



Expression of Interest E060-2025

Expression of Interest for the proposed Lease
or Licence Agreement for Rural Land at 428
Wallamore Road, Westdale

Part Lot 37 DP 755333

17 January 2025

NAME: Nicholas Hawkins – Commercial Property Officer
TITLE: Expression of Interest for the proposed Lease or Licence Agreement for Rural Land at 428 Wallamore Road, Westdale
ADDRESS: Tamworth Regional Council
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TAMWORTH NSW 2340
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Closing Date: 11:00am AEDST on Tuesday, 18 February 2025

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A. REQUEST FOR EXPRESSION OF INTEREST

Council invites Interested Parties to lodge an Expression of Interest for the proposed Lease or Licence Agreement for Rural Land (the Land) at 428 Wallamore Road, Westdale.

Council is not able to provide any occupancy agreement for the Land commencing earlier than July 2025.

The Land is approximately 89ha being part of Lot 37 DP 755333.

See **APPENDIX C** for an aerial image of the Land. **APPENDIX C** also identifies part of the property which will be excluded from the Proposed Lease or Licence Agreement.

The Land contains the following features:

- dairy shed/parlour;
- three existing farm dams;
- various vehicle and machinery sheds; and
- water tanks.

Council will consider submissions from Interested Parties who are able to occupy the Land in accordance with the zoning requirements. Council will consider crop production, livestock grazing, operation of a dairy farm or other rural practices as suitable uses of the Land.

The residential premises situated on the property is excluded from this Expression of Interest. Council may consider any residential lease of the premises separately, after the closing date of this Expression of Interest.

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

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

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

1. An official offer to occupy the Land including:
 - a. full name of person(s) or entity (including ABN) intending to hold the lease;
 - b. a rental offer (ex GST); and
 - c. proposed length of lease or licence agreement.
2. Fully detail what use is being proposed. This must include the proposed number and type of livestock to be run on the Land.
3. Detail how the proposed use of the Land will be beneficial to the Tamworth regional community and provide better community outcomes being either direct, indirect or ancillary.
4. Provide details of the Interest Party's financial capacity to carry out the proposed activities on the Land.
5. Provide details of the Interested Party's ability and expertise to carry out the proposed activities on the Land.

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

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

prior to the lodging of an Expression of Interest.

B. CONDITIONS OF SUBMITTING AN EXPRESSION OF INTEREST

1. INTERPRETATION

In these “Conditions of Submitting an Expression of Interest” and elsewhere, except where the context requires otherwise:

“**Closing Date**” means the last date for the lodgement of an Expression of Interest being 11:00 am AEDST on Tuesday, 18 February 2025.

“**Council**” means Tamworth Regional Council and includes its authorised delegates;

“**Day**” means business day, that is not Saturday or Sunday or a public holiday for the Council’s employees;

“**Expression of Interest**” means lodgement of a detailed proposal with respect to the Proposed Lease or Licence Agreement for Rural Land at 428 Wallamore Road, Westdale containing all requested information and documentation, with a view towards subsequently entering into negotiations with Council (refer to clause 4 of these Conditions);

“**Interested Party**” means the person or entity lodging an Expression of Interest;

“**Person**” includes an individual, a corporation or a body politic;

“**Expression of Interest document**” includes all of the following:

- (i) the Request for Expressions of Interest document in its entirety including:
 - a) Information for Interested Parties; and
 - b) Conditions of Submitting an Expression of Interest;
- (ii) Expression of Interest Form submitted by Interested Party;
- (iii) the Information supplied by Interested Parties; and
- (iv) any further written information supplied as an addendum to this Request for Expression of Interest Document.

“**Land**” means Part Lot 37 DP 755333 as identified in **APPENDIX C**.

In these conditions, unless the contrary intention appears, words importing a gender include any other gender and words in the singular include the plural and vice versa.

2. INTERESTED PARTY STATUS

It is Council’s practice to negotiate and contract only with persons having appropriate financial resources, insurances and legal status.

If the Interested Party is a Trust or a Trustee of a Trust, then a full copy of the trust deed may be requested by Council for inspection.

