



REQUEST FOR EXPRESSIONS OF INTEREST

2020-051

DEVELOPMENT OF LOT 12 BAYSHORE DRIVE, BYRON ARTS AND INDUSTRY ESTATE

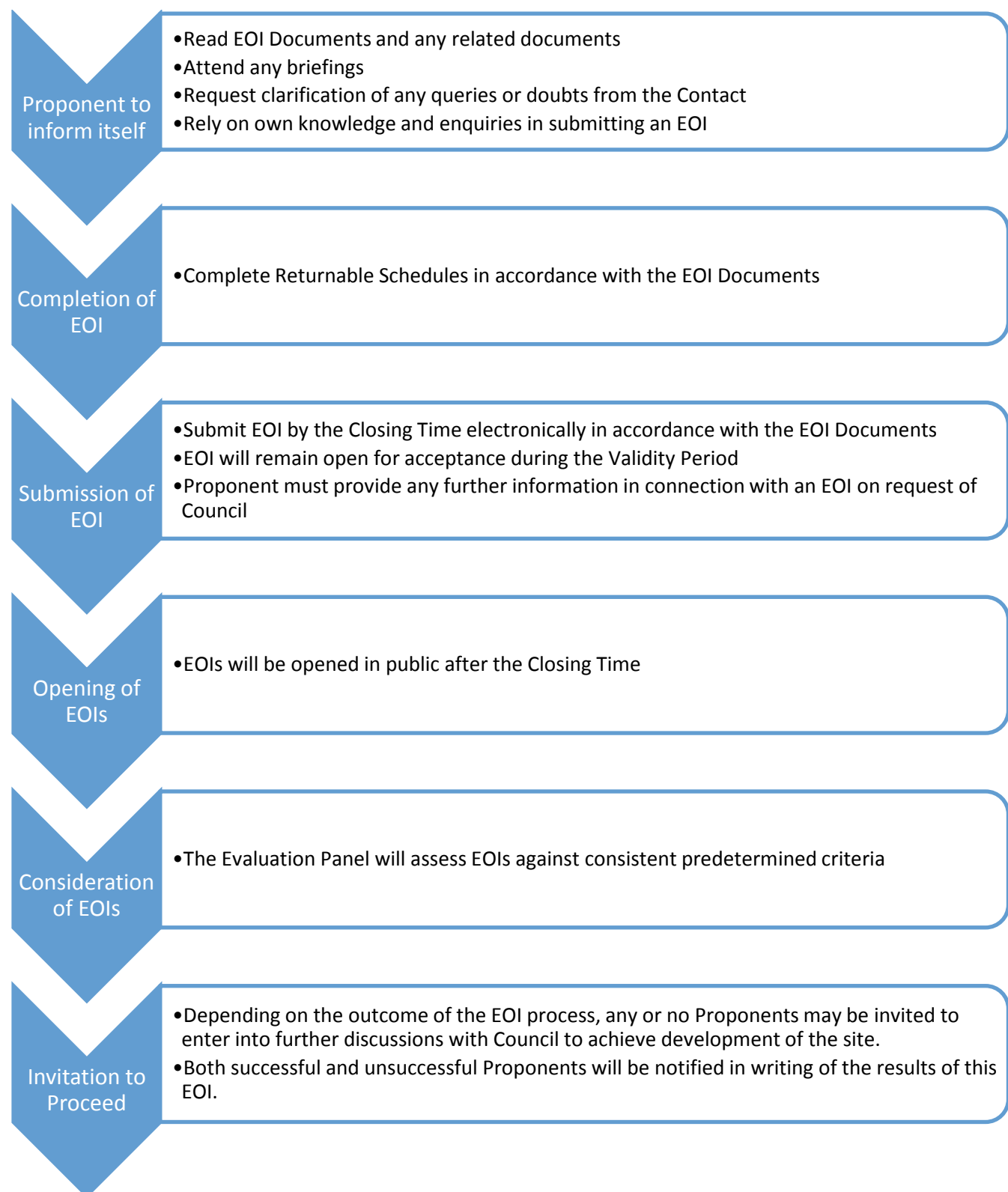
11 SEPTEMBER 2020

Deadline for lodgement of EOIs:	4:00pm on 23 October 2020		
Method of addressing EOIs	EOIs should be addressed: Lot 12 Bayshore Drive Development		
Submit EOIs to:	www.vendorpanel.com.au		
Council's nominated contact person:	Name:	Rob van Iersel	
	Email:	rvaniersel@byron.nsw.gov.au	
Details of EOI briefing:	Dates:	21 September 2020	5 October 2020
	Location:	4pm online via: Join Zoom Meeting https://us02web.zoom.us/j/89937974603?pwd=ZTZrT1c1Y1RuSHArSEwxT0JTTmJIQT09 Meeting ID: 899 3797 4603 Passcode: 143546	4pm online via: Join Zoom Meeting https://us02web.zoom.us/j/84661976310?pwd=M3NueTZncGF4UzU4ZDJOVUVMb3liUT09 Meeting ID: 846 6197 6310 Passcode: 429508
	Mandatory?	No	
	RSVP	by close of business 18 September 2020 to contact person nominated above	

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PART A1 - BACKGROUND



KEY INFORMATION ABOUT THIS REQUEST

Name of Project:	Development of Lot 12 Bayshore Drive
EOI Number:	2020-051
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
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. Conditions of Responding <p>Part B – Returnable Schedules</p> <ol style="list-style-type: none"> 1 Returnable Schedules Checklist 2 Vision and Approach 3 Capability Assessment 4 Compliance Assessment

PART A2 INVITATION TO RESPOND

1. INTRODUCTION

Byron Shire Council is seeking Expressions of Interest (EOI) for the development of Lot 12 Bayshore Drive in the Byron Arts and Industry Estate.

Further information about the requirements is set out below.

Depending on the outcome of the EOI process, any or no Proponents may be invited to enter into further discussions with Council to achieve development of the site, which could take the form of lease or acquisition of the site.

Council's objectives in this regard are to achieve:

- long term financial return from development at the site; and
- provision of site infrastructure required for the site at no cost to Council.

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.

2. VISION, AIMS AND OBJECTIVES

2.1. Vision

Delivering better services and results for the Community is a key priority for Byron Shire Council. When it comes to tackling our most pressing issues, we recognise that Council may not be able to solve them alone. The opportunity exists for Council to harness the innovation and capital of the private and non-government sectors (private organisations, not-for-profits, philanthropists and others) to deliver better outcomes for the Community.

