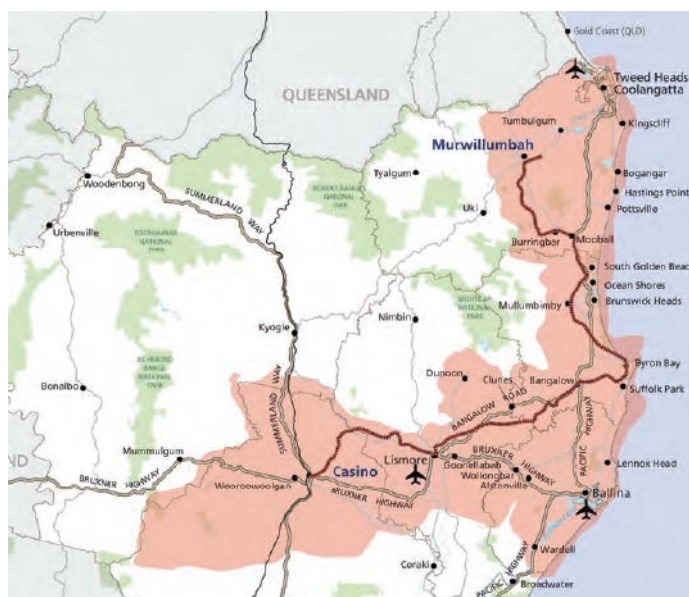
In NSW, a rail corridor and its related infrastructure are within the sole jurisdiction of the state government whose involvement and consideration of the subject site is well documented. For example refer to the Reference list and source documents within this document for the Wikipedia history of the rail line including its links to external sources.

Amongst these sources are investigations published or commissioned by Transport for NSW (TfNSW). As the state government’s (i.e. asset and land owner) delegated authority, TfNSW, along with their managing agent John Holland Rail (JHR), are both key stakeholders in matters relating to the rail corridor and activities upon it or adjacent.

b. ALIGNMENT

As shown at Figure 1, adjacent to much of the 130km long north coast rail corridor are the populations centred around Casino – Lismore – Bangalow – Byron Bay – Mullumbimby – Burringbar – Murwillumbah, which reflects the original purpose of the line; i.e. to link residential settlements which in turn aid movement of people and goods. Supporting this further, the local advocacy group *Train on our Tracks* (TOOT) claim over 80% of residents within Lismore and Byron shires live within 5km of the rail line².

Figure 1: North coast branch line and existing Brisbane-Sydney link.



Source: Figure 2, April 2013 TfNSW Casino to Murwillumbah Transport Study³

c. DISUSED AND IN DISREPAIR

The last train service was in April 2004, and no rail services have since used this rail corridor until the commencement of the Byron Bay Railroad Company rail shuttle. As also shown at Figure 1, the Byron shire length (the subject of this brief) is an approx. 30km length in the middle of the larger North Coast branch line connection between Casino (where rail services still operate on the Sydney-Brisbane trunk line) and Murwillumbah (where no services operate).

As a result of its disuse, minimum to nil maintenance has been undertaken on sections of the rail track and related assets leading to their deterioration. The extent of their deterioration is documented in a 2012 ‘Condition Assessment’ as completed for TfNSW by the consultancy ARUP⁴. The following year TfNSW (April 2013) published the *Casino to Murwillumbah Transport Study*³ which cited the ARUP audit. Amongst its recommendations namely in favour of improving bus services, the *Casino to Murwillumbah Transport Study*³ (p15) concluded that:

...rail services remain suspended. Reinstating rail services will not meet existing and future public transport needs for the region and patronage demand does not warrant the significant investment (in excess of \$900 million) needed for a safe operational rail corridor.

This recommendation is based on no rail connection with Ballina and Tweed Heads, two key urban growth centres in the region. However, it can be noted that rail connects all other large towns and a number of villages in the region including growth centres such as Byron Bay, Mullumbimby, Bangalow as well as key regional centres such as Lismore, Murwillumbah and Grafton. Billinudgel provides a link to the Ocean Shores residential area via a walk/cycle link constructed over the Pacific Motorway.

Since the completion of the study, discussions are now underway regarding the extension of the Gold Coast light rail to Tweed Heads, while the extension of the existing heavy rail Brisbane-Varsity Lakes line to Coolangatta Airport remains under consideration by the Queensland government.

The study also included a recommendation that:

...a safety assessment be conducted on three bridges over public roads that have been identified as a potential safety hazard, to determine definitively whether they should be removed, maintained or replaced.

Following such assessment removal of two rail bridges west of Bangalow occurred circa 2014-2015 leaving a physical gap in the (until then) continuous branch line.

d. CRITICISMS

However, and not unexpectedly, the study itself has drawn criticism from some quarters, including claims the “design principles” used as criteria for benefit-cost assessment were more than required. For example assessment on the basis of providing 2 tracks within the mostly single track corridor and a design speed of 120kph with a class 2 standard track to provide passenger, XPT-like services only. Such analysis was also limited due to freight and more regular shuttle-like services and various tourism services being excluded in the benefit-cost assessment as this study dismissed tourism usage of the service.

Slower speed, but more regular and frequent shuttle-like local services, as with potential use of the corridor as a cycling and walking rail-trail, however was flagged in the study including at Section 7.6 (Key Findings) that:

- *The gradient and alignment of the corridor could support rail shuttle services, though the higher frequencies would need improvements to the corridor; i.e. works to reduce speed restrictions and constructing additional passing loops.*
- *The rail line has many of the core attributes that can make a rail trail successful including access to large population centres, heritage infrastructure, uniqueness of experience, a variety of trail lengths.*

e. ALTERNATIVE USES, COST ESTIMATES AND AN UNSUCCESSFUL FUNDING BID

This reference to alternative uses of the rail corridor, such as a rail-trail, assisted momentum for that cause, for example in May 2013 the Northern Rivers Rail Trail Association Inc. (NRRT) was formed. The NRRT now cite having near 4,000 signatories and the four local Councils (Tweed, Byron, Lismore and Richmond Valley) as supporters of their cause as outlined in their original proposal⁵ (also May 2013) in which they urge:

...the NSW Government institutes a modest follow up project to the current Transport Study (utilizing much of the data which would have been analysed) to consider the feasibility of a cycling and walking trail, being established using the path of the existing railway line.

Presumably this gained traction as within the year the Department of Premier and Cabinet released its study (May 2014) into the costs of such a proposal concluding that \$75.5m was required to construct the rail-trail and up to \$8,900 per km of trail would be needed for maintenance each year⁶.

The NSW government's own cost estimates however did not deter them to invite the Northern Rivers as only one of two regions to apply for an apparently new funding source offered via a *NSW Infrastructure*⁷ Expression of Interest (EOI) process which stated:

A total of \$110 million has been allocated for the Regional Tourism Infrastructure Fund in the 2014-15 State Budget including up to \$50 million for the development of rail trail projects.

However by June 2015 it was announced only \$5m of the mooted \$50m funds were to be allocated, and that was for a second stage of developing a 21-kilometre stretch of former rail corridor between Tumbarumba to Rosewood in the state's south⁸. As if such outcome was not discouragement enough, the remaining \$45m for 'rail trails' was re-directed elsewhere, for example regional airports.

f. DIFFERING COMMUNITY OPINIONS

While cost appears a contributing factor in the unsuccessful Northern Rivers bid speculation arose it was also hamstrung by the lack of cohesion across the many stakeholders and an inability to garner strong enough community support. Even a year later such sentiment was clear with former state member Don Page in his new role as chair of *Regional Development Australia (RDA) Northern Rivers* stating that:

*If the region can't agree to support the Rail Trail, its inevitable sections of the corridor will be sold off. It's a case of use it or lose it.*⁹

This input however was pointed and directed during a local election (Sept. 2016) and specifically at the proposal drafted by the Byron Shire Mayor Simon Richardson (June 2016). Entitled *The Byron Line*, and garnering the support of another local Councillor (Basil Cameron) and his advocacy group *Train our on Tracks (TOOT)*, the document brings a focus on the Byron Shire section of the rail corridor and states:

Much of this document has been informed by NRRRT's Regional Tourism Infrastructure Fund EOI Business Case and Project Proposal. Though the funding component of the NRRRT proposal is uncertain, there is certainly some great work in these documents: the economic, tourism and health and wellbeing aspects of the rail trail and activation of the corridor is thoroughly explored and key assumptions underpinning the value of this project are valid.

g. PRESENTLY

Meanwhile a private entity, the Byron Bay Railroad Company, has been granted approval to run a shuttle service from 3km west of Byron Bay between the town and Bayshore Drive, which commenced operating in 2017. Further details of it are contained within *The Byron Line* document¹.

