

11.7 EXPRESSION OF INTEREST OUTCOME - LOT 1 DP1163661 - CAPPER STREET TUMUT - ATTACHMENT

Attachment Titles:

1. SVC -EOI- Lot 1 DP 66 Capper Street Tumut - Information Pack and Appendices Final - March 2025- Final

**Attachment 1 - SVC -EOI- Lot 1 DP 66 Capper Street Tumut - Information Pack and Appendices
Final - March 2025- Final**



PUBLIC EXPRESSION OF INTEREST

Land sale and development opportunities for Lot 1 DP 1163661 on Capper Street, Tumut within Snowy Valleys Council LGA

EOI number SVC 2025/04

Closing date – Monday 19 May 2025



EXPRESSION OF INTEREST – SNOWY VALLEYS COUNCIL – Lot 1 DP 1163661, TUMUT – NOVEMBER 2023 – INFRASTRUCTURE WORKS DIVISION

1



The Opportunity

Snowy Valleys Council is seeking public expressions of interest for the potential sale and future development of Lot 1 DP 1163661 on Capper Street, Tumut. This 8608m² site is located in a prime development location at the intersection of Capper Street and the Snowy Mountains Highway which is one of the major gateways to the township of Tumut.

The undertaking of a public expression of interest for the sale of this land will ensure a fair and equitable process for all potential buyers and developers. The public expression of interest process will also give Council a better understanding of what the proposed *"Highest and Best Use"* of the site could be – depending on submissions received and will give the Council the opportunity to review those submissions for the potential sale and future use of this important parcel of land.

This expression of interest is looking for suitable persons who can make a commercially acceptable offer to Council to develop this land for its *"Highest and Best Use"* and to also meet the objectives of Council and the Community as set out in this document. Council will assess the expressions of interest submissions on both the financial and non-financial criteria set out in this document.



Figure 1. Lot 1 DP 1163661 on Capper Street, Tumut (8608m²)



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(To be completed as part of the EOI and returned to Council.	

Appendix 1 – Property Data Sheets, Maps and General Information – issued as separate document.

1.1 Lot 1 DP 1163661 Capper Street – Tumut



1. Location

The Snowy Valleys Council area stretches from western slopes of the Snowy Mountains towards the plains of the Riverina in Southwestern NSW. The local Government Area extends from just south of Gundagai in the north, to the Murray River on the Victorian border in the south, and from the ACT border in the East, towards the plains of the Riverina in the West. The Snowy Valleys Council Local Government Area (LGA) covers some 8,958 square kilometres with a population of 14,947 (ABS 2023).

The Council area is close to major centres such as Canberra which is 200 kilometres to the west and Wagga Wagga which is the Riverina's largest City and is just one hours drive west from Tumut or Tumbarumba. Sydney is approximately 400 Kilometres to the North of the Local Government area and is a four and half hours' drive along the Hume Highway. Tumbarumba is less than five hours drive from Melbourne via the Hume Highway.

Wagga Wagga is home to a domestic airport with regular flights to and from Melbourne and Sydney. Canberra, Australia's capital and the nearest International Airport, is an easy two-hour drive from Tumut.

Tumut is the largest town in the area with smaller townships located at Adelong, Batlow and Tumbarumba that are complemented by smaller villages at Brungle, Jingellic, Khancoban, Rosewood, Talbingo and Tooma.

The Wiradjuri, Ngarigo and Wolgalu (Walgalo) people are the Traditional Custodians of the land on which the Snowy Valleys Council is located.

Lot 1 DP 1163661 (The subject site) is located on Capper Street, Tumut. This 8608m2 site is situated in a prime development location at the intersection of Capper Street and the Snowy Mountains Highway which is one of the major gateways to the township of Tumut.

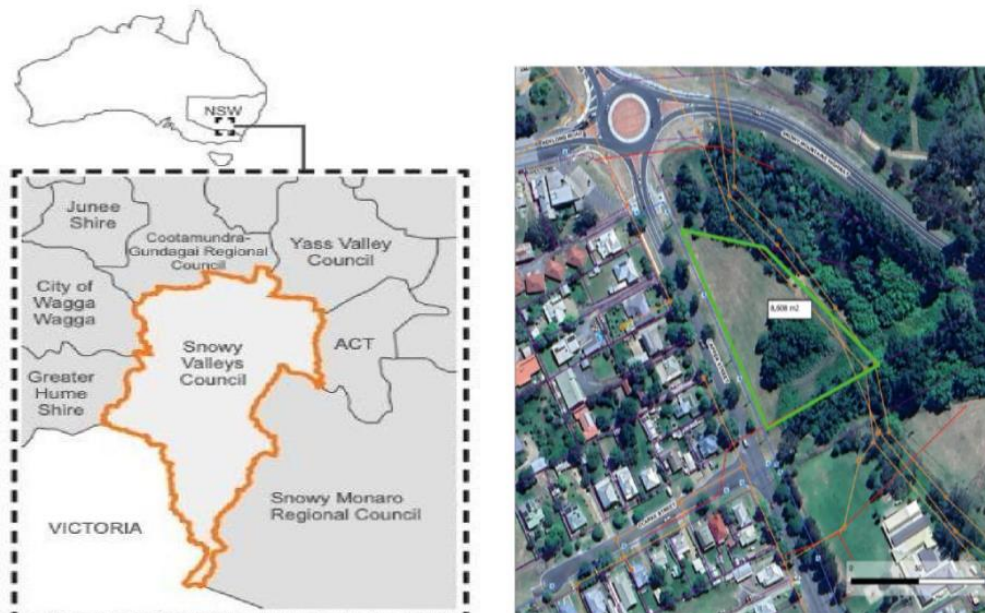


Figure 2. Snowy Valleys Council Local Government Area and the subject site - Lot 1 DP 1163661 located at the intersection of the Snowy Valleys Highway and Capper Street in Tumut (8608m2)



2. Council's Objectives

The primary objectives that Council is seeking to accomplish through this public expression of interest and future sale of this land is identified below. In summary these include maximizing commercial gains from this land for its potential "*highest and best use*", planning and development outcomes, any identified future community benefit and to ensure full transparency in the process of selling a public asset, while adhering to all relevant legislation.

The principal objectives of this Expression of Interest for Lot 1 DP 1163661 (8608m2) are as follows:

Strategic Outcomes:

- **Commercial maximization to reinvest into the Local Community for future generations:**

The purpose of this public expression of interest and future sale of this land for its "*Highest and Best Use*" is to generate revenue for the council, which will be reinvested to fund important community infrastructure, services and programs for the benefit of future generations.

- **Planning Outcomes:**

Depending on submissions received - the public expressions of interest and future sale of this land can complement Councils urban development and planning vision for the township of Tumut in terms of strategic planning outcomes particularly around density and or residential, commercial, industrial, community-based land use development objectives. The sale of the land and its future development could also potentially contribute to the overall local character and setting of the area (Gateway to Tumut) and or add value to other adjoining land uses in the area.