Council has a vision to innovatively transform under-utilised land into assets that deliver greater value and benefit to the community. Lot 12 Bayshore Drive (the Site) is strategically located and presents a significant opportunity for Council and the private/non-government sector to establish a partnership to unlock the potential of the site and deliver a range of social, environmental, economic and civic leadership outcomes.

Council's vision for the site, and key objectives and principles developed to achieve that vision, are set out in the attached *Site Strategy and Urban Design Protocol*.

Respondents to this EOI should familiarise themselves with this document and expressly indicate how their proposals address both the Strategy and the guidelines therein.

2.2. Purpose

The purpose of this EOI is to:

- Invite proposals from capable and experienced Proponents to enable Council to gauge the level of interest in the development of the Site in line with Council's Strategy; and
- Based on the level of interest, allow Council to consider proceeding with the project and, if so, to negotiate with a selected proponent to deliver development of the site.

2.3. Community Strategic Plan – Our Byron Our Future

The strategic aims and desired outcomes of the Byron Shire community are captured in the Byron Shire Community Strategic Plan 2028 – Our Byron Our Future.

Development of the site needs to make a positive contribution to delivering the Byron Shire communities' aims and desired outcomes. The five key community objectives developed to achieve the communities' vision are:

We have infrastructure, transport and services that meet our expectations

We cultivate and celebrate our diverse cultures, lifestyle and sense of community

We protect and enhance our natural environment

We manage growth and change responsibly

We have community led decision making which is open and inclusive

Particular to the Lot 12 site, Council is keen to consider developments that achieve these objectives.

A complete version of the Community Strategic Plan can be found [here](#)

2.4. Objectives of this EOI

The objectives of this Invitation for Expressions of Interest (the Invitation) are to:

- Invite proponents to submit an EOI for the opportunity to participate in the possible future development of the Site;
- Provide background information and details regarding the Site;
- Outline the Stages of the process and applicable timetable; and
- Assess the experience and ability of proponents to fulfil Council's requirements for development of the site.

This invitation for EOI does not constitute an offer by Council to enter into any agreement.

Council may or may not proceed further with this EOI process.