Thus not to be deterred, the Mayoral Minute tabled 15 December 2016 sought and gained Byron Shire Council support to progress a two-pronged study into the rail corridor within Byron shire. Resolution 16-670 shown in the source documents states an engineering assessment on infrastructure and costs for repair and a separate economic feasibility study and social impact assessment are required. These are to have broader terms of reference than the previous above cited government studies. Accordingly, the following detail is provided to help understand the scope of such studies, as are the background information excerpts cited throughout (see Section 8), specifically *The Byron Line*¹ and its clear expectations for the feasibility study as outlined within it at Section 12.3 and as reproduced in the source documents in this document.

Also outlining Council's long standing desire to see utilisation of the rail corridor is their submission Council's 2008 *Submission to Infrastructure Australia* in regard to Rail Corridor (BSC Ref. 799880).¹¹ Amongst its various statements, it is notable for its claim that a previous 2004 study by PricewaterhouseCoopers (PwC) determined return of rails services was feasible.¹² Byron Shire Council has also recently introduced pay parking which will have an effect on the mode choice in this study.

Byron Shire Council continues to increasingly promote the use of the rail corridor as a multi use solution that can be used by tourists, residents and commuters to minimise the number of cars on the roads.

3. OBJECTIVES/OUTCOMES & SCOPE OF WORKS

Given the history of the disused rail corridor, Byron Shire Council now seeks a definitive study such as sought by Res 16-670, i.e. Council seek to engage those suitably qualified to undertake three studies, being an:

- *State and Use of Corridor Report* (i.e. an engineering assessment of the rail corridor);
- *Economic Feasibility Study*; and
- *Social Impact Assessment*.

The scope of works required to complete the above reports are detailed as follows, and listed at Tables 2 and 3. To ensure the credibility of this study, a detailed assessment of the condition of the existing rail corridor and track will be required, including evidence within the report.

a. STATE AND USE OF CORRIDOR REPORT

Quotes MUST be provided for undertaking the assessment as detailed at Table 1 for each of the following geographic links:

- Yelgun to Billinudgel
- Billinudgel to Mullumbimby
- Mullumbimby to Byron Bay
- Byron Bay to Bangalow (Rifle Range Road)

Other areas for consideration are:

- Tygarah (Pacific Highway) to Blues Festival site (i.e. outside of the rail corridor)
- Within the Billinudgel section a Yelgun stop or line spur and/or connection onto North Byron Parklands (i.e. outside of the rail corridor)
- Stop at Ewingsdale accessing The Farm / The Byron Hospital and other additional stops in high residential areas

b. FORMAT / OUTPUT

As Table 2 indicates the engineering study will consist of a desktop review and use of unit/industry costs to determine the cost to reinstate the railway in order to provide rail shuttle services using lightweight rolling stock. This desktop review is also to include a definition of the scope of the study to be undertaken including a study framework and a clear methodology for onsite inspections and reporting.

In addition, a series of 'sectional' reports and inspections will be produced in regard to geographical lengths of the corridor. These sectional reports will commence with a thorough onsite inspection and engineering assessment of a specific length of the rail corridor and produce a report on the matters at Table 2 for *each* section. As mentioned above, quotes for the work must address each section identified. Council reserves the right to undertake none or more inspections subject to budget, costs and timeframes.

Also as Table 2 shows, separate reports will also need to be quoted and produced for:

- accessibility and mobility including integration with alternative transport i.e. bikes, walking, buses etc;
- weights of transport options (e.g. rolling stock) and implications;
- speeds and required fencing and associated supporting infrastructure;
- residential impact-sound generation assessment; plus
- to conclude the study a final report is to be produced whereby the completed study is provided with a covering report detailing all key findings of each report produced through the project and (where/if necessary) provision of updates and amendments to previous reports including input of community, stakeholder and Council feedback gathered (by Council) during the study.

C. ECONOMIC FEASIBILITY AND SOCIAL IMPACT ASSESSMENT

As per Res 16-670, Council seek to engage those suitably qualified to undertake an economic feasibility and social impact assessment of providing an integrated cycling and walking path within the rail corridor (where feasible) alongside passenger rail services. These assessments may be undertaken in parallel with the engineering study. Details for this part of the study are detailed in Table 3.

However, section 12.3 of *The Byron Line* is also instructive in regard to expectations of such studies and is reproduced in the source documents in this document. An overarching first requirement of the study is the production of a scoping document outlining criteria to be used for assessment of each of the subject matter listed at Table 3.

To ensure the outcomes of these assessments incorporate the “Unique” context of the Byron Shire, it is of primary importance that Council and the proponent/s agree on the use of case studies. However, it can be expected that case studies will be required to inform the economic and social changes that occur due to rail corridor activation and any associated changes such as: land value, business type and opportunities/value, turnover, employment, traffic reduction, mode shifts, demographics including visitors and visitor spend, etc.

As such the Proponent is requested to table relevant case studies that could be included in the study. While nominating such will not be used in selecting the successful party to undertake this work it will be used to help inform scope of the work to be undertaken.

To conclude the study a final report is to be produced detailing all key findings of each assessment and (where/if necessary) provision of updates and amendments to previous reports including input of community, stakeholder and Council feedback gathered (by Council) during the study.

d. ECONOMIC FEASIBILITY STUDY

The Economic Feasibility Study should identify and quantify the local and regional economic impacts of each option, including the multi use of the rail corridor. This study should include but not be limited to the following key areas;

1. Productivity Effects

a. Predicted usage

- i. Average daily patronage and markets (visitors and residents including commuters)
- ii. Events and Festivals
- iii. Markets
- iv. Park and Ride (include possible locations, and associated costs and benefits). Possible locations should include Mullumbimby, Bangalow, Billinudgel/Ocean Shores, Ewingsdale, and Bayshore drive.

- v. Tourism operations, both as independent product and potential combined commuter/visitor/premium tourism operations
 - vi. Other
 - b. Agglomeration effects on per capita productivity
 - c. New and existing businesses
 - i. Direct and indirect
 - ii. Value-add opportunities
 - d. Transport Impacts (Private and Public)
 - i. Value of time travel savings (VTTS)
 - ii. Vehicle operating costs savings (VOCS)
 - e. Modal integration and increases in development of additional transport operations linking to stations (e.g. expanded bus servicing of town/locale catchments.
2. Employment Effects
- a. Employment growth (during construction)
 - b. Employment growth (ongoing)
3. Tourism Effects
- a. Visitor numbers (potential increase in visitor no's. particularly day trippers)
 - b. Average length of stay
 - c. Induced expenditure
4. Effects on Land Values in surrounding corridor
5. Costs
- a. Capital Costs of development/construction
 - b. Land Acquisition costs (if applicable)
 - c. Recurrent Operating Costs (including out-of-service costs)
 - d. Renewal / Major Periodic Maintenance
 - e. Funding and Operating Models available
 - f. Risk mitigation
6. Other Benefits
- a. Decrease in traffic on road infrastructure and the effect on Operating Costs (if applicable)
 - b. Emissions, air quality, etc.
 - c. Levels of Service (benefits and dis-benefits, as applicable)
- e. SOCIAL IMPACT ASSESSMENT

As per Res 16-670, Council seeks to engage those suitably qualified to undertake a Social Impact Assessment of providing an integrated cycling and walking path within the existing rail corridor (where feasible) and passenger rail services. Social Impacts are basically 'people impacts'. It looks at anticipating what may flow from a development or project that is likely to affect people's living, working and leisure environments. It seeks to predict, anticipate and understand what may occur. It aims to find out how to maximise desired outcomes and to minimise costs or losses to communities.

The fundamental objective is to improve people's quality of life and social wellbeing and to ensure that they are not compromised in the future by decisions made today. This often involves looking at similar communities that have experienced similar projects in the past. SIA is comparative. Linking social and economic goals is an important aspect of sound social assessment. Economic impacts will often have

important social dimensions. So the elements of the Economic Feasibility Study e.g. Residential and visitor/festival patronage have a social component, employment generation e.g. full time, part time, permanent or casual.

Relevant case studies and primary data collection will be required to inform social changes that occur/may occur due to rail corridor re-activation/activation into an integrated transport system that includes bikes, walking, buses and/or trains and any associated impacts such as change to: social cohesion, community connectedness, cultural identity, access to services and facilities, travel options and patterns, employment generation, demographics including of residents and visitors, residential amenity and quality of life, community safety, land use patterns, etc. This is to be looked at in terms of residents, commuters and visitors.

4. RESOURCE REQUIREMENTS, QUALIFICATIONS AND ACCREDITATIONS

Submissions in response to this brief must detail the personnel proposed to be involved, including their proposed role (e.g. their duties, responsibilities and expected output) plus detail their relevant experience and qualifications.

As a guide, Council expects:

- The engineering assessment including onsite inspections and subsequent reports to be undertaken by those with relevant tertiary qualifications and adequate professional experience in regard to infrastructure and asset management assessment and maintenance, preferably in regard to rail assets and cost estimates; and that
- The economic feasibility study and social impact assessment be undertaken by those with qualifications and adequate professional experience relevant to the specific topics as outlined at Table 3.