It is also Council’s practice to deal with entities that have an Australian Business Number (ABN) and are registered for GST.

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3. INTERESTED PARTY TO INFORM ITSELF

The Interested Party shall bear all costs or expenses incurred by it in preparing and lodging an Expression of Interest. Council recommends that you obtain independent financial and legal advice regarding the Expression of Interest document. In addition, no costs, expenses, losses, damages, allowances or payments will be paid to the Interested Party as a result of you neglecting to have examined or obtaining appropriate professional advice and/or carrying out your own due diligence. The Interested Party should make itself familiar with:

- a) all parts of this Expression of Interest document;
- b) all information made available and/or all information obtainable in relation to the Land by the making of reasonable enquiries;
- c) the site and its surroundings including the location of all existing public utility services and the availability of services (where relevant to the project);
- d) satisfied itself as to the correctness and sufficiency of its Expression of Interest.

4. EXPRESSION OF INTEREST

The lodgement of an Expression of Interest by an Interested Party in accordance with these “Conditions of Submitting an Expression of Interest” will constitute an offer to enter into negotiations with Council with a view towards exploring and developing a proposal that may subsequently be submitted to Council for formal approval for the proposed lease or licence agreement of the Land.

The Expression of Interest lodged by an Interested Party will remain open for Council to consider and commence negotiations with an Interested Party for a period of 180 days from the Closing Date.

5. GENERAL CONDITIONS OF CONTRACT

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

- a) Council will determine the maximum carrying capacity of the Land, taking into consideration the proposed type of stock proposed to agist the Land and the size and characteristics of the Land.
- b) If the Interested Party undertakes cropping activities on the Land, then in the event the crop remains on the property following the expiry of the lease or licence agreement, the Interested Party shall have 60 days following the expiration of the lease or licence agreement within which to harvest the crop. Should the crop not be harvested within this period, the crop shall become the property of Council to deal with in its sole discretion.
- c) Council will not consent to any sublease, sublicence of any occupancy arrangements between the Interested Party and a third party.
- d) The Interested Party will be responsible for providing all relevant licences and approvals required for the lease or licence and any associated costs.

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- e) The Interested Party will be required to take out and maintain public liability insurance to the amount of \$20 million, or any other insurance as reasonably required by Council, for the length of the lease or licence agreement.
- f) The Interested Party will be responsible for all reasonable fire safety precautions and must install and maintain such firebreaks on the Land as required by law or as directed by competent authorities.
- g) The Interested Party will be responsible for the management of the Land for the length of the lease or licence including, but not limited to, the control of noxious weeds and feral animals.
- h) The Interested Party will be responsible for maintaining and erecting all fencing on the Land as required and to the reasonable satisfaction of Council. Upon termination or expiration of the lease or licence, all fencing works will become and remain the property of Council. Council will not compensate the Interested Party for any fencing works remaining on the Land upon expiration of the lease or licence.
- i) The Interested Party is required to pay all council rates and utility costs and other charges and taxes that may apply to the Land.
- j) The Interested Party must allow Council, or its contractors and agents, access to the Land to undertake investigations of any kind, where reasonable notice has been given of Council's intention to enter the Land.
- k) Any lease or licence will not include the area of the property outlined in red in **APPENDIX C**.

6. ACKNOWLEDGEMENT BY INTERESTED PARTY

The Interested Party acknowledges and agrees that:

- a) it does not rely upon any verbal agreement or other conduct whatsoever by or on behalf of Council amending these "Conditions of Submitting an Expression Of Interest";
- b) Council will not be liable for any cost whatsoever incurred in preparing and submitting the Expression of Interest;
- c) None of those "Conditions of Submitting an Expression Of Interest" will be waived, discharged, varied, amended, modified or released except by written notification by Council;
- d) It shall be responsible for any interpretation, deduction and conclusion made from the information made available and accepts full responsibility for any such interpretation, deduction and conclusions;
- e) It does not rely in making its Expression of Interest upon any warranty or representation made by or on behalf of Council except as are expressly provided in the Expression of Interest Documents and has relied entirely upon its own enquiries, professional advice and inspections in respect of the Land and the documents inspected;

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- f) It does not rely in making its Expression of Interest upon any warranty or representation made by or on behalf of Council in relation to weed or noxious plant management of the Land. The Interested Party must rely on its own inspections and enquiries in relation to the suitability of the Land for the Interested Party's intended use.