3. THE OPPORTUNITY AND COUNCIL REQUIREMENTS

3.1. The opportunity

Council is seeking Expressions of Interest from suitably qualified and experienced companies / consortia who would like to partner with Council in delivering the development of this strategically located site within the Arts and Industry Estate, in line with the *Site Strategy and Urban Design Protocol* (attached).

Council is open to exploring concepts and ideas for delivery/ governance of the preferred development. However, there is a preference for models that maximise retention of public ownership/ partnership to deliver long term financial returns for Council. Council has indicated that it does not wish to sell the site as a whole.

3.2. Site Strategy and Urban Design Protocol

The attached *Site Strategy and Urban Design Protocol* outlines Council’s vision, objectives and desired outcomes for the site. Council will only consider responses that positively address achievement of the vision and objectives.

Respondents should clearly articulate how their proposals will achieve a mix of land uses and design outcomes consistent with the Strategy, and how the development will ensure consistency with the guidelines and urban design protocols.

3.3. TAFE Connected Learning Centre

Council has committed to a TAFE NSW Connected Learning Centre (CLC) as an anchor tenant for the development at the site. TAFE has expressed a preference for a parcel of 3,500m², to incorporate the CLC building, associated outdoor learning spaces and access/ manoeuvring space for the associated CLC vehicles.

Responses should demonstrate how the requirements of TAFE NSW can be met, as an anchor tenant for the development of Lot 12.

4. THE SITE

4.1. Location

The site is located within the Arts and Industry Estate, approx. 3 km outside of the Byron Bay Town Centre.

