Tourism Development Opportunity

LANCELIN SOUTH CARAVAN PARK EXPRESSION OF INTEREST

TITLE:
Lancelin South Caravan Park, Hopkins Street, Lancelin

CLOSING TIME:
4:00pm (WST), 28 October 2016

ISSUED BY:
Shire of Gingin and Tourism Western Australia
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1. PROJECT OUTLINE

1.1 Background

This Expression of Interest (EOI) seeks to identify appropriately credentialed developers and operators to be invited to submit formal proposals for the redevelopment and operation of an existing caravan park facility in Lancelin.

The Lancelin South Caravan Park is being released through a partnership between the Shire of Gingin and Tourism Western Australia (Tourism WA).

1.2 The Development Opportunity

Expressions of Interest are sought from experienced caravan park developers and operators with the necessary skills, design experience and financial resources to redevelop and operate a sustainable and functional tourist park on one of WA’s most iconic coastal tourism sites. Proposals received should respond to these iconic characteristics, and demonstrate that the redevelopment will add value to Lancelin as a tourism destination. This should be achieved by enhancing the range of accommodation and facilities to enable an experience that supports increased visitation, through the development of a high quality, contemporary tourist park. Long term lease tenure will be negotiated with the successful proponent for the redevelopment and operation of the caravan park.

The site, zoned Tourist, comprises approximately 7.5ha, and is ideally situated within walking distance to the Lancelin town centre, with absolute beach frontage on two sides. The Crown Land site has been vested to the Shire under a Management Order administered under the Land Administration Act 1997 (LAA) for the purpose of a caravan park.

The caravan park currently includes 147 caravan bays, a brick and tile manager’s residence, 11 camp sites, ablutions and laundry. Currently around 130 sites are held under a periodic lease to long term tenants.

1.3 Lancelin Tourism Background

Lancelin is located one hour’s drive or 94km north of Perth along Indian Ocean Drive. The town stretches along the Lancelin Bay which is protected from the Indian Ocean by a system of reefs and islands.

The protected waters are ideal for swimming, fishing, boating and other water-based activities. It also provides safe anchorage for fleets of cray fishing boats. Lancelin is an internationally recognised and popular destination for windsurfers due to the ideal wind and water conditions. The annual Lancelin Ocean Classic is an iconic international windsurfing event attracting over 300 competitors from Australasia, South East Asia, the Americas and Europe.

To the east of the town is an extensive white sand dune system which is a significant attraction for sand boarders, dune buggies, off road vehicles and four wheel drive leisure activities.

Lancelin has a Mediterranean climate, and is just slightly warmer than Perth with similar rainfall. It is hot in summer (December to February) with an average maximum temperature of 35°C and an average minimum temperature of 19°C. In winter (June to August), the average maximum temperature is 20°C with an average minimum temperature of 8°C. Annual rainfall for the Gingin and Lancelin areas is 763 millimetres and 621 millimetres respectively, the majority of which is recorded between April and October.

Lancelin is a year round tourist destination, with high visitation during the summer months due to its fresh winds, sought by wind and kite surfers. In the winter the Indian Ocean swell attracts large numbers of surfers, and off road activities are also popular in the cooler weather.
1.4 Development Objectives

The redevelopment of the site is expected to address the following objectives:

1. **High Quality Development**
   To establish a high quality caravan park facility providing an optimum mix of accommodation types combined with associated services and facilities.

2. **Reputable and Proven Operator**
   The Shire of Gingin is keen to attract operators with extensive experience in operating similar facilities in Australia. The involvement of a recognised caravan park or similarly associated brand in the development and/or operation of the proposed facility will be considered an advantage.

3. **Increased Accommodation Choice**
   To provide a range of accommodation options including caravan sites (powered/unpowered), cabins/chalets and semi-permanent tents.

4. **Range of Facilities**
   To provide leisure and recreational facilities for visitors utilising the caravan park facility.