7. CONFIDENTIALITY

Any information disclosed or obtained from either Council or the Interested Party about this Expression of Interest must be kept strictly confidential except in the situations where disclosure is:

- a) necessary in the process of assessing Expressions of Interest, or where Council discloses all or part to any of its advisers and consultants or where Council publishes in its business papers, details of the Expression of Interest as may be required and permitted by law;
- b) under compulsion of law or it is already public knowledge; or
- c) with the written consent of Council.

8. COLLUSIVE EXPRESSIONS OF INTEREST

Any participation in or condoning of a collusive activity by an Interested Party shall lead to the immediate disqualification of the Interested Party or of all Interested Parties involved. Any Interested Party involved may be barred from lodging an Expression of Interest or tender for any further contracts with Council. A collusive activity includes but is not limited to:

- a) any agreement as to who should be the successful Interested Party;
- b) any agreement for the payment of money or a reward or benefit for unsuccessful Interested Parties by the successful Interested Party;
- c) any agreement or collaboration of Interested Parties to fix prices, rates of payment or conditions of contract;
- d) the submission of a "cover Expression of Interest", being an Expression of Interest submitted as genuine but which has been deliberately prepared in order not to win the right to negotiate.

9. LEVIES AND TAXES

The Interested Party shall provide its ABN and documented evidence of its registration for GST.

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

10. SUBMISSION PROCEDURE

10.1. Requirements

An Expression of Interest must be in writing. It must contain the documents, information and details required including the Expression of Interest Form, filled out and properly

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signed. It must be lodged using one of the methods described in this clause, on or prior to the Closing Date.

10.2 Expression of Interest Lodgement

The Expression of Interests are to be lodged to reach Council prior to 11:00am AEDST on Tuesday, 18 February 2025.

Expression of Interest may be lodged by the following methods:

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

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

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

The Expression of Interest including all its parts must be placed and delivered in a sealed envelope (if submitted by post or in person) **clearly displaying the Expression of Interest Number and the project title.**

Council will only consider a late Expression of Interest (received after the Closing Date) where the Interested Party is able to verify that the Expression of Interest document was posted or lodged at a Post Office or other recognised delivery agency in sufficient time to enable the document to have been received by Council before the Closing Date in the ordinary course of business.

10.3 Acceptance of Non-conforming Expressions of Interest

Council reserves the right to waive compliance with a formality requirement for making a submission at the sole discretion of Council.

11. OPENING OF EXPRESSIONS OF INTEREST

Council will not open Expressions of Interest until immediately after the Closing Date.

12. ASSESSMENT AND ACCEPTANCE

- a) Expressions of Interest will be assessed on their merits based on the Interested Party's responses to the requested mandatory information (see Schedule 2 below) and compliance with this Expression of Interest document.
- b) Once submitted, an Expression of Interest may be varied to provide further information by way of explanation or clarification or to correct a mistake or anomaly.

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- c) Council reserves the right to contact an Interested Party to seek clarification and further information regarding any aspect of an Expression of Interest prior to making a decision.
- d) Council will advise the successful Interested Party and/or Interested Parties in writing by posting a notice seeking to enter into further discussions and negotiations with a view towards developing a proposal which may subsequently be submitted to Council for a decision.
- e) Council reserves the right to enter into discussions with more than one Interested Party and to discontinue negotiations with an Interested Party at any time.
- f) Council may request an Interested Party to make a presentation which explains their proposal for the use of the Land.
- g) Council may not enter into any Lease or Licence of the Land as a result of the Expression of Interest process.

13. ACCEPTANCE / REJECTION OF EXPRESSION OF INTEREST

Council has the right at its sole discretion to explore and to reject any Expression of Interest or may discontinue negotiations with an Interested Party after it has been requested to enter into negotiations.