- **Community Benefits:**

Depending on submissions received - the public expressions of interest and future sale and development of this land can contribute to the provision of community infrastructure, useable open space, connectivity between destinations in Tumut and or expansion of adjoining land uses already in place.

Depending on submissions received - the sale of the land can potentially add value to the township of Tumut from an economic, social, cultural and community benefit perspective, including alignment with the expectations of Council, and the local community in terms of both existing and future land uses. The sale and future development of the land should complement other land uses, businesses, existing tourism activities, recreational, educational and or business services in the area

- **Transparency and Probity – Public Expression of Interest: Potential sale of Public Land**

The undertaking of a public expression of interest for the sale and future development of this public land will ensure a fair and equitable process for all potential buyers and developers. The public expression of interest process will also give Council a better understanding of what the proposed "*Highest and Best Use*" of the site could be – depending on submissions received and will give the Council the opportunity to review those submissions for the potential sale and future use of this important parcel of land situated at the gateway to the town centre of Tumut. Council must conduct the sale of public land in a transparent and equitable manner, ensuring that all potential buyers have an equal opportunity.

The sale of the land will be undertaken in accordance with all relevant Legislation such as the Local Government Act 1993.

- **Other Considerations:**

Land Value Assessment: By going through a public expression of interest process, Council has the best opportunity to understand the value of land from both a Financial and Non-Financial perspective – taking into account the community's views and strategic objectives outlined above.



Community Consultation: By undertaking a public expression of interest, Council is providing the community with an open and transparent process on how this important piece of land is potentially sold and developed. The community and key stakeholders have an opportunity to have their say on how the land should be potentially sold and developed for future generations to come. The Communities views can be taken into account as part of the EOI process.

Affordable – Key Worker Housing: Council through the public expression of interest process may consider submissions received that identify the use of the site for other land uses that it is not currently zoned for. These may include provisions for affordable housing, key worker housing or other forms of residential development that best meet the needs of the community in Tumut.

3. Tourism

Parts of the Snowy Valleys act as the western gateway to the Australian Alps including Mount Kosciuszko National Park and ski fields at Thredbo, Perisher Valley and Mount Selwyn. Distances from Tumbarumba to Thredbo (238kms 3+hrs), Tumut to Thredbo (250kms 3+hrs), Talbingo to Selwyn Snow Resort (70kms 1+hr) and Khancoban to Perisher Valley (240kms 3+hrs).

Access to all of the major tourist attractions in the area is readily available from the major roads and highways that traverser the Local Government area such as the Snowy Mountains Highway, Alpine Way, Hume Highway, Snowy Valleys Way and the Great River Road. Lot 1 DP 1163661 is located in the township of Tumut which is in very close proximity to all the major tourism attractions in the area.

The Snowy Valleys LGA offers the best nature has to offer in terms of camping and caravanning with beautiful scenery that can be experienced through tracks and trails such as the Tumbarumba to Rosewood Rail Trail, Bicentennial National Trail, Hume and Hovell Track, Tumut River and Wetlands Walk, Adelong Falls Gold Mill Ruins and the Snowy Valleys Sculpture Trail.

The area is also a renowned place for fishing, mountain biking, walking and camping with hundreds of kilometres of trails winding through native bushland, plantation forests and open country.



Photos 17-18 – Tourism and recreation activities include fishing, walking, bike riding.



Note: For tourism statistics in the Snowy Valleys Local Government Area – refer to Table 1.