5. **Timely Development**
   To select a successful proponent by mid-2017 so that redevelopment could commence late 2017 with operation of the completed redevelopment targeted to commence in 2018.
2. BACKGROUND INFORMATION

2.1 Site Description

Lot 31 Hopkins Street, Lancelin is zoned “Tourist” and comprises an area of approximately 8ha.

2.2 Land Tenure

Lot 31 Hopkins Street is Crown land administrated under the Land Administration Act 1997 (LAA). The site is vested to Shire under management order to be used for the purpose of “Caravan Park”.

2.3 Lease Terms

Pursuant to section 46(3) (a) of the LAA, the Shire of Gingin, recognised as the Management Body has the power to lease, sublease or license the site for a purpose that is consistent with the designated purpose for a term, (including further terms) that is not to exceed in total 21 years with the possibility of a lease extension of an additional 21 years.

The management order will need to be amended by the Department of Lands should the proponent seek a lease term extension beyond 21 years. The Shire will submit a request for an increased lease term up to 49 years to the Department of Lands/Minister for Lands on behalf of the proponent, subject to adequate justification for this extension being submitted as part of stage 1 of the EOI process.

2.4 Development Design

Development of caravan parks must also comply with the provisions of the Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Grounds Regulations 1997. As well as providing for licensing of caravan parks, the legislation defines a caravan park, a short-stay site (site occupied for no longer than three months) and long stay site (site occupied for any period of time), and sets out a range of matters for the construction and operation of caravan parks. These include design standards for:

- Internal roads
- Setbacks
- Parking
- Internal open space
- Permitted buildings
- Firefighting equipment; and
- Supply of an electricity, water and telephone service

A copy of the Caravan Parks and Camping Grounds (CPCG) Regulations 1997 are available through the hyperlink on the EOI brochure.

2.5 Permanent Occupancy

There are currently around 130 sites which are under a periodic site only agreement, however the Shire acknowledges the site is in need of redevelopment and it is likely that these arrangements will need to be addressed in a redevelopment proposal, particularly as many are not compliant with the CPCG Regulations.

The Shire has no objection to the Proponent offering a new lease to current leaseholders subject to the sites being made available to tourists when not in use by the leaseholders.

2.6 Site Constraints and Opportunities

The site enjoys direct ocean frontage and an undulating coastal topography, which offers the successful proponent substantial opportunities and challenges. However, redevelopment of the site will need to consider coastal setback requirements and have consideration for projected sea level rise. A coastal hazard risk management and adaptation plan (CHRMAP) will be required to accompany a development application for redevelopment, in
accordance with State Planning Policy 2.6 – State Coastal Planning Policy. The Shire can supply draft coastal setback maps which may be used by the Proponent to develop a CHRMAP plan.

The primary dune on the site will need to be retained, however there may be opportunities to utilise the dune for appropriate types of accommodation and/or facilities.

A fire management plan including a Bushfire Assessment Level will be required to be submitted at the time of redevelopment in accordance with State Planning Policy 3.7 -Planning in Bushfire Prone Areas.

Both SPP 2.6 and SPP 3.7 are available through the hyperlink on the EOI brochure.

2.7 Development Approvals

The Shire of Gingin is the planning authority and will process and conditionally approve the successful development concept and issue (subject to meeting planning requirements) the necessary approvals (i.e. Development Approval, Building License, Caravan Park License etc.) to commence redevelopment and operation of the facility.

In the event the redevelopment is valued at over $10 million the planning application will be considered by the Wheatbelt joint Development Assessment Panel (jDAP). The Proponent however can nominate that the jDAP consider the planning application if the redevelopment is valued between $2-$10 million.

The current Shire of Gingin Local Planning Scheme No.9 and policies can be found at http://www.gingin.wa.gov.au or through the hyperlink on the EOI brochure.

2.8 Statutory Processes Required to Dispose of Land

The successful development opportunity will be required to meet statutory requirements of the Local Government Act 1995 (the Act). Pursuant to section 3.58 of the Act, subject to some exceptions the Shire of Gingin can sell or lease its land only –

a) To the highest bidder at public auction

b) To the person who at public auction called by the Shire, makes what is, in the opinion of the Shire, the most acceptable tender, whether or not it is the highest tender; or

c) By giving local public notice of the details of the proposed disposition and complying with the requirements of section 3.58 (3) and (4) and of the Local Government Act.

