



INFORMATION PACKAGE

Expression of Interest for a Commercial Waterfront Licence at Tea Gardens

Information for applicants

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Introduction

This information package provides an overview to lodging an expression of interest (EOI) to occupy Crown land at Tea Gardens. The site comprises a Jetty, Pontoon and Berthing Areas within the Myall River adjoining Lot 7007 DP 1060386 (Reserve 58708 for Public Recreation). The package also sets out the criteria for the assessment of proposals.

The site

The site comprises an area of 102.9 square metres which consists of a Jetty, Pontoon and two (2) Berthing Areas being 10m x 4.4m. The site adjoins a public Crown Reserve which runs along Marine Drive and is located approximately 65m upstream of the Boatshed Restaurant, as shown in Figure 1 below.

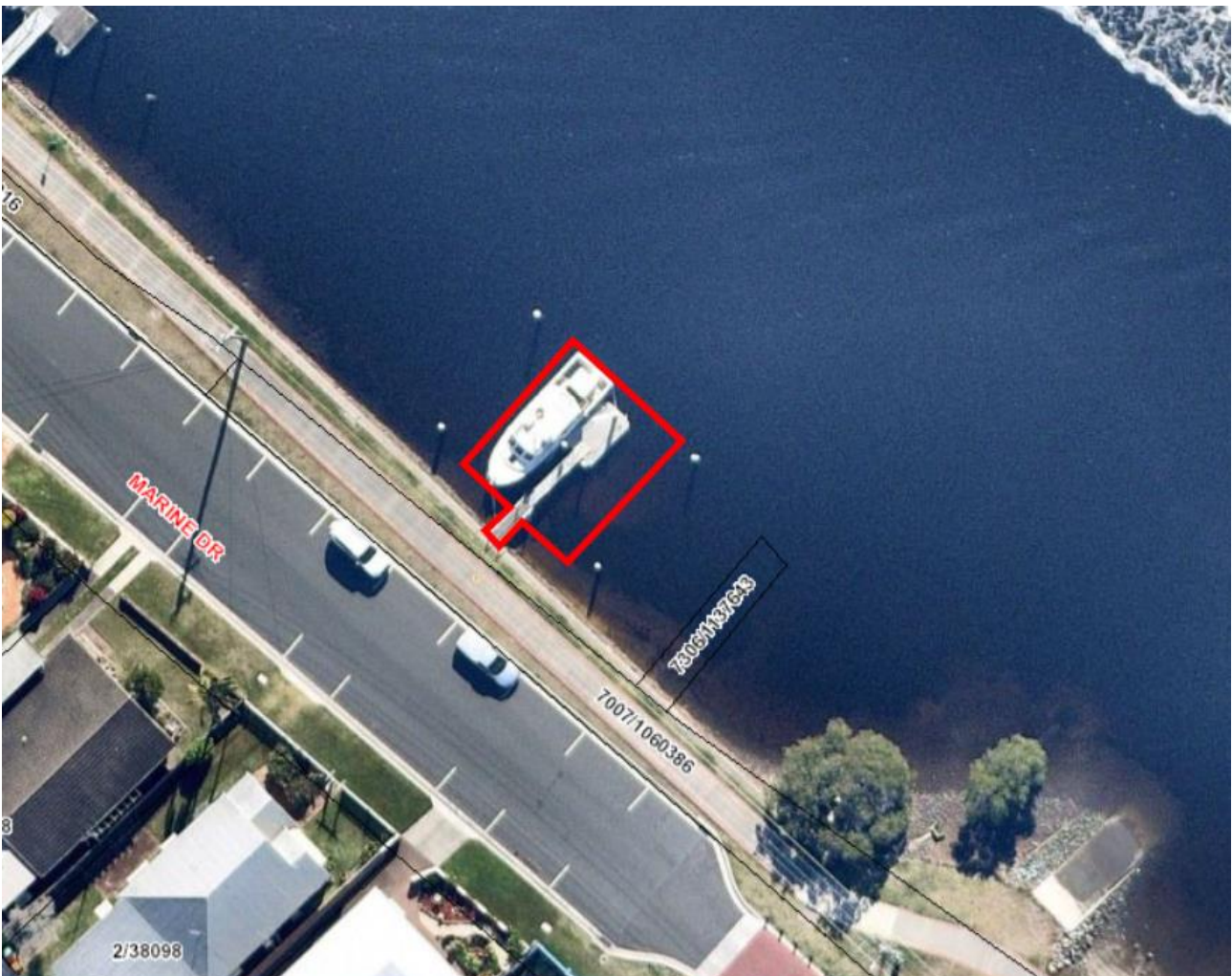


Figure 1. Location of Commercial Waterfront Licence opportunity at Tea Gardens.

Proposed tenure

In New South Wales (NSW), the NSW Department of Planning and Environment – Crown Lands (the Department) has ownership, control and management of Crown land below the mean high water mark (MHWM) and manages this land for the benefit of the people of NSW.

The Department is prepared to grant a commercial waterfront licence over the site for the purpose of Jetty, Pontoon and Berthing Areas. The licence will commence from the date of execution by the Minister's delegated officer.

In the absence of any suitable proposals for the use of the existing site shown in Figure 1, the Department may consider proposals that require development consent from MidCoast Council. This may include a change of use, revised area and/or structures. However, it should be noted that the consent of other agencies will be required to support any variation to the existing structures or use of the site. The Department's consent as landowner will be required to allow a DA to be lodged with Council. The successful proponent is responsible for identifying the appropriate planning pathway to enable occupation and the preparation of all documentations, plans, specifications, environmental assessments, fees and charges associated with a DA.