Given the variety of topics within the study and expectations upon the project, Council accept that third parties and/or collaborations or partnerships may be formed. This is acceptable subject to one principal party being nominated for the engagement of the contract including responsibility of meeting milestones and payment for services rendered.

5. INSURANCE REQUIREMENTS

Insurance Type	Insurance Amount Required	Specific Insurance Requirements
Public Liability	\$5,000,000	Valid for duration of Contract.
Professional Indemnity	\$2,000,000	Valid for five years from date of Contract
Workers Compensation	As legally required	For all employees
Motor Vehicle – Comprehensive	To full value of the vehicle	As required for site inspections

6. PROJECT TIMELINES

The assessment panel will report to the ordinary meeting of Council on the 24th May 2018 to proceed to a selective request for tender with the selected proponents. The anticipated date for commencement of the Contract will be advised at this stage. The proponent is not required to submit a program for this Expression of Interest.

As shown in Tables 2 and 3 a series of stand-alone reports are expected over the course of the project, culminating in a final study with a covering summary report which provides opportunity for amendments, updates and community and stakeholder input which is collected throughout the process.

Whilst noting the level of detail required to complete the studies, Council desires the completion of the brief within 6 to 8 months of engagement. To achieve this timeframe, various tasks may be undertaken in parallel. The exact timeframe for milestones will be subject to agreement with the successful party/parties. The time allocated to the project also reflects the number of stakeholders and community interest Council anticipate in the study as it evolves.

7. SERVICE LEVELS AND KEY PERFORMANCE INDICATORS (KPIs)

Byron Shire Council will use the following general key performance indicators to evaluate performance of the successful bidder. Performance will be evaluated at the completion of the Contract, which will form the basis of the performance review. Should one or more of the KPIs be considered irrelevant or unworkable, the parties must meet in good faith and agree on alternative KPIs as may be required under the Contract.

General Key Performance Indicator Score Rating Scale

- A. Unacceptable/deficient
- B. Limited/flawed
- C. Adequate/satisfactory/appropriate
- D. Competent/proficient
- E. Strong/superior/exceeds expectations

Key Performance Indicator		Rating					Comments
		1	2	3	4	5	
1	Engineering assessment						
2	Economic feasibility study						
3	Social Impact Assessment						
4	Innovative Solutions						
5	Quality of work						
6	Timeliness						
7	Reporting						
8	Communication						

*The key objectives/deliverables have been set out in this Expression of Interest. These are the results that the Supplier is expected to deliver to meet Council's key contract requirements.

8. CLIENT AND STAKEHOLDERS

The Consultant is required to provide a price to lead and organise the involvement of stakeholders throughout the study. Involvement and input is expected from the parties in Table 1 in the very least. This is not a definitive list and may be added to within the course of the project. The Consultant must explore the listed stakeholders and focus groups to determine potential patronage and markets.

The Consultant will be responsible for arranging liaison with each as required and ensuring broader consultation and opportunity for comment by other external parties is offered and sought when and as deemed necessary.

The actual number of stakeholder meetings and/or workshops however will be limited and managed by Council in consultation with the successful party engaged to undertake the work described within this document. To this end, quotations should provide costs for time and attendance at onsite meetings and workshops including expected disbursements for travel, accommodation, etc. *A discount should be offered should Council decide to undertake the stakeholder engagement internally with minimal Consultant input.*

Table 1: likely stakeholders and direct input

Stakeholder	Background
Councillors and respective Council committees	Council has long supported return of rail services and more recently a multi modal use of the rail corridor. Council committees provide an immediate and established conduit to broader public involvement and representation.
Local state MP, and potentially Federal member	NSW MP Tamara Smith is supportive of use the rail line.
Transport for NSW (TfNSW) or their delegate	As the state authority and delegated authority of the responsible minister, TfNSW is a key stakeholder in any review of the rail corridor, preferably via their nomination of representative that can be involved throughout the study to be undertaken
John Holland Rail Group (JHR)	As TfNSW contracted party for the management of land and infrastructure, JHR personnel offer expertise across a range of disciplines, from engineering, regulatory and legal, administrative and permissible uses, etc.
Regional Development Australia (RDA)	RDA provide guidance and knowledge in regard to funding availability and addressing criteria, plus a local knowledge network
Friends of the Byron Line	A community group who will assist in data gathering for options analysis. Is a group consisting of TOOT, NRRT, BBRC.
TOOT	Trains on our Tracks are long established advocacy group and have provide their support for <i>The Byron Line</i> document seeking to utilise the rail corridor
NRRT	The Northern River Rails Trail Association Inc. has garnered much public attention and support for their preference the rail corridor be used for a rail trail and offer much knowledge and an established network
BBRC	Byron Bay Railroad Company has been granted approval to run a shuttle service on approx. 3km of rail line from between west of Byron Bay (at Bayshore Dve) and the town centre. Their experience with the approval process and requirements will be invaluable to the study, as will their knowledge in regard to engineering, patronage, infrastructure and costs
Tourism	Use of the corridor offers an untapped tourism opportunity and a potentially stronger funding success than a transport only focus. Thus tourism representation and input is viewed as key throughout the study process, to identify markets for experiential product and especially for funding or grant opportunities that are already known or that may arise.
Chamber of Commerce, local Progress and Resident Associations, etc.	The shire's town stand to benefit from rail corridor activation, as such ensuring the CoC or any active PA involvement and understanding of the study will be required to assist garner community support
Festival and market organisers	As important contributors to the local economy, the larger festivals support, contribution or involvement in the study will assist with its progress including Falls, Splendour, Blues and Mullumbimby music festivals, Byron Bay triathlon, Byron Writers Festival, 'schoolies' and larger water based events, e.g. surf festival, bay swim, plus Markets including farmers markets in Byron Bay (Thursday), Bangalow (Saturday) and their monthly Sunday markets.
Youth, mobility impaired, arts and cultural representation	More for input into the economic feasibility study and social impact assessment, youth, arts and cultural representation and input will help understand the potential benefits and opportunities that such sectors of the community see when the rail corridor is 'activated', while the mobility impaired can specifically help with understanding matters to address in the relevant engineering report and overcome barriers to use

9. REFERENCE AND SOURCE DOCUMENTS

The attached documents are provided to be read in conjunction with Part A4 to provide Proponents with complete detail relating to the requirements of the RFT.

¹ Richardson, Simon (Mayor, Byron Shire, principal author), co-authors: Amy Phillips, Chris Harris, Editor Peter Gough, *The Byron Line*, June 2016, <https://siricho.files.wordpress.com/2016/08/the-byron-line.pdf>

² Trains On Our Tracks (TOOT), <http://toot.org.au/myth-busting-the-trail-without-rails-2/>. Accessed 28/3/17

³ Transport for NSW (TfNSW), April 2013, *Casino to Murwillumbah Transport Study v2.1*, <http://www.transport.nsw.gov.au/sites/default/files/b2b/projects/c2m-transport-study-final-low-res-version.pdf>

⁴ Arup, Sydney 2012, *Casino to Murwillumbah Rail Line Study: Stage 1 Condition Assessment*, view at:

Lismore to Byron Bay <https://www.yumpu.com/en/document/view/29281289/node-2-lismore-to-byron-bay-part-transport-for-nsw>

Byron Bay to Mooball <http://www.yumpu.com/en/document/view/30757882/a3-node-3-abyron-bay-to-mooball-transport-for-nsw/1>

⁵ Northern Rivers Rail Trail (NRRT), May 2013, *Northern Rivers Rail Trail Proposal*

<http://www.northernriversrailtrail.org.au/wp-content/uploads/2014/11/Northern-Rivers-Rail-Trail-Proposal-SD-11-11-2013.pdf>

⁶ Department of Premier and Cabinet, May 2014, *Casino to Murwillumbah Rail*

Trail Study - Final Report

http://www.northernriversrailtrail.org.au/wp-content/uploads/2014/10/casino_to_murwillumbah_rail_trail_study_final_report.pdf

⁷ Infrastructure NSW (2014), *Regional Tourism Infrastructure Fund: Rail Trails, Expression of Interest Guidelines: Rail Trails 2014-2015 Funding Round*

https://www.industry.nsw.gov.au/_data/assets/pdf_file/0003/65757/EOI_Rail_Trails.pdf

⁸ ABC News, 22 June 2015, *Northern Rivers rail trail runs out of puff*

<http://www.abc.net.au/news/2015-06-20/no-north-coast-rail-trail/6560710>

⁹ Echo newspaper, September 8, 2016, *RDA chair, Don Page, enters Byron election debate*, <http://www.echo.net.au/2016/09/rda-chair-don-page-enters-byron-election-debate/>

¹⁰ Echo newspaper, September 14, 2016, *Rail trail group backflips on Byron Line proposal*, <http://www.echo.net.au/2016/09/rail-trail-group-backflips-byron-line-proposal/>