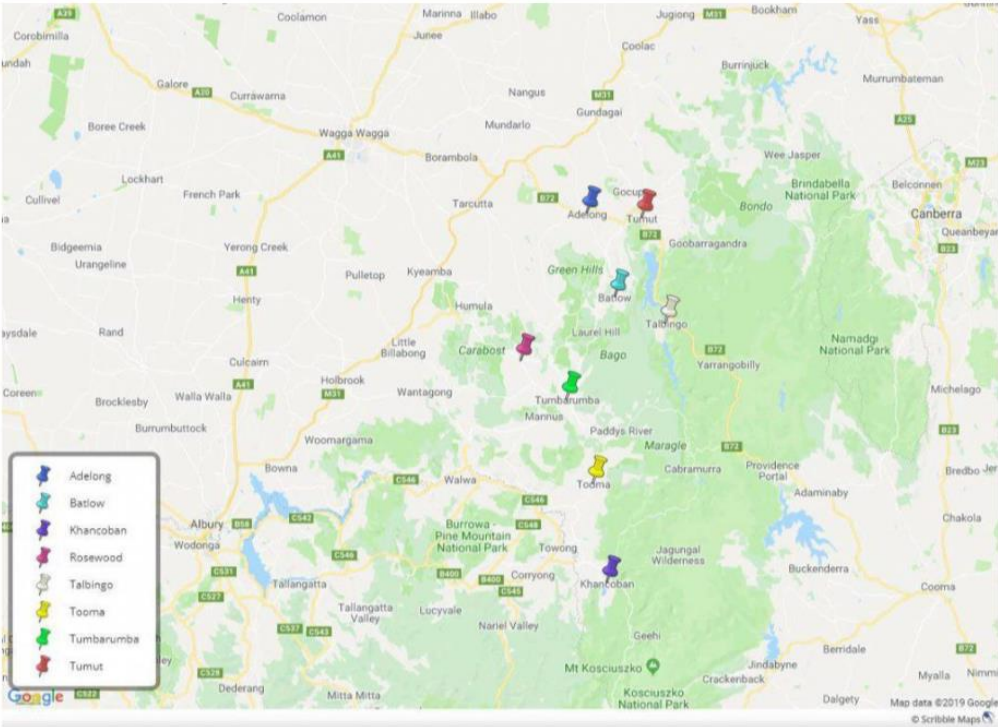


Figure 4. Townships and Villages in the Snowy Valleys Local Government Area



Photos 19 - Mt Selwyn Snowfields – 1 x Hour drive - 70Km from Tumut

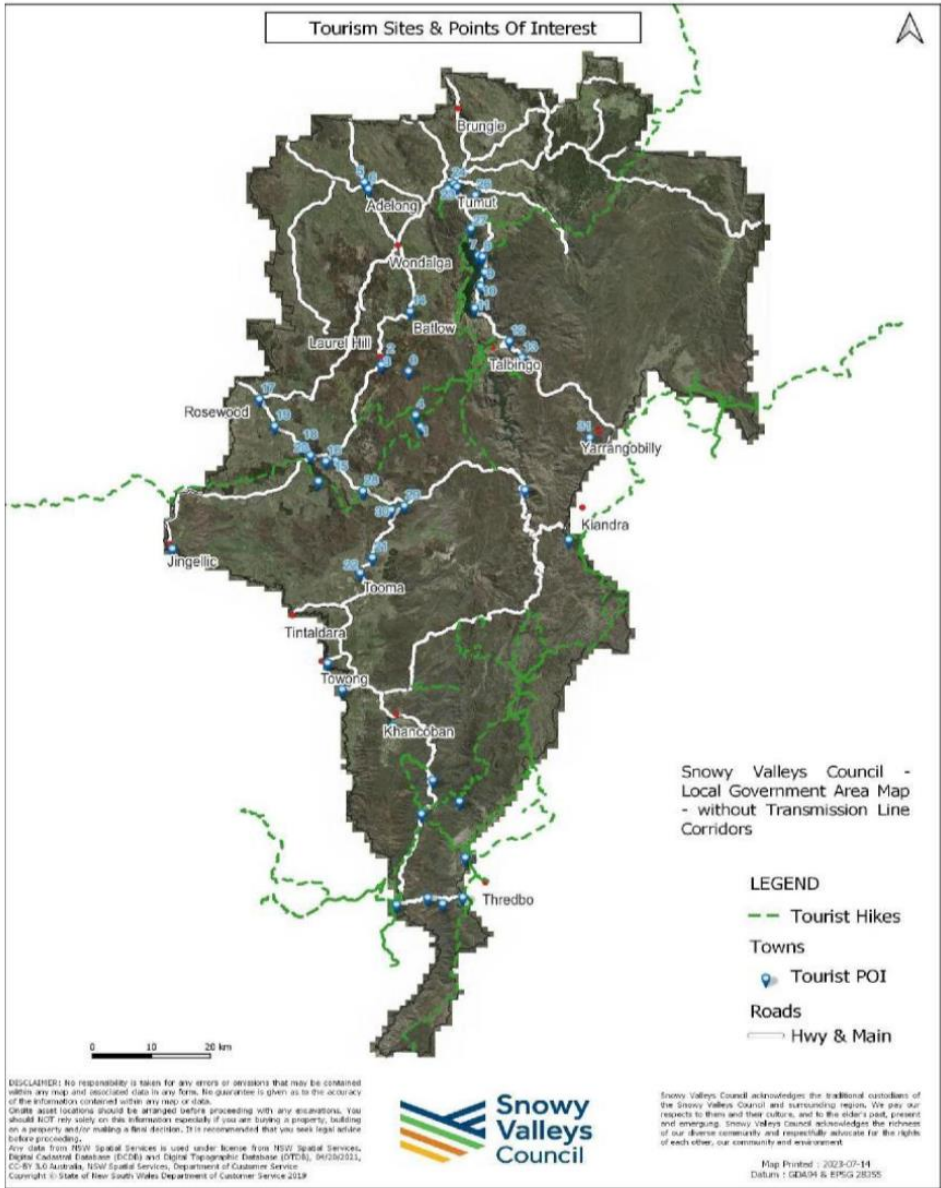


Figure 5. Townships, Villages and Tourist Destinations in the Snowy Valleys Local Government Area



Number	Point Name
0	Pilot Hill Arboretum
1	Paddys River Dam Campground
2	Sugar Pines 2.0 Walk and Picnic Area
3	Lochinvar Rest Area
4	Paling Yards
5	Adelong Falls
6	Snowy Valleys Sculpture Trail - Adelong
7	Log Bridge Creek Picnic area
8	Blowering Cliffs Picnic Area
9	The Pines
10	Humes Crossings
11	Yatching Point
12	Jounama Creek Campground
13	Black Perry Lookout
14	Snowy Valleys Sculpture Trail - Batlow
15	Snowy Valleys Sculpture Trail - Tumbarumba
16	Tumbarumba Rosewood Rail Trail - Tumbarumba
17	Tumbarumba Rosewood Rail Trail - Rosewood
18	Tumbarumba Rosewood Rail Trail - Glenroy
19	Tumbarumba Rosewood Rail Trail - Woolsey Park
20	Tumbarumba Rosewood Rail Trail - Sawpit Creek
21	Southern Cloud Lookout
22	Snowy Valleys Sculpture Trail - Tooma
23	Tumut Lookout
24	Billa Park
25	Pioneer Park - Labyrinth
26	Junction Park
27	Jones Bridge Campground
28	Henery Angel Campground
29	Paddys Flat Campground
30	Paddys River Falls Picnic area
31	Yarrangobilly Caves

Hiking Trail
Tumbarumba Rosewood Rail Trail
Hume Hovel Track

Legend to Figure 5. List of Tourism Sites and Points of Interest in the Snowy Valleys Local Government Area.



Photos 20 – Junction Bridge and Park - Tumut



3.1 Tourism statistics

The following table outlines the latest Tourism statistics that Snowy Valleys Council has for 2022/23.

Table 1. Tourism Statistics for the Snowy Valleys Council LGA – 2022-23

Annual Expenditure Overview	
Total Local Spend	\$322.2m
Resident Local Spend	\$195.9m (60.8%)
Visitor Local Spend	\$126.3m (39.2%)
Visitors	1.7m
Daytrips	608,100 (#11 for visitors in Regional NSW)
Overnight Stays	3.8m
Average length of stay	3.5 nights
Average spends per night	\$345
Purpose of Visit	Holiday (76%), Visiting Friends (12%) Business (12%)
Top 5 Activities	Eat out / Dine at a restaurant (53%), Visit National Parks (40%), Pubs, Clubs (30%), Snow Skiing (29%), Bushwalking (26%)
Travel Season	Summer (18%), Spring (20%), Autumn (25%), Winter (37%)
Age	15-19 (28%), 30-39 (12%), 40-49 (19%), 50-59 (17%), 60-69 (16%) and 70+(9%)
Origin	73% visitors come from Regional NSW 35% come from Sydney



4. Background

The land that is the subject of this expression of interest and potential future sale is Lot 1 DP 1163661 and is located near the intersection of Snowy Valleys Highway and Gocup Road on Capper Street, Tumut. In 2000, the land was acquired by Council via the *Land Acquisition (Just Terms Compensation) Act 1991* for an Interpretive Centre Development which never eventuated.

Figure 7 – Lot 1 DP 1163661- 8608m2



The property is currently owned in "freehold" by Council and is classified as Operational Land and is surplus to Council needs. The land is vacant and located within the R2 Low Density Residential area in Tumut.

The land was formally Gazetted into Councils ownership on 25 August 2000.

The land proposed to be sold (Lot 1 DP 1163661) is highlighted in green in Figure 7 and is approximately 8,608m2. As mentioned the subject site is Council "freehold" property and classified as operational land in Councils Local Environmental Plan 2012 (LEP).

Council does not currently have an accurate survey of the site.