The Shire of Gingin will advertise its intentions to dispose of its interest in the land (Lot 31 Hopkins Street, Lancelin) by leasehold tenure by giving public notice of the proposed disposition, including an invitation for public submissions.

2.9 Site Services

Connections to the following services are available within close proximity to the boundary of the site. Any headworks or upgrades necessary to existing services, to accommodate the proposed development, are to be undertaken by the successful proponent.

Services available:
- Potable Water Supply (scheme water)
- Electricity
- Sewage disposal – reticulated sewer network is located approximately 300m from the site, if required.
- Telecommunications

Gas – there is no reticulated gas supply and proponents will need to make provisions for the use of gas bottles.
3. SELECTION PROCESS

The selection of a successful proponent will be a two stage process adhering to the statutory requirements of the Local Government Act 1995 (s3.58).

3.1 Stage 1: Expression of Interest

Stage 1 (Expression of Interest) requires proponents to provide enough detail to instil confidence in the evaluation panel that they have the ability to redevelop and operate a caravan park facility. Information to be provided by the proponent must include the following:

- Company/consortium profile
- Credentials to demonstrate ability to redevelop and manage the caravan park
- A statement of intent outlining the key development objectives and other Shire of Gingin guidelines and development policies that will be addressed
- Examples of relevant previous development that may be considered comparable to the Lancelin opportunity
- Indicative, non-binding commercial terms, for the lease and development rights of the site, including justification for a lease term extension beyond 21 years.

Expressions of interest received will be reviewed by a selection panel comprising representatives from the Shire of Gingin and Tourism Western Australia.

The selection panel will review all submissions against the submission requirements and selection criteria listed below, and short list the proponents to be invited to submit a detailed design, development and operational proposal at the Request For Detailed Proposal (RFDP) stage.
### 3.2 Stage 1 – Submission Requirements and Assessment Criteria

<table>
<thead>
<tr>
<th>Development Objectives</th>
<th>Submission Requirements</th>
<th>Assessment Criteria</th>
<th>Weighting</th>
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<tbody>
<tr>
<td><strong>High quality development</strong></td>
<td>Statement of capability to design, develop and operate the caravan park facility. Submission should include the following; <strong>Structure</strong> • Outline the business/corporate structure • If consortium outline how consortium is structured and identify relevant parties • Identify proposed Operator <strong>Experience</strong> • Provide credentials &amp; examples of prior relevant experience <strong>Financials</strong> • Provide evidence of the financial capability to undertake and operate this redevelopment.</td>
<td>Relevant experience Quality of previous developments Financial capacity to undertake redevelopment</td>
<td>20%</td>
</tr>
<tr>
<td><strong>Reputable and proven operator</strong></td>
<td>Submission should include the following; • Details of proposed operator • Corporate profile • Outline of the relevant experience and the value of the reputation of the operator • Provide evidence of the financial capability of the operator • Letter of intent from operator</td>
<td>Previous experience and national/world experience that may benefit this project Reputation/brand identity Financial capacity of operator Letter of intent</td>
<td>20%</td>
</tr>
<tr>
<td><strong>Increased accommodation choice to support year round visitation</strong></td>
<td>Provide comment as to • Target market for accommodation • Range of accommodation types (caravan sites, cabins, camp sites etc.) • Amenities considered appropriate to development</td>
<td>Understanding of ability to satisfy the existing market demand Potential strategies to support year round visitation</td>
<td>20%</td>
</tr>
<tr>
<td><strong>Range of Facilities</strong></td>
<td>Describe likely intent of facilities and rationale supporting the same; • Accommodation • Public amenities • Food and Beverage • Recreational facilities • Other</td>
<td>Understanding of ability to satisfy market demand for accommodation facilities, food and beverage options, public amenities and recreational facilities</td>
<td>20%</td>
</tr>
<tr>
<td><strong>Timely Development</strong></td>
<td>Provide outline of the proposed redevelopment program/stages and the supporting rationale</td>
<td>Redevelopment program and/or staging that will ensure a timely outcome</td>
<td>20%</td>
</tr>
</tbody>
</table>
3.3 Notes for proponents

Proponents lodging EOIs will be required to supply sufficient information to respond to all of the EOI submission requirements as outlined above.