¹¹ Byron Shire Council, Oct 2008 - *Submission to Infrastructure Australia Casino to Gold Coast Rail Corridor - Refurbishment of the Casino to Murwillumbah Rail Corridor and its Extension to the Gold Coast Airport* (BSC Ref. 799880)

http://infrastructureaustralia.gov.au/policy-publications/submissions/published/files/188_byronshirecouncil_SUB2.pdf

¹² PricewaterhouseCoopers (PwC), 2004 - *Feasibility Study for Passenger and/or Commuter Services on the Murwillumbah to Casino Branch Line*

¹³ Regional Development Australia (RDA) Northern Rivers

<http://rdanorthernrivers.org.au/nsw-govt-determined-grow-north-coasts-tourism-industry/>

¹⁴ Wikipedia, https://en.wikipedia.org/wiki/Murwillumbah_railway_line

¹⁵ Transport for NSW (TfNSW), 23 April 2013, Media Release: *Casino to Murwillumbah Transport Study*

<http://www.transport.nsw.gov.au/newsroom/media-releases/casino-murwillumbah-transport-study-released>

¹⁶ Northern Rivers Rail Trail, <http://www.northernriversrailtrail.org.au>

a. BACKGROUND INFORMATION EXCERPT – COUNCIL RESOLUTION 16-670

16-670 Resolved that Council with the intent to illustrate to the State Government a community wide support for multi use of the rail corridor within Byron Shire and to prepare for possible funding opportunities:

1. Supports a dual use within the rail corridor, comprising public transport provision in conjunction with a walking and cycling path where feasible.
2. Convenes a meeting with the community group, Friends of the Byron Line, MPs Tamara Smith and Ben Franklin and representatives of Regional Development Australia- Northern Rivers, to consider opportunities to develop a consultant's brief for completing a state and use of the rail corridor report and an economic and social feasibility report, in order to present a formal, costed and community supported project within the rail corridor to achieve local transport and tourism benefits within Byron Shire.
3. Notes the following that may need to be included in a brief:

State and Use of Corridor Report

1. Engineering study on re- instatement of railway:

- i) bridge conditions and costs for repair
- ii) track condition and cost for repair
- iii) other infrastructure

2. Engineering study on construction of a walking and cycling path within the rail corridor but clear of the rail line itself and possibly diverting out of the corridor where there are significant obstructions like narrow rock cuttings or tunnels

3. Identification of pinch spots

- i) consideration of facilitating signalled, shared uses or diverting trail
- ii) land identification and costs for outside corridor land access

4. Accessibility Issues

5. Weights of transport options and implications.

6. Speeds and required fencing

7. Residential impact-noise etc.

Economic Feasibility Study and Social Impact Assessment

1. Park and Ride option including possible locations, estimate usage
2. Events and Festivals - estimate usage, including utilising Yelgun and Tyagarah stations
3. Markets - usage estimates
4. Analysis of local and regional
5. Estimate local and regional patronage catchment
6. Estimate community benefits and savings of decreasing car use-environmental and road network
7. New business opportunities arising within corridor
8. Above and below rail costs.
9. Funding models-including cost sharing options-public and private

- 10. Options if transport activity is disrupted, out of service*
 - 11. Health and social benefits*
 - 12. Risk management*
 - 13. Peripheral and adjacent land uses and value add opportunities*
 - 14. Degree of community revitalisations*
 - 15. Tourism usage*
- 4. That a report be provided to Council prior to Easter 2017 with the outcomes of the meeting referred to in 2 above.*
 - 5. Reports back to Council a draft brief, with recommendations as to:
 - a) A preferred structure of the consultants brief; i.e., the possibilities of creating two or three separate briefs to report on varied aspects within the overall brief.*
 - b) Ways forward to seek expressions of interest*
 - c) The work that can be completed within Council, with community assistance and by consultants*
 - d) The possibilities of complimenting information required within this brief with other council investigations, in particular its Transport Study for Byron Bay*
 - e) a funding source**
 - 6. Writes to the MPs Tamara Smith, Ben Franklin and Walt Secord; informing them of this resolution with requests for their assistance in supporting Council's endeavours.*
 - 7. Writes to Regional Development Australia- Northern Rivers, informing them of this resolution with requests for their assistance in supporting Council's endeavours.*
 - 8. Writes to neighbouring councils, informing them of this resolution with an invitation for them to participate in investigating the feasibility of a multi-modal use of the rail corridor.*

b. BACKGROUND INFORMATION EXCERPT – WIKIPEDIA

Source: Wikipedia, https://en.wikipedia.org/wiki/Murwillumbah_railway_line

Accessed: 27 March 2017

The **Murwillumbah railway line** is a disused line in far north-eastern [New South Wales](#), Australia. The line ran from [Casino](#) to [Lismore](#), [Byron Bay](#) and [Murwillumbah](#), and opened in 1894.^[1] It is one of only two branches off the [North Coast line](#), (the other being the [Dorrigo line](#)). Services on the line were suspended in April 2004.

History

The first section opened between Lismore and Murwillumbah, connecting the [Richmond](#) and [Tweed](#) rivers. Passengers and goods were transported to [Sydney](#) by coastal shipping from [Byron Bay](#). Nine years later, an extension from Lismore to Casino opened (and later south to [Grafton](#) - it was not until 1932 that the line was fully connected to Sydney). As early as 1889, feasibility talks took place into extending the line north from Murwillumbah into Queensland, discussions that continue to the present day. The line became a branch line when in 1930, the [North Coast Line](#) was extended from [Kyogle](#) to [South Brisbane](#).

Services

The [North Coast Mail](#) was the premier train between Murwillumbah and Sydney after the North Coast line was completed in the 1930s.^[2]

Additional local trains plied the tracks between Casino and Murwillumbah, connecting with other services such as the *Brisbane Express* and [Brisbane Limited](#). The extension to Condong was for sugar mill traffic. [620/720 class railcars](#) also worked this line (set 638/738, which was specially modified, and also hauled a small van). From 1973, the [Gold Coast Motorail](#) provided passenger and car transport between [Sydney](#) and [Murwillumbah](#).^[3] In February 1990 the *Gold Coast Motorail* was replaced by an unnamed [CountryLink XPT](#) service.^[4]

In September 1997, [FreightCorp](#) contracted out of the operation of freight trains on the line to [Northern Rivers Railroad](#).^{[5][6]} These services ceased in 2002. Freight traffic primarily consisted of bananas and flyash from [Wye](#).^[7]

In April 2004, services on the line were suspended.^[8]

Ballina Branch

In 1930, a branch opened between [Booyong](#) and the town of [Ballina](#). In 1948, flood damage and landslips saw services suspended on the line, and it was officially closed in 1953.^{[9][10]}

Proposed extension

When [Queensland's South Coast line](#) reached [Tweed Heads](#) in 1903, there were immediate calls from local Members of the [Parliament of New South Wales](#) to extend the Murwillumbah line another 18 mi (29 km) to Tweed Heads so the two railways could meet. The Parliamentary Standing Committee on Public Works Committee examined the proposal^[11] but narrowly voted against it in 1904.^[12] There were three other proposals to extend the railway to Tweed Heads before the idea was dropped in 1928.^[13]

In 2011, the NSW Department of Transport commissioned a feasibility study to reopen the Murwillumbah line, including to extend rail services in northern NSW to connect with the [Queensland Rail](#) system and [Coolangatta Airport](#). The feasibility report was released in April 2013 and that concluded it would take \$952 million to bring the line back to a required standard (over \$7 million per km).^{[14][15]}

Future Uses of Railway

A heritage rail shuttle will be operating in Byron Bay by April 2017. The 3.4 km section of track to the north of the town centre is being restored by private investment at a cost of only \$330,000 per km.^[4] Track work on the section commenced on 23 May 2016 and was completed in late November 2016. Construction is currently focused on the platforms and train shed located at the Bayshore Drive end. The service is set to commence public operations in April 2017, after testing can be undertaken. A two car self-propelled diesel rail car train (Number 661/720) is being refurbished by the Lithgow State Mine Railway Ltd. to provide a service between the town and the Elements of Byron resort for the benefit of resort guests and the general public. It is officially confirmed in early January the train would run on solar-hybrid operation, with parts for conversion set to arrive in March 2017.

On 25 August 2016, The Byron Line proposal was announced by Byron Shire Mayor Simon Richardson. The Byron Line is a proposal including the refurbishment of the rail line from Bangalow to Yelgun for light rail or rail shuttle services to be used by the local community and tourists. It will also investigate construction of a rail trail beside the tracks, where practicable.

There is a proposal for the line to be converted to a rail trail from Casino to Murwillumbah, to boost tourism to the villages and towns along the line. On 19 June 2015, the Rail Trail proposal missed out on state funding.^[3] A 2.6 km pilot Rail Trail section from [Murwillumbah railway station](#) to the [Tweed River Art Gallery and Margaret Olley Art Centre](#) is no longer supported by the newly elected (2016) Tweed Shire Council.