These public expressions of interest will require all interested parties to do their own due diligence on the site and not rely solely on the information provided by Council.

Preliminary investigations indicate that the sale of the land will not impact on access to any adjoining lots but will require an easement for the purpose of accessing and protecting the existing power and sewerage lines on the site.

History of the land - Lot 1 DP 1163661

A historical search undertaken has identified that originally the land was proclaimed as a Fauna Protection District on 11 January 1963.

Extract from Status Parish Map Mundongo, County of Buccleuch below in Deposited Plan 759004.

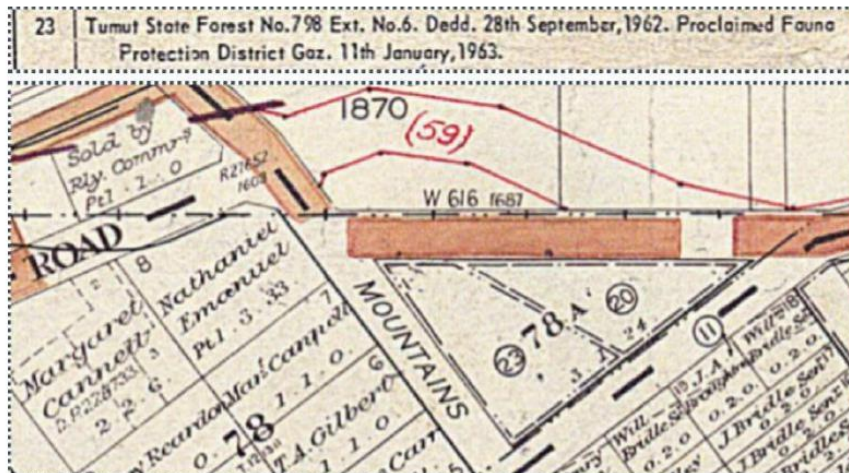


Figure 8. Subject Land Gazetted as Proclaimed Fauna Protection District Gaz.11 January 1963 prior to Council acquisition.

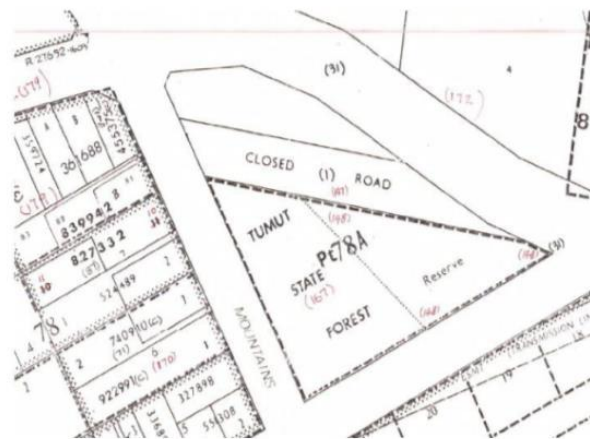
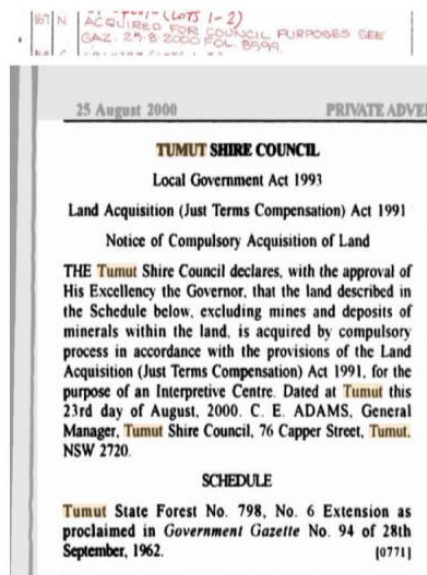


Figure 11.

Figure 10: Acquisition Notice 25 August 2000 of Lot 1 DP 1163661 - State Forest Land

Figure 11: Plan - Lot 1 DP 1163661 - showing former ownership prior to 2000 as State Forest Land.



Council resolution of 17 October 2024

Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 17 October 2024

11. MANAGEMENT REPORTS

11.1. SALE OF COUNCIL FREEHOLD REQUEST LAND LOT 1 DP1163661 TUMUT

Cr Thomson returned to the meeting at 3.37pm.

M209/24 RESOLVED:

THAT COUNCIL:

1. Authorise the sale of Council freehold land at Lot 1 DP 1163661 on Capper Street in Tumut through the process of a Public Expression of Interest and / or a public auction / private treaty process if no suitable Expressions of Interest are received;
2. Approve the addition of an easement for access to Council's Stormwater and Sewer Services as well as power lines located at the rear of the site - Lot 1 DP 1163661 at Capper Street - Tumut;
3. Acknowledge that the creation of the easement over Lot 1 DP 1163661 will only be undertaken subject to acceptance of the terms of sale being met including:
 - a. Council accepting a suitable offer for the sale of the land;
 - b. The sale price of the land is to be determined by an independent valuation based on the future land use zoning and not the current zoning of the land as well as the future permissible use of the land under Council's current Local Environmental Plan and Development Control Plan;
 - c. Compliance with the legislative framework for the sale of land contained within the 'Real Property Act 1900,' and the current NSW Registrar Generals - Land Registry Services Guidelines; and
 - d. The area of land (m2) to be sold and the required easement is to be confirmed in a land survey prepared by a registered land surveyor.
4. All adjoining property owners will be notified of the Public Expression of Interest process that Council is undertaking; and
5. A Report will be brought back to Council on the outcome of the Public Expression of Interest.

Cr Hayes/Cr Packard

CARRIED UNANIMOUSLY

Director Community and Corporate returned to the meeting at 3.41pm.

Council resolution of 21 November 2024

M256/24 RESOLVED:

THAT COUNCIL:

1. Endorse seeking Expressions of Interest for the sale and use of the site Lot 1 DP1163661;
2. Receive a further report on the outcome of Expressions of Interest; and
3. Receive a report on potential future uses of the site.

Cr Inglis/Cr Sheldon

CARRIED UNANIMOUSLY

M257/24 RESOLVED that Council adjourn for a short break.

