

# Expressions of Interest

*Licence of car park site | 1 Merrijig Drive, Torquay*

## INTRODUCTION

Surf Coast Shire Council (**Council**) invites Expressions of Interest (**EOI**) from organisations or individuals with suitable resources to licence a portion of the car park at 1 Merrijig Drive, Torquay for operation of a farmer’s market.

## BACKGROUND INFORMATION

The Torquay Farmer’s Market has been held each Saturday, 52 weeks a year, in the car park at 1 Merrijig Drive, Torquay for the past three years. It is run under a commercial licence agreement with Council.

The current licence expires on 31 October 2017 and Council is seeking expressions of interest from potential licensees to run and manage a farmer’s market at the site.

## OBJECTIVES

The objective of the farmer’s market is to provide access to local and regional produce and provide an additional community hub and tourist attraction in the form of a weekly market.

A secondary objective is to provide financial return to the Council and community. A licence fee will be charged based on a market valuation set by an independent valuer, with a minimum fee included to provide certainty of financial return to Council and the community.

## EOI SUBMISSION REQUIREMENTS

Submissions must include:

### Non-assessable Requirements

1	Contact details of organisation representative (phone and email).
2	Organisation name, ABN and structure (eg. sole proprietor, company, partnership).

### Assessable Requirements

3	Proposed economic and social benefits / return to local community.
4	Any previous experience in market management or operation (location, dates and summary of operations). <b>Note:</b> Please include any information about existing resources available for proposed use (eg. professional tents / stalls / equipment for use by stallholders).
5	Any requirements for materials, resources, infrastructure or services required to be provided by Council rather than the licensee (eg. power or electricity).
6	Proposed hours and dates for market operation during the year. <b>Note:</b> The site is only available on Saturdays.
7	Proposed number of stalls and breakdown of stall types / services / goods / produce provided by stalls.

	<b>Note:</b> Site area is limited to that shown on the plan at Annexure A. Council will not permit stalls undertaking the resale of commercial goods.
8	Information on how market is to be managed in terms of staff, volunteers or community groups.
9	Confirmation of ability to obtain necessary insurance (\$20 million public liability insurance) and necessary planning permits.
10	Proposed environmental impact management plan (including waste disposal and rubbish collection).

### **SUBMISSIONS CLOSING DATE - 5:00pm, Tuesday 12 September**

Proposals addressing the EOI Submission Requirements as outlined above should be lodged, by electronic mail, in person, by courier, or by post to be received no later than **5:00pm Tuesday 12 September** marked to the attention of the Property & Legal Services Officer.

- **Post:** PO Box 350, Torquay VIC 3228
- **In person:** Surf Coast Shire Office, 1 Merrijig Drive, Torquay 3228
- **Email:** info@surfcoast.vic.gov.au

EOIs not complying with the requirements will not be accepted. It is the organisation's responsibility to ensure that correct lodgement occurs.

Where information included in the EOI is unclear, clarification may be sought from the lodging party.

**Council is under no obligation to consider any incomplete submission, submission lodged incorrectly or submission lodged after the closing time.**

### **NO CANVASSING OF COUNCILLORS OR COUNCIL STAFF**

Prospective licensees must not approach, or request any other person to approach any member of the Council's staff or a Councillor – individually or collectively to solicit support for their submission or otherwise seek to influence the outcome of the EOI process. Any such conduct will cause the applicant to be disqualified from consideration.

### **ASSESSMENT OF EOI SUBMISSIONS**

All submissions that are lodged in accordance with the above EOI Submission Requirements will be assessed by a panel of Council Officers in accordance with the assessment criteria below and a preferred applicant will be recommended to Council.

The Council Officers may determine that no submissions satisfy the EOI Submission Requirements and make a recommendation to Council that there is no preferred applicant.

The panel of Council Officers will be made up of representatives from the following departments:

1. Economic Development & Tourism;
2. Recreation Planning; and
3. Facilities & Open Spaces Operations.

In initiating and while conducting this EOI process, the Council offers no guarantee that the Council will, as a result of this process, enter into a licence, contract or agreement with any applicant or a preferred applicant if selected.

## ASSESSMENT CRITERIA

The following criteria will be used to assess the EOI submissions:

Criterion	Relative Weighting
Proposed economic and social return / benefit to community	40%
Relevant experience and resources (previous work of this type)	20%
Environmental Management Plan	20%
Requirement for resources provided by Council	10%
Financial viability	10%

All assessment criteria must be addressed in the submission and applicants are encouraged to attach supporting documentation where appropriate.

## DETERMINATION BY COUNCIL

Council will determine whether to enter into negotiations for a licence with the preferred applicant (if recommended by the panel of Council Officers) at the Council meeting on 26 September 2017.

**Council is not under any obligation to enter a licence or agreement with the preferred applicant or any other applicant.**

All parties who lodged an EOI submission will be advised of the outcome if the preferred applicant is approved by Council or if the Council determines that it will not enter into licence negotiations.

## TERMS OF ENGAGEMENT

The preferred applicant will be required to enter into a mutually acceptable licence with Council, including the following key commercial terms:

- **Licence Fee:** To be determined by independent valuer at market valuation.
- **Term:** Three years (with two further terms of renewal of two years).
- **Nominated Commencement Date:** 1 February 2018 or earlier by agreement.
- **Permitted Use:** Farmer's Market. No resale of commercial goods.
- **Insurance:** \$20million public liability insurance.
- **Licence Area:** Limited to the area set out in Attachment A.

It is emphasised that throughout the EOI process Council is not entering into a licence, contract, lease or agreement with any applicant until a full licence is negotiated and signed by both parties.

## ENQUIRIES

Enquiries related to this EOI process can be directed to the Property and Legal Services Officer via telephone: 5261 0581 or e-mail: [propertylegalservice@surfcoast.vic.giv.au](mailto:propertylegalservice@surfcoast.vic.giv.au)

**Annexure A**



Contains Mapping Information  
 © The State of Victoria, Department of Sustainability & Environment, 2002  
 Reproduced by permission of the Department of Sustainability and Environment

The material may be of assistance to you but the State of Victoria, Surf Coast Shire and its employees do not guarantee the publication or release of any kind or its validity or accuracy for your particular purposes and therefore disclaims all liability for any error, loss or consequences which may arise from your relying on any information contained in the material.

The map is produced by the Geospatial Data of Australia (GDA94).  
 GDA94 is under the Australian Standard (AS/NZS 1980:2000).  
 Surf Coast Shire uses the Mean Sea Level of Australia (MSLA) datum. See 10  
 0000000.



1 MERRIG DRIVE  
 PO BOX 250  
 TORQUAY, VICTORIA  
 AUSTRALIA 3228  
 PHONE : +61 3 5291 0600  
 FAX : +61 3 5291 0625  
 INTERNET : [www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au)  
 EMAIL : [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)