There was a proposal for a 25km Tweed Rail Trail, stretching from Murwillumbah railway station to the Shire border at Crabbes Creek but again the Tweed Valley Rail Trail proposal missed out on state funding due to community division over the cost of construction compared to the return to the community.

References

1. ["Legislative Council Questions and Answers No. 25" \(PDF\)](#). Parliament of New South Wales. 2 August 2011.
2. [Casino to Murwillumbah Transport Study](#) Transport for NSW April 2013
3. *Elloise Farrow-Smith*. ["Northern Rivers rail trail runs out of puff - ABC News \(Australian Broadcasting Corporation\)"](#). *Abc.net.au*. Retrieved 2016-03-31.
4. ["Rail costings put govt study into doubt – Echonetdaily"](#). *Echo.net.au*. 2014-12-16. Retrieved 2016-03-31.
5. "Northern Rivers Railroad Beats Austrac as First Private Rail Freight Operator" *Railway Digest* October 1997 page 8
6. "Northern Rivers May Target Export Traffic to Brisbane" *Railway Digest* November 1997 page 7
7. "Flyash to Murwillumbah" *Railway Digest* April 1990 page 129
8. [Closure of the Casino to Murwillumbah rail service](#) NSW Parliament 24 November 2004
9. *The North Coast Line* "Railway Digest" August 1996 page 24
10. *Ballina to Booyong Railway (Cessation of Operation) Act, Act No. 13 of 1953 (in English)*. Retrieved on 07 Nov 2016.
11. ["Public Works Committee. Murwillumbah-Tweed Heads Railway."](#) *Sydney Morning Herald*. 29 May 1903.
12. ["Murwillumbah to Tweed Heads Railway. The Scheme Rejected."](#) *Sydney Morning Herald*. 10 March 1904.
13. ["Proposed Railway. Unfavourable Report. Murwillumbah-Tweed Heads."](#) *Sydney Morning Herald*. 20 September 1928.

14. ["Legislative Council Questions and Answers No. 25" \(PDF\)](#). Parliament of New South Wales. 2 August 2011.

15. [Casino to Murwillumbah Transport Study](#) Transport for NSW April 2013

<http://www.byronnews.com.au/news/council-wants-corridor-protected/383554/>

Further reading

- [The Byron Line](#), June 2016
- [Refurbishment of the Casino to Murwillumbah Rail Corridor and its Extension to the Gold Coast Airport](#) Byron Shire Council 14 October 2008
- [Closure of the Casino to Murwillumbah rail service](#) Parliament of New South Wales 24 November 2004
- [Feasibility study for passenger and/or commuter services on the Murwillumbah to Casino branch line](#) - September 2004

External links

- [Northern Rivers Rail Trail](#)
- [Trains On Our Tracks](#)
- [North Byron Beach Resort - Byron Bay Train](#)

C. BACKGROUND INFORMATION EXCERPT – PARK AND RIDE

As for background the following is provided;

Council trialled a holiday park and ride service over the Christmas-New Year period first over 12 days in 2013/14 and then over 7 days in 2014/15.

Through this project, Council were the first in a non-metropolitan area of NSW to provide a dedicated bus lane and use of temporary special event parking restrictions. It was also the first time Council offered and managed a public transport service; enabled 'tow-away' powers; and offered a temporary resident parking permit.

The park and ride commenced 3km west of the town centre at the Cavanbah sports centre; a site offering over 300+ sealed and lit car spaces. In year 1, the service offered up to 3 services per hour from morning to afternoon, and an hourly evening service, to get to and from Byron Bay, while a fourth bus (a shuttle service) connected from the town up to the Cape Byron Lighthouse.

In understanding that the park and ride service could not offer a quicker travel time than the private vehicle nor reduce congestion, and instead the main service benefit was (unlike the town itself) the offer of parking convenience and all-day availability, the promotional efforts were accordingly focused on making park and ride a fun, family option and part of the 'Byron experience' with on-board disco music, with dancing and singing ticket 'inspectors' who also encouraged patrons to dress-up.

This approach, as with gaining attention of potential patrons, was aided by engaging two, well-branded double-decker buses, with the 'London Bus' supporting the colourful, psychedelic-painted double decker disco 'Magic Bus' used as the centre-piece for promotion and visibility by ensuring it was seen hourly on route and via a loop of the CBD.

Results wise, over 6,000 individual passenger trips were made in the 12 days, with patronage increasing each day through to the peak (>1,300 passengers) being reached (as expected) on New Year's Eve.

Despite this, and the encouraging, growing local awareness and use of the service, plus the formal patron feedback including a service rating of 10/10 from over 70% of survey respondents, the second year of the trial (2014/15) was reduced from 12-days down to 7-days, with less frequency and span of hours (down from 12-hours to 10-hours per day). Such changes were aligned to results of the first year of the trial.

More on the park and ride can be viewed on the following web links:

Byron Shire Council media release, November 2013 - promoting the new service

<http://www.byron.nsw.gov.au/media-releases/2013/11/28/the-twelve-days-of-christmas-parking-park-and-ride-for-byron-bay>

Byron Shire Council media release, January 2014 - results

<http://www.byron.nsw.gov.au/media-releases/2014/01/15/park-and-ride-loved-by-the-passengers-0>

d. BACKGROUND INFORMATION EXCERPT – THE BYRON LINE

Reproduction of section 12.3 from *The Byron Line*¹

12.3 The Byron Line Feasibility Report and Business Plan

It is crucial this report and plan provides clear, acceptable and best practice information in order to maintain the social licence and to keep all stakeholders unified. It should:

- Develop a preferred concept
- Identify points that don't allow for multi modal use within the corridor and nominate options for sharing the corridor or preferred routes for alternative rail trail route options and engineering requirements
- Identify areas for dual tracks to allow two way track based uses
- Ascertain the condition of the track base, bridges etc.
- Provide approximate project costing for construction and maintenance
- Review and summarise the literature concerning the economic and related benefits of existing rail trails and tourist shuttle services and other products
- Identify and explore potential business and organisation growth and job potential as a result of the establishment of the Byron Line, including the use of the existing infrastructure, and commercial activities within and around the corridor and resulting from the Byron Line's establishment
- Identify and outline potential commercial services and products within the corridor
- Ascertain level of potential local commuting usage

The feasibility report must fill in the gaps that currently exist, for example: the state of the rail infrastructure, the cost of repairs to allow for a light rail usage and how dual direction movement could occur. Presently, these questions cannot be answered.

The state of the rail infrastructure is not known. The ARUP condition assessment report only superficially inspected the actual tracks. This map shows the large percentage of track within the Byron Shire that was not inspected. This lack of knowledge needs addressing.

Once the Byron Line is shown to be a viable use of the rail corridor, the State government, working alongside Byron Shire Council and the specifically established Byron Line Trust, will coordinate the overall development as an exemplar project illustrating best practice private-public engagement and partnership outcomes.



10. RESOLUTION EXPECTATIONS AND HOLD POINTS

Table 2: details for engineering assessment – expectations and hold points/milestones

Res 16-670	Further detail	Expectation	Hold point
1. Engineering study on re- instatement of railway:	Desktop review and use of unit/industry costs to determine the cost to reinstate the railway in order to provide rail shuttle services using lightweight rolling stock.	Desktop review completed and scope of study defined	To be done in parallel: Desktop review and defined scope to be completed;
ii) track condition and cost for repair	NSW govt. accreditation and permissions obtained for onsite inspections which are to include assessment of:	Minimum expectation is to provide a representative report for the Bangalow to Yelgun section, suitable to provide a cost estimate to inform the Economic Feasibility Study. EOI submission is to detail the proposed methodology for the inspection and the anticipated confidence level for the cost estimates.	Methodology for the inspections to be agreed prior to works. For example, it is likely one section (e.g. Byron-Old Bangalow Rd) will be used as a test case (including a completed report) before other sections proceed.
i) bridge conditions and costs for repair	<ul style="list-style-type: none"> - track condition and cost for repair - bridge conditions and costs for repair - other infrastructure 		
iii) other infrastructure	<ul style="list-style-type: none"> - corridor width and map length and locations where path and rail can and can not co-exist. - other impediments and obstructions and cost to remedy each, e.g. pinch points, trees, rocks, - offer proposal to counter each pinch point and impediments identified - land in and outside the rail corridor required to provide a continuous rail trail, including land ownership, classification, LEP zone, market value cost. - Provision of proposed standard cross sections, detailing how the multi use may interact. - Concept design alignment of multi use, detailing pinch points and constraints where relevant, including possible alternate route alignment that considers safety, cost and ease of use. - Estimates of cost based on constraints identified and the potential land acquisitions. - Demand modelling and estimation factoring in tourism for all modes of transport should be used to estimate operation/maintenance and governance costs for multi use. This should take into consideration the reduction in vehicle volume and congestion on roads. 		
2. Engineering study on construction of a walking and cycling path within the rail corridor but clear of the rail line itself and possibly diverting out of the corridor where there are significant obstructions like narrow rock cuttings or tunnels			
3. Identification of pinch spots			
i) consideration of facilitating signalled, shared uses or diverting trail			
ii) land identification and costs for outside corridor land access			