Cr Hardwick/Cr Packard

CARRIED UNANIMOUSLY

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Minutes of the Meeting of the Snowy Valleys Council Ordinary Meeting held in the Council Chambers 76 Capper Street Tumut and Via Video Link on Thursday, 21 November 2024

[Signature]
Mayor

[Signature]
Interim General Manager



Background Photos of site – take 7 April 2025



Photos - View of Property looking east down Copper street and in the opposite direction – east towards the Snowy Mountains Highway, Tumut - photo taken 7/4/20





Photo 5 - View - looking north across the property - photo taken 24/9/2024



EXPRESSION OF INTEREST – SNOWY VALLEYS COUNCIL – Lot 1 DP 1163661, TUMUT – NOVEMBER 2023 – INFRASTRUCTURE WORKS DIVISION



Photo 6 - Storm water Culvert which is the subject of the easement - photo taken 24/9/2024





Photo 7 - View - looking north across the property - photo taken 7/4/2025



Photo 8 - View - looking west down Capper Street across the property - photo taken 7/4/2025



Photo 9 - View - looking East – down Capper Street - photo taken 7/4/2025



Photo 10 - View - looking East – down Capper Street - photo taken 7/4/2025



Photo 11 - View – looking West – roundabout at end of Capper Street - photo taken 7/4/2025



Photo 12 - View – looking East – from roundabout at end of Capper Street - photo taken 7/4/2025



Photo 13 - View – looking East – from roundabout at end of Capper Street - photo taken 7/4/2025



Photo 14 - View – looking South west – from roundabout at end of Capper Street - photo taken 7/4/2025

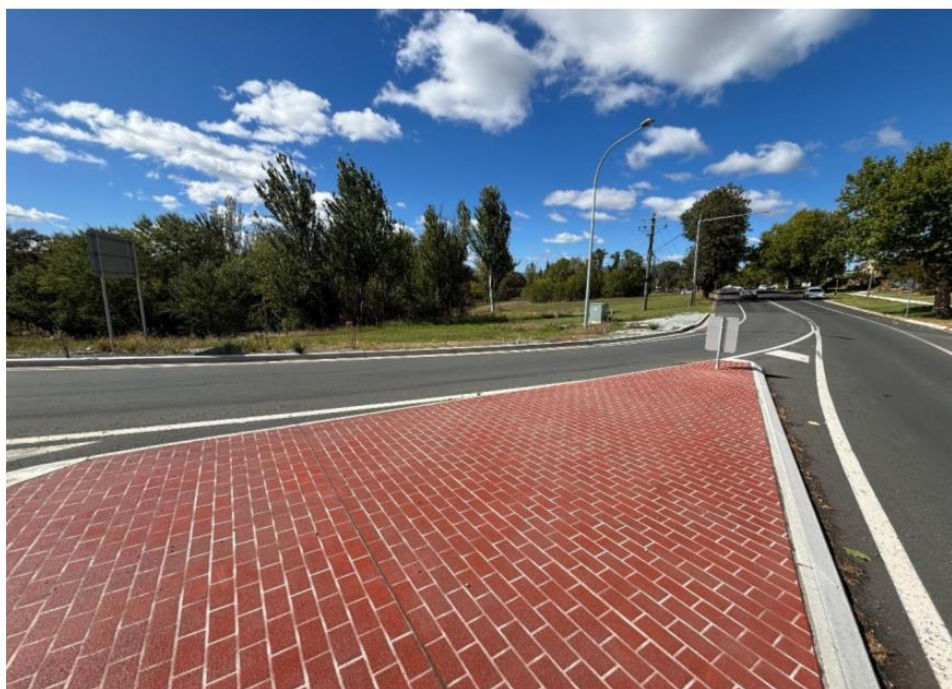


Photo 15 - View – looking East – from roundabout at end of Capper Street – down Capper Street - photo taken 7/4/2025



Photo 16 - View – looking East down Capper Street – from roundabout - photo taken 7/4/2025

EXPRESSION OF INTEREST – SNOWY VALLEYS COUNCIL – Lot 1 DP 1163661, TUMUT – NOVEMBER 2023 – INFRASTRUCTURE WORKS DIVISION



Panoramic Photos of site from the roundabout



5. Legal and Planning Considerations

This Expression of Interest conforms with Snowy Valleys Council Procurement Policy adopted in March 2022 and Councils Procurement Procedure adopted in May 2022. This Expression of Interest also conforms with Clause 3.5.2.1. of the Office of Local Government (OLG) Tendering Guidelines and how Expressions of Interest are to be received and evaluated.

Council will also undertake the sale of this land in accordance with the LOCAL GOVERNMENT ACT 1993 - SECT 716.

If Council was to proceed with the sale of this land after reviewing the EOI submissions received, then Council's solicitors will be engaged to prepare the contract for sale.

In terms of planning approvals and any amendments to the current land use zoning of this land, Council's current LEP would require amendment via a Planning Proposal.

The land proposed to be sold (Lot 1 DP 1163661) is approximately 8,608m² in area and is owned in "freehold" by Council. The land is currently zoned as R2 Low Density Residential area in the Tumut LEP 2012 and classified as Operational Land.

In general, the planning process to change the current Land use zoning from R2 Low Density Residential zoning to a MU1 - Mixed Use zoning or other land use zoning would require the following steps:

- Preparation of a Planning Proposal to the full Council for consideration.
- If the report prepared by the applicant is endorsed by Council, then Council undertakes a detailed assessment against criteria established by the Department of Planning, Housing and Infrastructure (DPHI).
- After the report is prepared, the Council then forwards the proposal through to DPHI for assessment.
- If the Planning Proposal is accepted, a gateway determination is issued by DPHI which requires Council to exhibit the plan (usually for 28 days and consult with other agencies)
- Following exhibition, Council will consider any submissions received and report the matter back to Council for consideration and adoption if warranted.
- Once the Planning Proposal is considered by Council and if adopted the Planning Proposal is then forwarded back to the DPHI for referral to the Parliamentary Counsel for drafting.
- The proposal would then be gazetted.

This process takes approximately 6-12 months.



6. Expression of Interest (EOI) Evaluation Criteria

As part of this EOI all submissions are required to demonstrate how they address the key financial and non-financial criteria listed in the EOI. Your response on how your submission meets each these criteria is to be limited to 200 words or approximately half an A4 page (For each criteria).

It is Councils intention that the proposal or proposals that are assessed as best meeting the selection criteria in this Expression of Interest will be recommended to Council for the potential purchase of the site.

Supplementary information supporting the respondent's response to the evaluation criteria may be submitted to Council as part of the EOI submission as an appendix.

The respondents to this expression of interest are reminded that any future negotiations that Council enters into may be subject to the following requirements.

1. Planning approvals for any intended improvements or proposed expansion / change of use and/or
2. Development Application for the intended improvements and/or
3. Statutory process associated with the giving of Notice of Councils intention to the sale of the land.

6.1 Evaluation Process

Councils EOI Assessment Panel will evaluate the submissions on the basis of how they address the selection criteria. In doing so Council undertakes to give due consideration to all conforming EOI responses received.

Proposals that don't address the selection criteria and or are incomplete will be considered as non-conforming.

The financial assessment weightings for the site is 75% while the non-financial weighting is 25% for different categories of non-financial criteria.

The following evaluation methodology will be used to assess each EOI submission.