4.2. The Site

Address	Lot 12 Bayshore Dive, Byron Bay, NSW 2481
Title	Lot 12 DP 1189646



Total Property



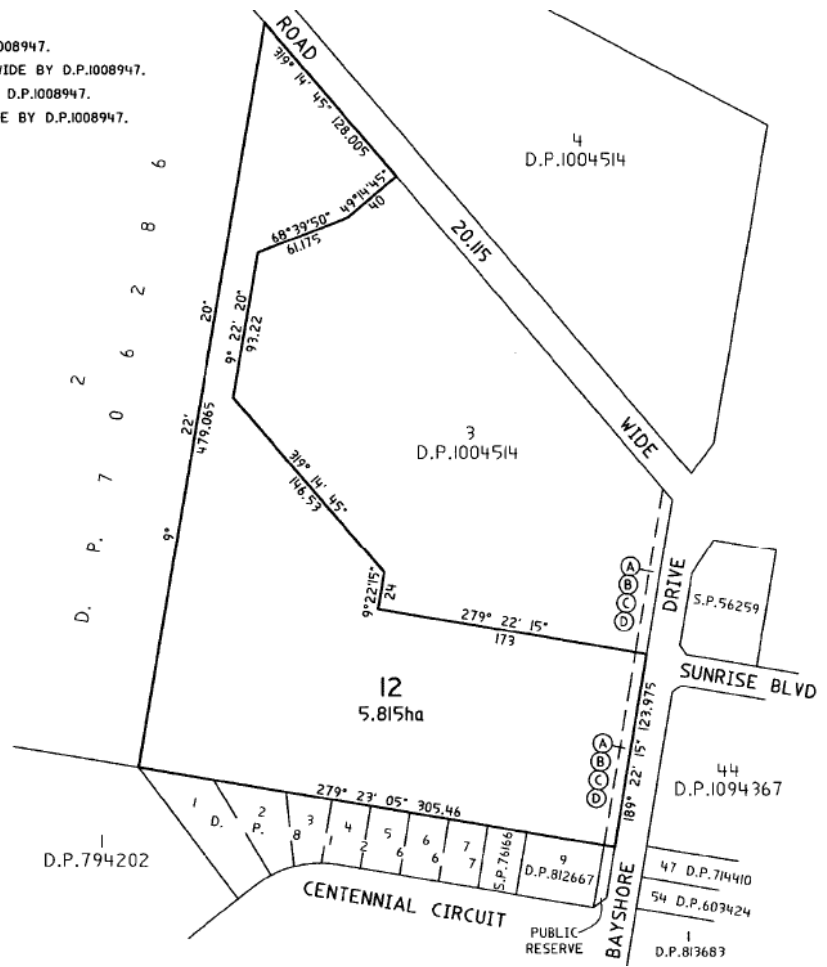
Developable Area

Development of Lot 12 Bayshore Drive
PART A2 – Invitation to Respond

Site Area	5.815ha
Approx. Developable Area	2.6ha
Street Frontage	<p>The site has a frontage to Bayshore Drive of approx. 124m. While no other street frontages are available, the south-west corner of the site adjoins the Council's Cavanbah Centre and the northern boundary adjoins the internal road network of the Habitat development.</p> <p>Connections to those sites are strongly encouraged.</p>
Zoning	<p>The developable part of the site is zoned B7 Business Park under Byron Local Environmental Plan 2014.</p> <p>The LEP can be viewed here</p> <p>The remainder of the site is deferred within LEP 2014, retaining a mix of zones under Byron LEP 1988 – 2(v) Village & 4(a) Industrial.</p>
Existing Improvements	None
Encumbrances	<p>Existing: A 7m wide easement is located along the Bayshore Drive frontage of the site for:</p> <ul style="list-style-type: none">• services• drainage• water supply• sewer rising main <p>Future: An easement will be created along the southern boundary of the site, to contain a recycled waste water pipeline due to be constructed in 2021.</p>
Constraints	<p>The following constraints apply to the developable part of the site:</p> <ul style="list-style-type: none">• acid sulfate soils (Class 3) <p>Issues of soil contamination previously arose on the site, associated with Council's use of the land as a materials stockpile. The site has been successfully remediated, in accordance with a licence under the Protection of the Environment Operations Act. Surrender of the licence was approved by the (then) NSW EPA in May 2017.</p>

Deposited Plan

- (A) EASEMENT FOR SERVICES 7 WIDE BY D.P.1008947.
- (B) EASEMENT FOR DRAINAGE OF SEWAGE 7 WIDE BY D.P.1008947.
- (C) EASEMENT FOR WATER SUPPLY 7 WIDE BY D.P.1008947.
- (D) EASEMENT FOR SEWER RISING MAIN 7 WIDE BY D.P.1008947.



5. THE PROCUREMENT PROCESS

5.1. Process

This invitation represents commencement of the procurement process. At the conclusion of this invitation process, Council intends to choose a preferred proponent. It is anticipated that the successful proponent will enter into legally binding documentation pursuant to which the development of the site can be delivered on agreed terms (this information is requested as part of this EOI, and may include the granting of development rights, project delivery agreement and associated contracts).

5.2. Outline Timeframe

The indicative timeframe to apply to this Invitation process is detailed below. This timeframe is subject to amendment or variation by Council at its discretion.

14/09/2020	Release of EOI
21/09/2020 & 6/10/2020	Briefing (on-line via Zoom)

Development of Lot 12 Bayshore Drive
PART A2 – Invitation to Respond

23/10/2020

Close of EOI

30/10/2020

Evaluation of EOI submissions

26/11/2020

Council decision on preferred proponent

PART A3 – CONDITIONS OF RESPONDING

1. INVITATION FOR EXPRESSIONS OF INTEREST

1.1. EOI Documents

The EOI Documents are:

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

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

1.2. 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 Vendor Panel platform. To ensure Proponents are notified of any addenda issued, they should visit the Vendor Panel, register as a user and download the EOI documentation for this EOI. The onus is on each Proponent to ensure they have correctly recorded their contact details prior to downloading the EOI documentation.

2. PROPONENT TO INFORM ITSELF

2.1. 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.

2.2. Proponent to Rely on own Enquiries

All information in the EOI Documents and in the pre-EOI briefing 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.

3. SUBMISSION OF EOI

3.1. Lodgement of EOI

EOIs must be submitted in writing by the Closing Time, by electronic lodgement at www.vendorpanel.com.au

Proponents must familiarise themselves with, and ensure they understand, the processes for lodgement, including any terms of use of the Vendor Panel. 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. 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.

3.2. 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 Vendor Panel 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 Vendor Panel (e.g. a system outage) as confirmed by the operators of that platform.
- (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.

3.3. 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.**

4. OPENING OF EOIS

EOIs will be opened in public immediately following the Closing Time. In accordance with cl. 175 of the Local Government (General) Regulation 2005, a list of respondent organisations will be placed in a public place at Council's Mullumbimby premises as soon as practicable after the EOI close.

5. DETERMINATION OF PROPONENTS TO PROCEED TO NEXT STAGE

Following the evaluation of submissions, Council shall determine whether to proceed to negotiations with a preferred Proponent to achieve the development of the site.