4. Accessibility Issues	Determine costs and measures to provide both a DDA compliant path and access and a minimum standard shared path. This should include both financial and non-financial measures, (health and social benefits), e.g. diversity and inclusion, access to services and potential impacts on employment.	Report to be produced for the study area	Completed section report on accessibility and mobility issues
5. Weights of transport options and implications i.e. light rail etc.	Assess safe weight of rolling stock and patronage numbers based on lowest cost, minimum and operational standard options and the infrastructure upgrades and required measures and costs to address each option	As above	As above
6. Speeds and required fencing	As above, assess safe operating speeds on basis of lowest cost, minimum and operational standard upgrades to infrastructure	As above	As above
7. Residential impact- sound generation etc.	Undertake desktop sound generation assessment as part of the social impact assessment, based on comparative light rail studies etc.	A combined report based on previous reports and recommendations that have resulted from prior work as detailed above	A completed report considering all reports and findings produced to date
n/a	A completed study with covering report detailing all key findings of each report produced through the project and provision of updates and amendments to previous reports (where/if necessary) includes input of community, stakeholder and Council feedback. This should evaluate the full range of benefits and disadvantages of all uses for different community groups and stakeholders. Both financial and non-financial.		A completed study encompassing all previous reports

Table 3: details for economic feasibility and social impact assessment – expectations and hold points/milestones

It is expected that the full range of benefits and costs be identified and where possible quantified for each integrated option being analysed, including, but not limited to the current state and the multi use of the rail corridor. Please refer to the detailed inclusions for the cost benefit analysis in the table below.

Res 16-670	Further detail	Expectation	Hold point
n/a – scoping stage	Scope document outlining key criteria and high level approach to be used for the assessment of each item listed in this table. See following tabled items and source documents on pages 26-35 of this document.	Scoping Report	Completed report including relevant case studies
1. Park and Ride option including possible locations, estimate usage	<p>Park and Ride options for rail shuttle services and on road services that support rail park and ride (e.g. link from Cavanbah to rail corridor) should include potential locations, costs and benefits. Possible locations should include as a minimum analysis of the following sites; Mullumbimby, Bangalow, Billinudgel/Ocean Shores, Ewingsdale and Bayshore Drive.</p> <p>The assessment should also include potential links in relation to the overall study. See background information on pages 26-35 of this document for background, and scope of assessment remains subject to Council approval but should include;</p> <ul style="list-style-type: none"> - requirements of and assessment criteria for a site, e.g. parking, lighting, shelters, security, location, etc. - levels of service, e.g. frequency, span of hours, etc. - standard methods to calculate patronage, costs, revenue, etc. 	Assessment Report addressing criteria agreed to through scoping stage	Completed report including relevant case studies
2. Events and Festivals; estimate patronage, including utilising Yelgun and Tyagarah stations, by both residents and visitors/tourists	<p>Use existing reports/studies produced by the festivals and critically examine/determine their market share and likely patronage separated by resident and visitor for a rail shuttle service and shared path; include Falls, Splendour, Blues and Mullumbimby music festivals, Bangalow Classical Music Festival, Byron Bay triathlon, Byron Writers Festival, ‘schoolies’ and larger water based events, e.g. surf festival, bay swim.</p> <p>If data is lacking discussion with Council on collection methods and costs will be required, e.g. onsite surveys, etc.</p>	Assessment Report that indicates both positive and negative impacts of usage; addressing criteria agreed to through scoping stage	Completed report including relevant case studies

<p>3. Markets; patronage estimates for residents and visitors/tourists</p>	<p>As above, using existing reference materials to determine market patronage clearly identifying resident and visitor likely use of rail shuttle service and/or shared path links in the rail corridor.</p> <p>If data is lacking discussion with Council on collection methods and costs will be required, e.g. onsite surveys, etc.</p> <p>Markets include farmers markets in Byron Bay (Thursday), Bangalow (Saturday), Mullumbimby (Friday) and monthly Sunday markets Byron Bay and Mullumbimby as well as extra markets throughout the year</p>	<p>Assessment Report that indicates both positive and negative impacts of usage; addressing criteria agreed to through scoping stage</p>	<p>Completed report including relevant case studies</p>
<p>4/5. Estimate and Analysis of local and regional patronage catchment of each modality; train, cycle and walking.</p>	<p>As above, use the existing reference materials to determine market patronage quantifying resident, commuter and visitor likely use of the various rail services and/or shared path links within the rail corridor.</p> <p>If data is lacking discussion with Council on collection methods and costs will be required, e.g. onsite surveys, etc. Consider an integrated multi-modal transportation plan;</p> <ul style="list-style-type: none"> - What changes are required to the current network? E.g. bus routes, park and ride, cycle integration. - What is the potential patronage of regional commuters and visitors from outside the proposed service catchment? <p>Transport modelling based on standard four-step process (trip generation, trip distribution, mode choice and trip assignment), will inform the economic modelling, however, should not be the primary focus of the economic impact assessment.</p> <p>Undertake additional assessment of markets for various complimentary rail based tourism products such as tram car restaurants, rail explorer bike experience and other possible premium tourist based uses.</p> <p>Must define the catchment to be used in the model, patronage (visitors, residents and commuters) and price elasticity. The passenger rail service should make allowances for walk time, wait time, in-vehicle time, mode transfer penalties and fare costs.</p> <p>Report to outline the resident, commuter and tourist benefits likely to occur at site/local, shire and region-wide levels, identifying the tourism market demographic.</p> <p>Referencing current tourism visitation to Byron Shire specifically and the Region its growth and projections will be required.</p>	<p>Assessment Report that indicates both positive and negative impacts of usage; addressing criteria agreed to through scoping stage</p>	<p>Completed report including relevant case studies</p> <p>Incorporate point 11 below in same report</p>

6. Estimate community benefits and savings of decreasing car use –social, health, environmental and road network	Using accepted RMS/TfNSW, industry and innovative benchmarks provide a report on environmental and financial savings and benefits. Consider number of vehicles removed and less vehicle kilometres travelled from/on network based on expected patronage and use of rail corridor, include reduction in Council road network maintenance costs. Collect primary data as well as using relevant case studies.	Catchment analysis and patronage estimates	Completed report including relevant case studies Incorporate point 11 below in same report
7. New business and employment opportunities arising within corridor including types of employment created; full-time, permanent, casual, part-time	Use case studies of existing and established integrated multi use rail corridors and other resident, commuter/tourist rail services, noting the unique character of the Byron Shire to understand the benefits to existing business and new opportunities/business that arose due to a rail shuttle and/or rail trail. Include the likely impact on industry mix within the Byron shire. Incorporate points 13 and 14 below in same report.	Assessment of before and after trail opening, patron numbers, business types, changes affected, contribution to local economy & tourism etc.	Completed report including relevant case studies Incorporating points 7, 13 and 14
8. Above and below rail costs.	Investigation into capital costs and recurring operating expenses to be expected in operating the identified rolling stock from Point 1 from Table 2.	Assessment report on expected items and costs , include monetised and non-monetised benefits and costs.	Completed report including relevant case studies
9. Funding and Operating models	Use Tourism industry and government funding body standards, market research, rates & modelling to determine levels of investment and expected returns on relevant business models. This should include all funding and innovative funding models available.	A cost sharing options report, outlining the options, both public and/or private to assist in targeting funding and investment	Completed report including relevant case studies with recommended business model
10. Options when transport activity is disrupted, out of service	Include in the Risk Management Plan detailed below at point 12.	See point 12 below	See point 12 below
11. Health and social benefits of having commuter transportation via a train and a recreational activity that is also a mode of transport	Provide a report covering this and point 5 above in same report. Use industry and government accepted measures, standards and benchmarks to determine benefits.Include accessibility and inclusion noting demographics and the impacts on the labour market.	Incorporate into same report with point 6 above	Completed report including relevant case studies
12. Risk management	Provide a Risk Management Plan including point 10 (above); detailing contingency, risk management and risk mitigation strategies and costs (where applicable).		Completed report including relevant case studies
13. Peripheral and adjacent land uses and value add opportunities	Determine existing and future use/value and opportunities. Compare land valuation changes (if any) due to rail corridor activation & changes to zones/classifications that typically occur. Refer to agreed case studies used previously.	Included in same report with points 7 and 14	Completed report including relevant case studies

14. Degree of community revitalisations	As above, use agreed case studies (from the scoping stage) to highlight such changes (if any). It is also a requirement to communicate with key stakeholder groups (as provided, and others as they arise) to ascertain relevant data to capture the uniqueness of the Byron Shire and potential activation in the surrounding rail corridor.	Included in same report with points 7 and 13	Incorporating points 7, 13 and 14
15. Tourism and resident usage	Report to draw on all above work and provide a stand alone document to assist with gaining tourism industry and govt. support, investment and funding. Report to outline the community and tourism benefits likely to occur at site/local, shire and region-wide levels plus identify tourism demographic, spend, duration of stay and external (i.e. other) benefits where applicable. The final report should highlight the above for each option including the Multi modal use of the rail corridor.		Completed report including relevant case studies
n/a	<p>A completed study with covering report detailing all key findings of each report produced through the project and provision of updates and amendments to previous reports (where/if necessary) including; input of community, stakeholder and Council feedback. This should include a social impact assessment for rail corridor activation, clearly identifying and analysing;</p> <ul style="list-style-type: none"> - Impacts to stakeholder groups (both positive and negative) - Changes to mobility and access - Needs of special groups and how each option addresses those needs - Leisure, recreational and health opportunities - Employment opportunities - Impact on the reduction of cars by adding another mode of transportPublic and other transport development especially additional services linking to activated corridor. 	A completed study encompassing all previous reports	

PART A5 FORM OF CONTRACT

ANNEXURE A – CONDITIONS OF CONTRACT

The Conditions of Contract that will apply are Byron Shire Council's General Conditions of Contract for Consultants.