- EOI responses will be checked for completeness and conformance with the EOI documentation requirements. EOI submissions that do not contain all the information requested. i.e., returnable schedules and requested information in the EOI may be excluded from further consideration.
- EOI responses will be assessed against the selection criteria outlined in this EOI.

Information provided as part of this EOI will be used by Council to assess the level of interest and value of the land in terms of its *"Highest and Best Use"*.

The information provided with or pursuant to this EOI represents Council's present intentions. Council can change, without notice and at any time, any or all of the information provided with or pursuant to this EOI. In addition, Council is not under any obligation to proceed with anything described in this EOI, including the sale of the site if it is not satisfied with EOI submissions received.



Nothing in the EOI creates an agreement or contract between the Council and the respondents to the EOI. Council accepts no responsibility for any of its action(s) and/or any action(s) any respondent may take, or any cost(s) any respondent may incur, as a result of any information provided by Council in the context of this EOI. The respondent is assumed to have read and understood all relevant information associated with the EOI and is satisfied that their EOI is complete and correct.

Note: Refer to Appendix 1 – Lot 1 DP 1163661 Data Sheets, Maps and General Information

5.2 Financial Criteria: (Assessment weighting 75%)

Financial Capacity

All submissions must demonstrate financial capacity to meet the obligations outlined in the offer to Council. The financial criteria category of this EOI is weighted at 75%.

Please provide evidence in your submission of your financial capacity to meet the obligations of your offer to Council.

Evidence that Council will consider are a financial statement from a registered accountant or financial institution detailing the Respondent's current financial position and capacity to meet the commercial offer obligations as well as any additional capital improvements, community benefits and or contributions towards the site that the respondent is proposing as part of the offer.

Description

Note: Attach a financial statement from a registered accountant of financial institution



Value for Money

Lot 1 DP 1163661 that is being offered by Council as part of this expressions of interest is situated in a prime location in the Snowy Valleys Local Government Area at the gateway to the township of Tumut and close to all the major tourist and recreation attractions in the region.

5.3 Site - Lot 1 DP 1163661

Describe in your submission what your monetary offer to Council is in terms of why you consider your offer good value for money.

Capital Improvements, Community benefits and or other Financial contributions

(If applicable)

Outline in your submission if you intend to undertake any capital improvements, community benefits and or other financial contributions towards the site that you as the respondent are proposing as part of the offer.

Any improvements or alterations would be subject to the relevant Planning and permissibility controls for the site and Councils approval as well as your own financial and management capacity to deliver the improvements.

Please include an estimate of costs for any proposed capital improvements and the intended timing of the works.

Description of capital improvements, community benefits and or other financial contributions towards the site

\$ Estimate of Capital Costs for any improvements and timing - Excl GST



Non-Financial Criteria (Assessment weighting 25%)

Meeting Councils Planning and Development Objectives

How does the offer compliment Councils urban development and planning vision for the township of Tumut.

How does the offer compliment or add value to other adjoining land uses in the area. How will your offer (proposal) potentially contribute to the overall local character and setting of the area. How does the offer meet any of Councils strategic planning objectives in terms of development of the land (Residential Commercial, Industrial land use development objectives).

Outline how your proposal complements Councils Planning and Development Objectives



Community Benefits

Outline how your offer potentially adds value from an, economic, social, cultural and community benefit perspective, including alignment with the expectations of the local community in terms of landuses. Does the offer compliment other businesses, existing tourism, recreational, educational and or business services in the area.

Description of Local Community Benefits that your offer brings.

**Complimentary Services or gap in Council Infrastructure and Service Delivery – Other Benefits**

Outline how does your offer add any other value to Council or the Community that maybe of an infrastructure, economic, social, environmental, recreational, services or any other benefit.

Description of complimentary gap in Council Infrastructure and or Service Delivery – Other Benefits



7. Councils scope of requirements for Interested Parties

6.1 Councils Rights and Privileges

This is not an invitation to tender or invitation to directly purchase the land advertised as part of this public expression of interest.

The Council reserves the right to determine at its absolute discretion which Interested Party or Interested Parties, if any, it will negotiate with.

The Council is not required to give any reason for its actions or decisions to any Interested Party or any other person.

6.2 Access to Documentation

Documents can be downloaded free of charge from **Friday, 18 April** at <https://www.tenderlink.com/svc/>. Alternatively, hard copies of documents can be purchased from Council's Customer Service Counter for \$75.

6.3 Additional Information

Interested parties should include other information, if necessary, which demonstrates the Party's expertise in planning and property development. Interested parties may be asked to provide additional information if considered necessary to determine the submitted EOI.

6.4 Enquiries and Clarifications

Respondents may seek clarification of or make any enquiry concerning the EOI or raise any actual or perceived discrepancy, error or omission in this EOI document in writing to Mr Duncan Mitchell – Director Infrastructure Works not less than seven (7) days prior to the deadline for lodgement of proposals.

Enquiries and Council's response will be provided to all prospective respondents, of which Council is aware, except where:

- (a) A respondent nominates in the enquiry that the enquiry relates to proprietary aspects of their proposal; or
- (b) Council is of the opinion that the enquiry and its response are not material to the integrity of the EOI process.

Where the respondent nominates that an enquiry relates to proprietary aspects of its proposal, and if Council is of the opinion that the enquiry is not proprietary in nature, it will advise the respondent, who will be given the option to withdraw the enquiry.

If the respondent, then reaffirms their request for a response to the enquiry then the enquiry and Council's response may be provided to all prospective respondents of whom Council is aware.

6.5 Addenda

Council reserves the right to change any part of this EOI document. All amendments to this EOI will be issued in the form of written addenda before the deadline for lodgement of proposals to all prospective respondents of which Council is aware. Such addenda will then become part of this EOI document.



6.6 Reserved Rights

In addition to any reserved rights set out elsewhere in this EOI document, Council reserves the right, in its absolute discretion and without assigning any reasons and without incurring any liability to a respondent or any consultant of a respondent, or member of a respondent consortia, to and amongst other things:

- (a) Not proceed with the EOI, the evaluation process, for the sale of this site.
- (b) Suspend or vary the process, the EOI or any part of it for any duration including indefinitely.
- (c) Change the structure and timing of the EOI.
- (d) Vary or extend any time or date in this EOI for all or any respondent or other persons, at any time and for such period, as Council considers appropriate.
- (e) Terminate further participation in the EOI by any respondent for any reason, regardless of whether the respondent conforms with the requirements of the EOI.
- (f) Terminate any negotiations being conducted at any time with any respondent for any reason.
- (g) Require additional information or clarification from any respondent or anyone else or provide additional information or clarification.
- (h) Negotiate with any one or more respondent and allow any respondent to change its proposal.
- (i) Call for new proposals.
- (j) Accept or reject any proposal received after the EOI closing date and time.
- (k) Consider and accept or reject any proposal that does not comply with this EOI:
- (l) Proceed with the EOI, the evaluation process, or any subsequent processes to the EOI on terms different to those described in this EOI document.
- (m) Modify any aspect of the EOI or any subsequent stage, including, without limitation, the objectives, required format of proposals or subsequent proposals, indicative timetable, or EOI evaluation process.
- (n) Postpone or delay the evaluation process or any subsequent stages or processes.
- (o) Replace or supersede the EOI process or any of the terms set out in this EOI document at any time, including by way of direct interaction which may lead to negotiations, select expressions of interest, call for detailed proposals or other procurement processes.
- (p) Publish the names of some or all respondents and details of proposals.
- (q) Clarify or pursue proposals with one or more respondents at any time without prior notice to any other party.
- (r) Not consider further any respondent or proposal for the purposes of this EOI or the evaluation process or any subsequent stages or processes.