Council has the right, at its sole discretion, not to accept any submission for any reason including but not limited to an offer which does not achieve an acceptable rental return.

14. LODGEMENT

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

C. INFORMATION FOR INTERESTED PARTIES REGARDING THE LAND AND IMPROVEMENTS

1. LAND USE

The Land is currently used for the operation of a dairy farm.

2. LAND CLASSIFICATION AND ZONING

The Land has been classified as Operational Land.

The Land is zoned:

- RU4 – Primary Production Small Lots; and

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

The general objectives of zone RU4 are:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

3. TITLE REFERENCE

The Land proposed for lease or licence is Part Lot 37 DP 755333.

4. AERIAL VIEW

An aerial view of the premises is attached at **APPENDIX C**. The proposed area of the Land is outlined in yellow. The area excluded from any lease or licence agreement is outlined in red.

5. SERVICES INFRASTRUCTURE

The subject land is not connected to any water or sewer network.

D. FURTHER INFORMATION AND INSPECTIONS

1. COMMUNICATIONS RELATING TO THIS EXPRESSION OF INTEREST INVITATION

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

Nicholas Hawkins – Commercial Property Officer

Telephone: (02) 6767 5555

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

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

2. PRE – EXPRESSION OF INTEREST MEETING

A Council Officer will be available to take Interested Parties on a site inspection of the property at the following times only:

- Tuesday, 4 February at 10:00am; and
- Thursday, 13 February 2024 at 10:00am

Interested Parties must register their interest to attend an inspection 24 hours in advance.

Nicholas Hawkins – Commercial Property Officer

Telephone: (02) 6767 5555

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

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

APPENDIX A

EXPRESSION OF INTEREST FORM

E060-2025

Expression of Interest for the proposed Lease or Licence Agreement for Rural Land at 428 Wallamore Road, Westdale

Name of Project: **Proposed Lease or Licence Agreement for Rural Land at 428 Wallamore Road, Westdale**

To: The General Manager

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

ATTENTION: **Nicholas Hawkins**
Commercial Property Officer

1. Having examined the Expression of Interest Documents E060-2025 for the Proposed Lease or Licence Agreement, we the undersigned request that Council consider our proposal(s) and concepts for the lease or agistment agreement as set out in the attached memorandum marked **“Submission for Proposed Lease or Licence Agreement for Rural Land at 428 Wallamore Road, Westdale**
2. We undertake, if our proposal contained in this Expression of Interest Form is of interest to Council, to commence negotiations in good faith with a view towards developing a proposal or concept which might be subsequently submitted to Council for their consideration.
3. We understand that Council’s interest in developing an Interested Party’s proposal does not constitute a contract and Council is not bound to subsequently enter into a binding lease with any Interested Party.

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

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

Company Name).....
) Position Held

Company Name)
)

Company Name).....
 Date

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OR

The Common Seal of)
.....) **Print Name of authorised person**

was affixed by the Authority of the Board in the)
presence of:)

.....) **Signature**
)

)
) **Position Held**
)

)
) **Date**

c) Executed by authority under Power of attorney)
by:) **Print Name**
.....)

for and on behalf of:)
.....)

) **Signature**
)

)
) **Title**
)

)
) **Date**

SCHEDULE 1

EXPRESSION OF INTEREST MANDATORY INFORMATION

Please attach written responses to each of the following mandatory points:

1. An official offer to occupy the Land including:
 - a. full name of person(s) or entity (including ABN) intending to hold the lease;
 - b. a rental offer (ex GST); and
 - c. proposed length of lease or licence.

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2. Fully detail what use is being proposed. This must include the proposed number and type of livestock to be run on the Land.

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- 5. Provide details of the Interested Party’s ability and expertise to carry out the proposed activities on the Land.