The Conditions of Contract are available at Council offices for inspection and will be provided as part of the RFT process.

ANNEXURE B – SPECIAL CONDITIONS OF CONTRACT

The following clauses are inserted into the Conditions of Contract.

Access to information

1. Government Information (Public Access) Act (GIPAA)

1.1. The Contractor must, within 7 days of receiving a written request by Council, provide the Council with immediate access to the following information contained in the records held by the Contractor:

- (a) Information that relates directly to the performance of the services provided to the Council by the Contractor pursuant to the Contract;
- (b) Information collected by the Contractor from members of the public to whom it provides, or offers to provide, the services pursuant to the Contract;
- (c) Information received by the Contractor from Council to enable it to provide the services pursuant to the Contract.

1.2. For the purposes of sub-clause 1.1 information does not include:

- (a) Information that discloses or would tend to disclose the Contractor's financing arrangements, financial modelling, cost structure, or profit margin;
- (b) Information that the Contractor is prohibited from disclosing to Council by provision made by or under any Act, whether of any State or Territory, or of the Commonwealth; or
- (c) Information that, if disclosed to Council, could reasonably be expected to place the Contractor at a substantial commercial disadvantage in relation to the Council, whether at present or in the future.

The Contractor and the Principal acknowledge that they are required to comply with the provisions of the *Government Information (Public Access) Act 2009 (NSW)* with respect to any Information.

1.3. The Contractor will provide copies of any of the information in sub-clause 1.1, as requested by Council, at the Contractor's own expense.

1.4. Any failure by the Contractor to comply with any request pursuant to sub-clause 1.1 or 1.3 will be considered a breach of an essential term and will allow Council to terminate the Contract by providing notice of its intention to do so with the termination to take effect 7 days after receipt of the notice. Once the Contractor receives the notice, if it fails to remedy the breach within the 7 day period to the satisfaction of Council, then the termination will take effect 7 days after the receipt of the notice.

1.5. Council will take reasonably practicable steps to consult with the Contractor before providing any person with access to information relating to the Contract, in response to an access application under the *Government Information (Public Access) Act 2009 (GIPA Act)*, if it appears that:

- (a) The information:
 - i. Includes personal information about the Contractor or its employees;
 - ii. Concerns the Contractor's business, commercial, professional, or financial interests;
 - iii. Concerns research that has been, is being, or is intended to be, carried out by or on behalf of the Contractor; or
 - iv. Concerns the affairs of a government of the Commonwealth or another State (and the Contractor is that government);
 - v. The Contractor may reasonably expected to have concerns about the disclosure of that information; and
 - vi. Those concerns may reasonably be expected to be relevant to the question of whether there is a public interest against disclosure of the information.

- 1.6. If, following consultation between Council and the Contractor, the Contractor objects to disclosure of some or all of the information, the Contractor must provide details of any such objection (including the information objected to and the reasons for any such objection) within five days of the conclusion of the consultation process.
- 1.7. If Council considers that information about a person consulted under this section is likely to be included in the Council's disclosure log in relation to the access application, Council must give a written notice to the person containing the following statements:
 - (a) That information concerning the application will be included in the Council's disclosure log and that the person can object to this;
 - (b) That there is a right of review under Part 5 of a decision by the Council to include information in its disclosure log despite the person's objection.
- 1.8. In determining whether there is an overriding public interest against disclosure of government information, the Council will take into account any objection received by the Contractor.
- 1.9. If the Contractor objects to disclosure of some or all of the information but the Council nonetheless decides to release the information, the Council must not provide access until it has given the Contractor notice of the Council's decision and notice of the Contractor's right to have that decision reviewed.
- 1.10. Where the Council has given notice to the Contractor in accordance with sub-clause 1.9, the Council must not provide access to the information:
 - (a) Before the period for applying for review of the decision under Part 5 of the GIPA Act has expired; or
 - (b) Where any review of the decision duly applied for is pending.
- 1.11. The reference in sub-clause 1.10(a) to the period for applying for review of the decision under Part 5 of the GIPA Act does not include the period that may be available by way of extension of time to apply for review.

2. Council's statutory powers and discretions

2.1. No Fetter

- (a) No part of this document is intended to operate to fetter, in any unlawful manner:
 - i. the power of the Principal to make any Law; or
 - ii. the exercise by the Principal of any statutory power or discretion,
 - iii. (all referred to in this document as a **Discretion**).
- (b) No provision of this document is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause 2.1, any provision of this document is held by a court of competent jurisdiction to constitute an unlawful fetter on any Discretion, the parties agree:
 - i. they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 2.1 is substantially satisfied;
 - ii. in the event that paragraph i cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision will be severed from this document and the remainder of this document has full force and effect; and
 - iii. to endeavour to satisfy the common objectives of the parties in relation to the provisions of this document which is held to be an unlawful fetter to the extent that is possible having regard to the relevant court judgement.
- (c) Where a Law permits the Principal to contract out of a provision of that Law, or gives the Principal power to exercise a Discretion, then if the Principal has in this document contracted out of a provision or exercised a Discretion under this document, then to that extent this document is not to be taken to be inconsistent with that Law.

PART B – INFORMATION TO BE PROVIDED BY PROPONENTS

1. RETURNABLE SCHEDULES CHECKLIST

Proponents must complete the following Returnable Schedules and include them with their EOIs.

 The Proponent, having read, understood and fully informed itself of the contents, requirements and obligations of the Request for EOI, submits this EOI to supply the Goods and/or Services to Byron Shire Council for the EOI Price in accordance with the EOI Documents and the Contract and confirms that each of the following documents which are required to be delivered as part of the EOI are attached.

Schedule	Description of Document	Complete (please initial)
B1	Returnable Schedules Checklist	
B2	Compliance Assessment B2.1 Instrument of EOI B2.2 Conflicts of Interest Declaration B2.3 Statement of Conformance B2.4 Proponent's and Proposed Subcontractor's Insurances B2.5 Financial Details B2.6 Ethical Business Practices B2.7 Work Health and Safety B2.8 Environmental Protection	
B4	Capability Assessment B4.1 Profile and Relevant Experience B4.2 Resources B4.3 Delivery Plan	

This EOI remains open for acceptance for 120 days from the Closing Time.

Signed by or on behalf of the Proponent:

 Signature of authorised signatory

 Name of authorised signatory

 Position of authorised signatory

 Date

B2 COMPLIANCE ASSESSMENT

B2.1 PROPOSAL FORM

Details of Proponent and EOI	
Legal Name of Proponent	<p><i>(Include full legal name)</i></p> <p><i>Note: if the EOI is on behalf of a trust, include the trustee's name as the Proponent with the words "as trustee for" in front of the name of the trust. The trustee must execute this EOI as trustee for the trust in accordance with the trust documents.</i></p>
Trading Name(s)	<i>(Include details of any trading name of the Proponent)</i>
Legal capacity of Proponent	<i>(Company/Partnership/Trust/Individual)</i>
ABN	
Street Address	
Postal Address	
Email	
Phone	
Contact	Name: Phone: Email:
License details/details of membership of professional bodies	<i>(Include current details of any license numbers or membership details which you are required to have by law or by the EOI Documents to provide the Goods and/or Services or which you propose to use to provide the Goods/Services)</i>
Acknowledgement of Addenda.	<p><i>[include here a list of all addenda you received as part of the EOI process]</i></p> <ol style="list-style-type: none"> 1. 2. 3. <p>By listing addenda here you acknowledge that you have incorporated the requirements of the addenda in your EOI.</p>

B2.2 CONFLICTS OF INTEREST

Byron Shire Council's employees, suppliers and customers are bound by Council's **Business Ethics Policy** when conducting all interaction. A copy of Council's Business Ethics Policy is available from its website at www.byron.nsw.gov.au/files/publications/business_ethics_policy.pdf. This requires probity in all dealings including those conducted with prospective or successful suppliers. Council has adopted the Business Ethics Policy to ensure that functions are undertaken efficiently, impartially and with integrity. Conniving or inducing a breach of the Business Ethics Policy may constitute grounds for termination of the Contract.