6.7 Waiver and Liability

By lodging a proposal, the respondent will be taken to have acknowledged the following (without limiting the other waivers, disclaimers and qualifications provided elsewhere in this document):

- (a) This EOI is not a legal offer or a contract and the process it provides for is not a tender or direct sale of land process nor is it, or can it be, a process contract. The EOI is not a process that will necessarily end in the identification of a preferred proposal or respondent. However, participation in subsequent negotiations arising out of this EOI may be restricted to a single respondent or consortium who participated in this EOI. Council is under no obligation, contractual or otherwise, in relation to any respondent, or otherwise legally bound in any way to respondents, or obliged in any way to proceed any further with the EOI or the evaluation process or any subsequent stages or processes.
 - (b) Respondents acknowledge the qualifications and conditions set out in this document and are to comply with the provisions of this EOI document.
 - (c) This EOI document and all statements made, and information made available in relation to it and the EOI, reflect Council's current intentions only. The information and intentions set out in this EOI document may change at any time with limited notice. Respondents proceed with the EOI and subsequent proposals at their own risk.
 - (d) Council has endeavoured to provide accurate information in this EOI document. However, no warranties or representations in that respect are given by Council. Council is not liable for any inaccuracies, omissions or ambiguities in, or implied by, any information in this document or in any other documents and information accompanying or referred to in this EOI document or subsequently made available by Council. Council is not liable in relation to any claim that the respondent or any other person who may be disadvantaged by a lack of information or because any information provided to it was ambiguous or inaccurate or incomplete.
 - (e) Council is under no obligation to give reasons for any decision made or not made in relation to this EOI, including but not limited to those relating to any of the proposals received and the EOI evaluation process.
 - (f) There is no legal or other relationship between any respondent and Council enforceable at the suit of the respondent arising from this EOI, this EOI document or any process, including any subsequent stages or processes, or the response to this EOI or to any subsequent stage or process arising out of this EOI or any correspondence exchanged, or negotiations undertaken during this EOI, or subsequent related stage or process outlined in it; and
 - (g) The risk, responsibility and liability connected with reliance by a respondent or any other person on this EOI document, or any written or oral statements made to any respondent or any person in connection with this EOI is solely that of each respondent. Each respondent must make its own independent evaluation of this EOI document, and other documents or information accompanying or referred to in this document, and the nature and extent of the EOI and all other relevant matters. Each respondent is solely responsible for obtaining its own independent planning, financial, legal, accounting, engineering and other advice with respect to the contents of this EOI document and any other documents and information communicated or made available for inspection by the Council.
- Each respondent acts or relies on this information and these documents, and any written or oral statements made concerning the EOI, entirely at its own risk.



6.8 Intellectual Property Rights

Council is conscious of the need to protect the intellectual property of respondents. Where required, intellectual property protection will be addressed by the use of confidentiality agreements. By lodging a proposal, the respondent will be taken to have acknowledged the following:

- (a) This EOI document comprises copyright vested in Council.
- (b) A respondent may copy or otherwise reproduce this EOI document for the purpose of preparing and submitting its proposal but not otherwise.
- (c) A proposal or subsequent proposal becomes the property of Council on submission and will not be returned to the respondent.
- (d) Any intellectual property rights that are, at the time of lodgement of a proposal, specifically identified, clearly described and claimed as such by a respondent and exist as intellectual property in a proposal will remain the property of the respondent. Any element of a proposal considered by a respondent to carry any intellectual property rights must be clearly and specifically claimed as such by the respondent and the respondent must in each case specify the nature of the claimed intellectual property rights and how it arises. The mere claim of an intellectual property right does not make it so unless it is in fact the property of the respondent and is claimable intellectual property; and
- (e) Council may copy or reproduce, adapt, modify, disclose, use or do anything else necessary to, in Council's absolute discretion, the whole or any part of a proposal or any material (including that material which contains or comprises claimed intellectual property rights of the respondent, or other person) contained in proposals, for the purposes of this EOI or any subsequent stage or process arising out of this EOI, including the EOI evaluation process and any other activity with respect to the sites identified in the EOI document. Should a respondent object to the use of its proposal in this way, the objection should be raised in the respondent's proposal, and this will be considered by Council, which reserves the right, in its absolute discretion, to reject or accept any objection or claim of intellectual property. Otherwise, any right to object to such use of the proposal or subsequent proposal (including on the basis of confidentiality, copyright or other intellectual property rights) will be treated as having been waived by lodgement of the proposal.

6.9 Confidentiality and Freedom of Information

Proposals and any other information provided by respondents (Information) are subject to the provisions of the Government Information (Public Access) Act 2009 (the Act). Respondents should note that the Act gives to members of the public rights of access to Council documents. Information may be disclosed to third parties if there is a requirement to do so under the provisions of that Act or where Council or State Government policy or directives require disclosure e.g., any requirement to publish the results of a public procurement process or where information must be supplied to Government Ministers and their staff and to other government entities or to Parliament.

Any information that is commercially sensitive or confidential must be marked "commercial and confidential". This special notation must not be used unless the information is genuinely confidential. Marking Information as "commercial and confidential" will not necessarily prevent disclosure of the information in accordance with the Act or otherwise. Respondents must not advertise, promote or publish the participation, in any form, without the written consent of Council.



6.10 No Collusion

It is a requirement of law that respondents, including all consortium members forming the respondent entity, where applicable, and other persons participating in providing a proposal, must not engage in any improper commercial arrangements, collusive tendering or undertake anti-competitive conduct or any other conduct which denies legitimate business opportunities to any other respondent, or any other person involved in providing another proposal in relation to this EOI.

If Council determines that a respondent has, or the respondent is otherwise found to have, engaged in such conduct, the respondent's proposal will be excluded from further consideration in this EOI, the EOI evaluation process, and any subsequent stages or processes at the absolute discretion of Council.