6. 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:

- (a) Have zero tolerance for child abuse, in policy and practice;
- (b) Respect people's fundamental rights to freedom from arbitrary and indefinite detention;
- (c) Don't treat people in a cruel, inhumane, or degrading manner;
- (d) 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.

7. TENDERER'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 B – INFORMATION TO BE PROVIDED BY PROPONENTS

B1 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	Vision and Approach	
B3	Capability Assessment B3.1 Profile B3.2 Previous Relevant Experience	
B4	Compliance Assessment B4.1 Proposal Form B4.2 Financial Details	

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 VISION AND APPROACH

Proponents are to prepare and attach to this schedule a brief report (plus any concept plans that the Proponent may wish to submit) outlining their innovative vision and approach to development on the Site. This information should clearly demonstrate consistency with the *Lot 12 Site Strategy and Urban Design Protocols* and cover the following:

- (a) Development proposition for the Site, including details of how they will address the *Lot 12 Site Strategy and Urban Design Protocols* and deliver social/community, environmental, and economic outcomes and benefits
- (b) Proposed approach to development (high level summary only) including (as applicable):
 - Product typology and positioning
 - Development mix
 - Delivery of TAFE NSW CLC
 - Staging
 - Sustainable leadership and innovation
 - Integration of various uses
- (c) The delivery approach to the project, including consideration of the following key areas:
 - Project structure
 - Funding and tenure
 - Statutory planning
 - Stakeholder and community engagement
 - Design excellence
 - Construction
 - Sales and marketing
 - Management and long term ownership
 - Sustainability
 - Staging

Plans of detailed designs are not required at this stage. However, if desired, Proponents may submit concept plans to support and clarify the information being provided as part of this schedule.

B3 CAPABILITY ASSESSMENT

B3.1 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

(Please limit answer to no more than 2 pages)

Please answer here

B3.2 PREVIOUS RELEVANT EXPERIENCE

Proponents must provide details of up to four recent projects (within the past five years) that demonstrate expertise applicable to the opportunity and requirements, and/or experience contracting with Local Government.

Example 1

Company Name

Contact parties

Type of project

Description and key elements of the project including size and scope (construction cost in \$AUD, gross floor area, etc.)

Examples and evidence of leadership in environmentally sustainable design

Social/ community benefits delivered

Environmental benefits delivered

Time frame for delivery

Example 2

Company Name

Contact parties

Type of project

Description and key elements of the project including size and scope (construction cost in \$AUD, gross floor area, etc.)

Examples and evidence of leadership in environmentally sustainable design

Social/ community benefits delivered

Environmental benefits delivered

Time frame for delivery

Example 3

Company Name

Contact parties

Type of project

Description and key elements of the project including size and scope (construction cost in \$AUD, gross floor area, etc.)

Examples and evidence of leadership in environmentally sustainable design

Social/ community benefits delivered

Environmental benefits delivered

Time frame for delivery

Example 4

Company Name

Contact parties

Type of project

Description and key elements of the project
including size and scope (construction cost in
\$AUD, gross floor area, etc.)

Examples and evidence of leadership in
environmentally sustainable design

Social/ community benefits delivered

Environmental benefits delivered

Time frame for delivery

B4 COMPLIANCE ASSESSMENT

B4.1 PROPOSAL FORM

Legal Name of Proponent	<i>(Include full legal name)</i> <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>
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Trading Name(s)	<i>(Include details of any trading name of the Proponent)</i>
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Legal capacity of Proponent	<i>(Company/Partnership/Trust/Individual)</i>
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ABN

Street Address

Postal Address

Email

Phone

Contact	Name: Phone: Email:
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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>
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Acknowledgement of Addenda.	<i>[include here a list of all addenda you received as part of the EOI process]</i> 1. 2. 3. By listing addenda here you acknowledge that you have incorporated the requirements of the addenda in your EOI.
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B4.2 FINANCIAL DETAILS

Financial Capacity

- The demonstrated financial capacity of the Proponent to deliver a project of this scale, and the demonstrated experience of the Proponent in raising finance for similar projects (financial statements are not required to be provided at this stage, but Council reserves the right to require copies to be provided if necessary when evaluating Submissions).
- Outline the proposed strategy for procuring finance (debt and equity) and an indicative funding structure for the project.

B4.3 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 tendering 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

END OF RETURNABLE SCHEDULES