Proponents must

- (a) Disclose any affiliation or associated with Byron Shire Council that could be deemed to constitute a conflict of interest; and
- (b) Include any other circumstances or relationships that will constitute a conflict, potential conflict or perceived conflict of interest if their EOI is accepted:

If any conflict, whether actual, potential or perceived, exists, the EOI should advise how it proposed to address and eliminate this conflict.

Council may terminate the Contract if it is shown that a successful Proponent has failed to disclose as part of its EOI any conflict of interest. Council may reject any future EOIs from a Proponent who fails to disclose details of actual, potential or perceived conflicts of interest.

Provide answer here:

B2.3 STATEMENT OF CONFORMANCE

Compliance with this Request for EOI refers to all clauses in all Parts and means that, where applicable:

- The Proponent has noted and understood the clause;
- The EOI complies fully with the clause;
- The Proponent has provided all information requested in the Clause.

List in the table below all areas of non-conformance with the Requirements and the reason(s) for the non-conformance:

Area of non-conformance	Reason(s) for non-conformance

List in the table below all areas of non-conformance with the Conditions of Contract as set out in Part A5.

Area of non-conformance	Reason(s) for non-conformance

List in the table below any other non-conformances with this EOI not mentioned above:

Area of non-conformance	Reason(s) for non-conformance

B2.4 PROPONENT’S AND PROPOSED SUBCONTRACTOR’S INSURANCES

- (a) Proponents must complete the following table setting out the details of current insurance held by the Proponent and any proposed subcontractor, applicable to the provision of the Goods and/or Services under the Contract. Proponents must include copies of all related insurance certificates. Successful Proponents will be required to amend their public liability insurance policy to include Byron Shire Council as named insured’s for their respective rights, interest and liabilities in connection with the Contract. Replicate table as required for each proposed subcontractor.

Insurance Type	Policy Number	Extent of Cover		Expiry Date	Name of Insurer
		Per Claim	Aggregate		
Workers Compensation					
Public Liability (<i>\$20 Million</i>)					
Professional Indemnity (<i>\$2 Million</i>)					
Motor Vehicle - Comprehensive					

- (b) If you do not currently hold the required levels of insurance, please indicate below your willingness and ability to obtain the required insurances should you be awarded the contract.

Provide answer here

B2.5 FINANCIAL DETAILS

Has the Proponent ever been subject to bankruptcy, legal action or winding up etc.? If yes, please provide details.

Provide answer here

B2.6 ETHICAL BUSINESS PRACTICES

- (a) Does the Proponent gain any financial benefit from Australia’s offshore detention centres?

Provide answer here

- (b) Please confirm your commitment to the following ethical business practices:

- Eradication of child labour from your supply chains.
- Eradication of slave or forced labour from your supply chains.
- Upholding of human rights of workers in your supply chains.
- Commitment to transparency and independent monitoring to ensure these principles are upheld.

Provide answer here

(c) Does the organisation have any involvement with the construction of the Carmichael mine or otherwise have ties to Adani?

Provide answer here.

If yes, please describe nature of involvement with Adani or the Carmichael mine

B2.7 WORK HEALTH AND SAFETY

Proponents must complete the following table setting out the details of its work health and safety system and record. Replicate table as required for each proposed subcontractor

Company WH&S Record	Proponent's Response
Provide the name and position of the person in your organisation that is responsible for Work Health and Safety.	
What has been the Proponent's accident record for the past three years?	
How many Workers Compensation claims has the Proponent had in the past three years?	
Provide details of any incidents or near misses that the Proponent was required to report to WorkCover in the past three years?	
Provide details of any fine, prosecution or improvement notice under the WHS Act or related legislation the Proponent has had in the past five years.	
Work Health and Safety System	
Does the Proponent have a Work Health and Safety Policy? If so, please attach.	
Does the Proponent have a documented Work Health and Safety Management System? If yes, please attach table of contents.	

Does the WHS Management System comply with AS/NZS4801:2001?	
Provide details of any regular audits or reviews that are conducted on the WHS Management System.	
Is there a company WHS organisation chart?	
Are Work Health and Safety responsibilities documented for all levels of staff?	
How are line managers held accountable for health and safety performances?	
Please provide a list of safe work procedures.	
How do you record which of your employees are issued with safe work procedures or SWMS?	
What permits to work does your organisation have?	
Which company personnel are responsible for investigating incidents?	
Safety and Health Consultation	
Is there a workplace safety committee?	
Are there guidelines on procedures governing the safety committee operation?	
Is there a company safety officer?	
Please indicate which of the following supporting documents you have attached to your EOI: <ul style="list-style-type: none"> <input type="checkbox"/> Work Health and Safety Management System table of contents <input type="checkbox"/> List of your company's safe work procedures <input type="checkbox"/> List of personal protective equipment available for staff <input type="checkbox"/> Site induction course summary <input type="checkbox"/> Proponent's safety record 	

B2.8 ENVIRONMENTAL PROTECTION

Please complete the following questionnaire

Does the Proponent have current and documented procedures to be followed in the event of an environmental accident/incident? If yes, where was staff last trained in the procedure?	
Has the Proponent ever been found guilty of a breach of NSW environmental legislation? If yes, please provide details.	

PART B4 - CAPABILITY ASSESSMENT

B4.1 PROFILE AND RELEVANT EXPERIENCE

B4.1.1 PROPONENT PROFILE

Proponents must provide the following information (as applicable)

- (a) Details of the size of their organisation;
- (b) Details of their corporate structure;
- (c) Brief history of their organisation; and
- (d) Levels of expertise
- (e) Experience in completing an Economic Feasibility Study, Social Impact Assessment and Assessments of Infrastructure, with specific details of the qualifications for the relevant staff.

(Please limit answer to no more than 2 pages)

Please answer here

B4.1.2 PREVIOUS RELEVANT EXPERIENCE

Proponents must provide details of up to four recent contracts (within the past two years) that demonstrate expertise applicable to the Goods and/or Services and/or experience contracting with Local Government. This must include an example of the three reports required for this project, being an Economic Feasibility Study, Social Impact Assessment and Assessments of Infrastructure.

Example 1	
Company Name	
Contact Name, Phone and Email	
Description of the Services Provided	
Contract Value	
Contract Period	

Example 2	
Company Name	
Contact Name, Phone and Email	
Description of the Services Provided	
Contract Value	
Contract Period	

Example 3	
Company Name	
Contact Name, Phone and Email	
Description of the Services Provided	
Contract Value	
Contract Period	

Example 4	
Company Name	
Contact Name, Phone and Email	
Description of the Services Provided	
Contract Value	
Contract Period	

B4.1.5 REFEREES

Proponents must provide details of no fewer than three client referees:

Company Name	
Contact Name	
Phone	
Email	

Company Name	
Contact Name	
Phone	
Email	

Company Name	
Contact Name	
Phone	
Email	

B4.2 RESOURCES

4.2.1 PROPOSED KEY PERSONNEL

Council assumes the successful Proponent will deploy key personnel as per its EOI.

Provide the following details of the personnel who will have prime responsibility and accountability for the performance of the contract, including personnel with relevant qualifications for the three reports required for this project, being an Economic Feasibility Study, Social Impact Assessment and Assessments of Infrastructure (replicate table as required):

Name:	
Organisation position and responsibilities:	
Proposed project roles and responsibilities:	
Qualifications:	
Industry experience:	
Experience with similar projects:	
Contact details:	

* Attach a resume for each of the people nominated above.

B4.2.2 PROPOSED STAFF

Council assumes the successful Proponent will deploy staff to work on the contract as per its EOI.

Provide a list of all staff available to be used in the provision of the Goods and/or Services:

Staff member name	Qualifications	Years Experience	Responsibilities under the contract

B4.2.3 DETAILS OF SUBCONTRACTORS

Estimate the total percentage of work under this Contract that will be undertaken by subcontractors:

_____ %

Provide the following information for all subcontractors that you intend to use to service all or part of the Contract.

Work to be assigned	Name of subcontractor	Name and phone number of contact person	Confirmation of satisfactory WHS, IR and environmental performance	% of this type of work to be undertaken by subcontractor

Please describe any formal contractual arrangements you have in place with any of the above-named subcontractors.

Describe the procedures you have in place to ensure any subcontractors obtain and maintain the required insurances:

B4.3 DELIVERY PLAN

B4.3.1 GOODS AND/OR SERVICES STANDARDS AND METHODOLOGY

Please provide a brief description of and innovative proposals that may be presented if the EOI proceeds to Tender:

B4.3.2 IMPLEMENTATION PLAN

Please provide a brief description of how you would propose to undertake the works:

END OF RETURNABLE SCHEDULES