The granting of the new licence is in accordance with the provisions of the *Crown Land Management Act 2016*, *Aboriginal Land Rights Act 1983*, and *Native Title Act 1993* (Commonwealth).

EOI Applicants are responsible for identifying and complying with all other relevant legislation such as but not limited to: *Work, Health and Safety Act 2011*, *Fisheries Management Act 1994*, *Marine Safety Act 1998*, *Environmental Planning and Assessment Act 1979* and the relevant Local Environmental Plan.

In addition, it is the applicant's responsibility to identify insurance requirements in regard to the structures and use for commercial operations, such as public liability and workers compensation. This documentation will be required to be supplied by the successful proponent at the licensing stage.

Inspection

Applicants can inspect the site prior to submitting an EOI. The Department is aware that work may need to be carried out to make the structures complaint/fit for purpose for existing use. Any such works would be the proponent's responsibility and cost. The proponent is aware that the licence may require them to rectify any defects or non-compliances within a specific timeframe. Applicants should consider the current condition of structures, land use zoning, planning provisions and any other land management issues at the site when submitting their EOI. The improvements subject to this EOI are offered in an as-is condition. Applicants should make the necessary enquiries regarding the condition of the structures.

Confidentiality of information

All applications will remain the property of the Department. The Department will treat the contents of the applications as commercial-in-confidence.

However, EOI applicants should be aware that members of the public may make application for the release of information (formally or informally) held by the department under the *Government Information (Public Access) Act 2009* (GIPA Act).

The GIPA Act provides the basis under which information held by the department is made available.

Selection criteria

The following selection criteria should be addressed within a proposal and business case format to assist the selection committee when making their recommendation on EOI submissions (not necessarily in order of priority):

1. The **proposed use of Crown land** (e.g. intended use of the area, any proposed structures

2. The **local and broader community benefits** the proposed use and occupation of Crown Land can provide
3. The applicant's **capacity (resource and financial)** to ensure ongoing and appropriate management of the site
4. The applicant's **experience and capability** in regard to similar commercial activities, which includes previous experiences in the provision of services for the public and other Crown tenures held
5. Evidence of the applicant's ability to ensure the long-term sustainability of the site. The Principles of Crown Land Management should be considered (refer to Section 1.4 of the *Crown Land Management Act 2016*)
6. The **annual rental offered by the applicant**.

The Proposal and Business Case is not limited to the above. The Business Case should provide information regarding business operations including how the business or activity would contribute toward the economic, social and environmental values of the community and any approvals and licences to operate. If there is any site preparation that is proposed to be undertaken, this should also be outlined in the Proposal and Business Case and should consider all relevant legislation and planning instruments.

Note: The department reserves the right to seek additional information from applicants after the closure of the EOI process to clarify an EOI application.

Rental offer

Rent for this commercial waterfront licence must be paid annually. As a part of a Proposal and Business Case, applicants must submit an annual rental offer to support their application.

The recommendation of the selection committee will have regard to the Selection Criteria listed above.

Once a licence is granted, the successful applicant must pay the annual rental amount offered/accepted as per the licence agreement. This rent will be, subject to GST and CPI increases and reviewed to a Market Rent every 3 years.

Applicants should also be aware that the licence holder will be responsible for payment of council rates applicable to the licence area. These will be determined by council on notification of a licence being granted.

PLEASE NOTE: The minimum rental offer acceptable to Crown Lands is \$4,600.00 per year.

Information required

- Copies of licences, permits, etc to operate existing business
- Proposal and Business plan addressing the Selection Criteria above
- Company search (if proponent is a company)

Licence terms and conditions

All licences are subject to terms and conditions that will outline the licensee's duties and responsibilities in respect to the land. The licence may also contain special conditions which relate to the specific purpose of the licence. Licensees are expected to comply with licence conditions. Compliance action will be undertaken if the licensee does not comply with the licence terms and conditions which may result in revocation of the licence.

Lodgement

It is preferred that proposals are emailed to maitland.crownlands@crowland.nsw.gov.au with the following subject line: 'Confidential - EOI - Commercial Waterfront Licence Opportunity at Tea Gardens'

If you are sending an application by post or direct delivery, completed submissions must be placed in a sealed envelope and clearly marked confidential, to :

Department of Planning and Environment—Crown Lands
Commercial Waterfront Licence Opportunity at Tea Gardens EOI
26 Muldoon Street Taree NSW 2430
TAREE, NSW, 2430

Selection process

1. Only submissions received by the closing date will be considered.
2. All submissions will be evaluated by a selection committee, which will recommend a proposal or a short listing of a number of suitable proposals.
3. A final recommendation will be made by the selection committee, which will require the approval of the Minister's delegate.
4. All applicants will be notified in writing of the outcome. The successful applicant will be required to complete a licence application and pay the application fee of \$552 and, on acceptance of the Licence, the first years rent in advance.
5. The proposal will be abandoned if submissions are not considered suitable.

Closing date and time

Applications close on **9 October 2022 at 11:30 pm** (Australian Eastern Daylight Time).

Enquiries

Enquires should be directed to:

David Cooper, Property Management Project Officer
Telephone: (02) 6591 3570
Email: david.cooper@crowland.nsw.gov.au