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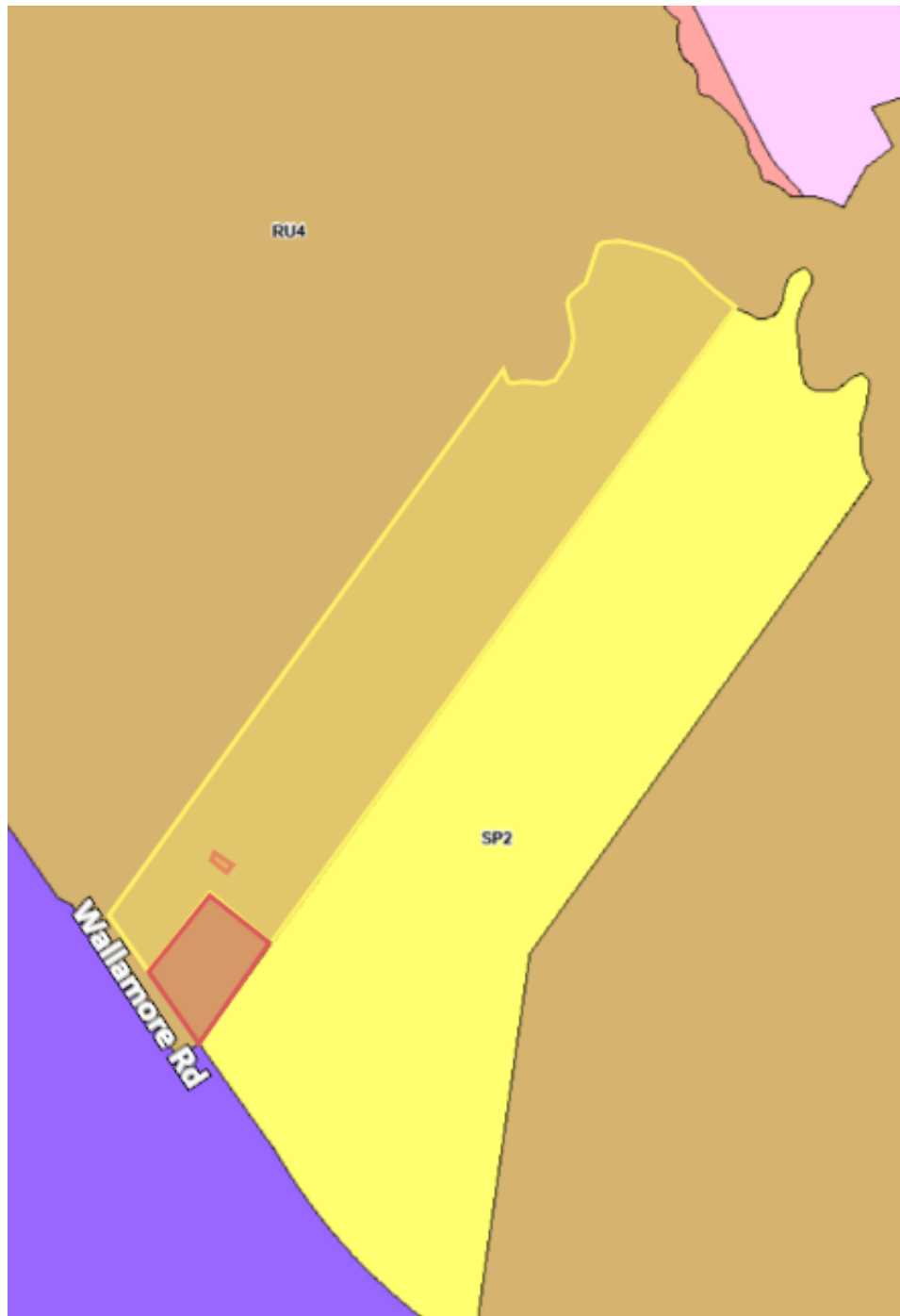
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APPENDIX B

LAND ZONING

E060-2025



APPENDIX C
AERIAL IMAGE
E060-2025



*The area identified in red will be excluded from any lease or licence agreement.

**The area identified in yellow is the proposed Land area.

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*The area identified in red will be excluded from any lease or licence agreement.

**The area identified in yellow is the proposed Land area.