6.11 Material Change in Circumstances

Each respondent is to promptly inform Mr Duncan Mitchell in writing of any material change to their financial capacity, technical capacity or corporate status or to any other information contained in the proposal following lodgement, and of any other material change in circumstances which may affect the truth, completeness, correctness or accuracy of any information provided in or in connection with the proposal. Council may also require respondents to confirm in writing that no such material changes have occurred.

6.12 Changes to Consortium Membership

If a respondent is comprised of more than one person, whether the consortium has been formed specifically for the proposal or not, then respondents will be evaluated on the basis of the consortium structure and membership presented in the respondent's proposal.

If consortium members change, written notification of proposed changes to consortium structure or membership must be provided to Council as soon as possible. If key consortium membership of a respondent changes after lodgement, supporting evidence must be provided to Council to demonstrate that the capability of the new consortium structure and membership, meets or exceeds the capability of the consortium structure, and membership presented in the respondent's proposal.

Council reserves the right to re-evaluate respondents on the basis of new or diminished consortium membership, and to withdraw a respondent on the basis of new or diminished consortium membership, if they do not demonstrate the capability to meet the evaluation criteria or exceed the capability of the consortium structure and membership presented in the proposal. Further conditions in relation to changes in consortium membership may be imposed by Council at any time at its absolute discretion.

6.13 Disclosure of Contract Information

Under the Local Government Act, Council is required to disclose details of contracts entered into with a value exceeding \$150,000. Generally, "commercial in confidence" information is not required to be published. Respondents may mark certain parts of their proposal as "Commercial in Confidence" however this must be minimal, and reasons given as to why information should not be disclosed by Council should a contract for sale be entered into as a result of this EOI.



6.14 Reliance on Information

Council will rely on the information included in the responses to the EOI to determine a preferred proponent or proponents. Should the EOI process lead to Council identifying a preferred proponent or proponents, those respondents will be requested to submit, prior to further negotiations:

- A declaration to the effect that no material changes have occurred to the information in the responses; or
- A statement clearly identifying all material changes to the information in the response/s.

When a respondent is comprised of more than one participant and the participants comprising the respondent change (for any reason) after the closing date and if Council (at its sole discretion) determines that these changes are material, it reserves the right to re-evaluate the respondent's responses and/or withdraw respondent's proposal from further consideration.

6.15 Unauthorised Communication

Respondents are required to direct all communications through the contact person(s) named in the EOI documents, unless advised otherwise. Canvassing or any contact of/with Councillors or Council staff in relation to this EOI will automatically disqualify the respondent.

8. Council's Response to EOI Proposals and Timeline

Councils' response and program for considering the EOI proposals is as follows:

- (a) **Stage 1:** The EOI proposals will be assessed by Councils EOI Assessment Panel taking into account all of the detail provided therein including how each submission addresses the key objectives and evaluation criteria (Financial and Non-Financial) outlined in this document; The EOI documents will be available through tenderlink and advertising of the EOI undertaken through local and national media.
- (b) **Stage 2:** The outcome of the EOI will be reported to Council as per the resolution of Council from 17 October 2024
- (c) **Stage 3:** Depending on submissions received, Council may resolve to short list EOI Applicants to commence more detailed negotiations with Council's Acting General Manager and or delegate (Director of Infrastructure and Works). The Party or parties whose proposal is deemed most acceptable to Council will be invited to enter into those negotiations for a future Contract for sale of the site.
- (d) **Stage 4:** The Party whose proposal is accepted will be required to diligently negotiate in good faith, finalise, and execute documents within thirty (30) days of the contract documents being provided. If the Interested Party does not diligently negotiate in good faith, finalise, execute and or provide the signed documents to Council or its lawyers within the required timeframe, then Council reserves its right to end negotiations with the Interested Party and pursue any other Interested Parties.

The Council is not obliged to select the EOI Proposal which contains the highest proposed (Financial returns to Council) or any particular provision and may choose not to select any EOI Proposal.



Timeline

The following timeline for this EOI is proposed:

1. EOI's open Friday 18 April 2025 – via Tenderlink and public advertising
2. EOI's close – Monday 19 May 2025
3. Review and assessment of submissions received – Monday 19 May to 30 May 2025
4. EOI presented at Council Workshop – Thursday 5 June 2025
4. EOI Report prepared for the Thursday 19 June Council Meeting
6. Preferred respondent or respondents notified of the outcome of the Council meeting Monday 23 June 2025
7. Contract for Sale documents prepared and executed – June – July 2025

9. Legal Relationship

No legally binding relationship arises between the Council and any Interested Party unless a Contract for Sale document, in its final form, has been signed by both parties.

To the extent permitted by law, neither the Council nor Agents acting on its behalf owes any duty to any Interested Party.

10. Lodgement of the EOI Proposal

- (a) The lodgement of EOI Proposals will close at 5pm, on Monday, DATE. 19th of May 2025
- (b) The following documents must be completed and submitted electronically at tenderlink.com/svc which closes at 5pm, on Monday, DATE. 19th of May 2025
 - EOI Proposals
 - Completed Financial & Non-Financial Selection Criteria (Refer to information requested in Section 6)
 - Any other necessary attachments
- (c) Alternatively, the complete EOI Proposal together with the necessary attachments may be deposited in the 'Tender Box' located on the Ground Floor of the Council Administration Building, 76 Capper Street, Tumut, NSW 2720 before 5pm, on Monday, DATE. 19th of May 2025
- (D) EOI Proposals submitted by facsimile or email will not be considered.
- (e) The EOI Proposal shall remain valid and irrevocable for a period of 90 days after the closing date.
- (f) Council reserves the right to seek clarification on any part of the EOI Proposal submitted after the closing date.
- (g) Information submitted in the EOI Proposal will not be treated as confidential unless specifically requested by the Interested Party.
- (h) Information submitted by an Interested Party will be subject to disclosure to the public under the Government Information (Public Access) Act 2009 (the Act).
- (i) Councils Contact Officer is Duncan Mitchell – Director of Infrastructure and Works. Tel: (02) 6948 2402 – email: dmitchell@svc.nsw.gov.au



Schedule 1

SNOWY VALLEYS COUNCIL – LOT 1 DP 1163661 - TUMUT

Expression of Interest Proponent Response

Company / Contact Person Name: _____

ABN _____

Second Contact Name: _____

Position: _____

Address: _____

Telephone: _____

Mobile _____

Email: _____

EOI Further Information

The following information is also required to be included with the submission. Please check off each of the following once included in the EOI submission:

- One reference attesting to the financial capacity of the proponent or proponents as required in section 5.2 of the EOI – Financial Capacity.

I have read and understand the Expression of Interest (EOI) document herein.

Signed: _____

Date: _____

Appendix 1



Lot 1 DP 1163661 Data Sheets, Maps and General Information – issued as separate documents.

1.2 Lot 1 DP 1163661 – Tumut -vacant land