The total length of the submissions is not to exceed fifteen (15) sides of A4 pages excluding company profiles.

Two (2) copies, one bound, and one loose leaf, are requested. Please do not bind company profiles into EOI submissions.

Submissions will be assessed against the selection criteria as outlined above and preferred proponents will be short listed for Stage 2 submissions.

3.4 Stage 2: Request for Detailed Proposals (RFDP)

Shortlisted proponents from Stage 1 will be invited to submit a more detailed design, development and operational proposal.

Following the closure of the RFDP, detailed proposals will be reviewed by a selection panel comprising representatives of the Shire of Gingin and Tourism Western Australia.

Stage 2 submissions will require detailed architectural plans (to Development Approval standard) to illustrate advanced concepts. These will include elevations and detailed site plans. They will also be required to include an offer of commercial terms.

3.5 Indicative Key Dates

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tr>
<td>8 August 2016</td>
<td>Advertising for Expressions of Interest (EOI)</td>
</tr>
<tr>
<td>28 October 2016</td>
<td>EOI submissions close 4pm WST</td>
</tr>
<tr>
<td>December 2016</td>
<td>Shortlist invited to submit a Request for Detailed Proposal (Stage 2)</td>
</tr>
<tr>
<td>April 2017</td>
<td>RFDP closes</td>
</tr>
<tr>
<td>June 2017</td>
<td>Selected proponent announced</td>
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</tbody>
</table>

Note: Dates are indicative only and may change at the Shire of Gingin’s discretion
4. GENERAL INFORMATION

4.1 Lodgement Requirements
Interested parties are required to lodge their Expression of Interest by 4:00pm (WST), Friday, 28 October 2016.

Submissions must be delivered by hand or post.

The submission (as well as the outside of the envelope) should be marked:

**Lancelin South Caravan Park**
**Expressions of Interest**

And posted to

**Jeremy Edwards**
Chief Executive Officer
Shire of Gingin
PO Box 510
GINGIN WA 6503

**Hand delivered submissions must be delivered to the TENDER BOX, Main Reception Desk at:**

Shire of Gingin
7 Brockman Street, Gingin WA

4.2 Non-conforming Submissions
Non-conforming submissions may or may not be considered at the absolute discretion of the Shire of Gingin and Tourism WA.

4.3 Invitation to Formally Present
At the Shire of Gingin’s absolute discretion, some or all proponents may be invited to discuss their proposals. Any such discussion will be conducted in the strictest confidence.

4.4 Conditions of Expression of Interest
Expressions of Interest will be assessed on the Submission Requirements and Selection Criteria detailed in this document. Proponents will be deemed to have acknowledged that all EOs are subject to the conditions of the EOI, at Annexure B.

Unsuccessful proponents will be advised in writing and may be given a debrief on their submission if requested.

4.5 Expression of Interest Submission Checklist
1. Covering letter
2. Response to submission requirements: 2 copies in total, one bound, one loose leaf. Submissions should not exceed 15 pages of A4 paper excluding company profiles
3. Completed Annexure A
4. Company/consortium profile(s) – Please do not bind profiles into submission

4.6 Collusive Tendering
Proponents and their respective officers, employees, agents and advisors must not engage in any collusive tendering, anti-competitive conduct or any other similar conduct with any proponent or any other person in relation to the preparation or lodgement of the EOI proposals.
4.7 Conflict of Interest

Proponents and their respective officers, employees, agents and advisors must not place themselves in a position that may, or does, give rise to a conflict of interest (or potential conflict of interest) between the interests of the Shire of Gingin and Tourism WA (on the one hand), and any other interests (on the other hand), during the EOI process.

4.8 Confidentiality

Technical and financial detail received from proponents will be treated in the strictest confidence. Proponents should recognise information which one proponent submits in confidence, may be the same or very similar to information submitted in confidence, by other proponents.

Intellectual property is to be distinguished from confidential information. The entitlement of a person to intellectual property does not depend on secrecy, but is to be consistent with the general obligation of confidentiality and that the intellectual property of each proponent will be kept confidential. A proponent should clearly indicate if any part of its EOI constitutes intellectual property, in the sense of property recognised and protected by law. Any claim by a proponent that information provided by the proponent constitutes intellectual property will be assessed and the proponent may be asked to establish its proprietary interest before the claim is accepted.

All proponents will be required to maintain confidentiality with respect to their own EOI proposals, and should not seek details of competing EOI proposals.

Proponents must not make any public statements whatsoever in relation to the Project or the Site.

4.9 Right to Amend Process

The Shire of Gingin reserves the right to amend the process set out in this invitation by notice in writing to proponents who have not withdrawn or who have not been excluded from the process.

4.10 Probity Procedure

The Shire of Gingin may request any proponent to undertake measures to ensure the ongoing competitiveness of the EOI Process.

In the event that a proponent and the Shire of Gingin and/or Tourism WA utilise the same consultancy or advisory resources to advise them regarding the EOI or RFDP processes the following may apply:

- The Shire of Gingin may approve different representatives of that organisation to separately assist the proponent and the Shire of Gingin and/or Tourism WA
- Necessary procedures will need to be established to ensure no barriers or unfair advantage is provided; and
- If the Shire of Gingin is concerned about both the proponent and the Shire of Gingin and/or Tourism WA utilising the same consultancy or resources, the Shire of Gingin may request the proponent demonstrate that it (and the consultancy or advisory service involved) can and/or have put in place effective information barriers and other appropriate measures to ensure that neither the Shire of Gingin and/or Tourism WA nor the proponent are adversely affected or unfairly influenced by the use of the same consultancy or advisory services.
If the Shire of Gingin remains concerned as to the appropriateness of effect of a proponent and the Shire of Gingin and/or Tourism WA utilising the same consultancy resources, the Shire of Gingin may decline to select a proponent on these grounds.

**4.11 Freedom of Information Act 1992 (WA)**

The Shire of Gingin and Tourism WA shall be entitled to make public the identity of any proponent. All or any part of an EOI Proposal may be disclosed to members of the public if the Shire of Gingin and/or Tourism WA is required to do so under the Freedom of Information Act 1992 (WA).

Proponents must not apply under the Freedom of Information Act 1992 (WA) for information regarding other EOI proposals.

**4.12 Absence of Obligations**

No legal or other obligations will arise between a proponent and the Shire of Gingin unless or until formal documentation has been signed. In this regard, the Shire of Gingin is not obliged to proceed with any EOI submissions in whole or in part and, in particular, the Shire of Gingin may elect not to proceed with the RFDP (Stage 2) process.

**4.13 No Offer**

This document does not constitute an offer to lease or develop the land or otherwise.

**4.14 Costs**

Costs and expenses incurred by proponents in any way associated with the preparation and submission of their EOI and/or response to the RFDP, if shortlisted after the EOI, costs will be entirely borne by the proponent.

**4.15 Disclaimer**

Proponents must rely on their own investigations and should satisfy themselves in relation to all aspects of their proposal and information set out in this document or any document attached or related to it.

The Shire of Gingin and Tourism WA and their respective employees, officers, consultants and professional advisers are not liable for any incorrect, incomplete or misleading information or failure to disclose information, whether in connection with this document or any document attached or related to it. This document or any document attached or related to it may be subject to review or change at any time without notice.

Matters raised that are agreed by the Shire of Gingin and Tourism WA to be confidential will be treated as confidential. However, the Shire of Gingin and Tourism WA reserve the right to determine if any written questions or response to such questions will be made available to other proponents.

In the event of a claimed confidential enquiry, proponents will be advised by the Shire of Gingin of its intention to distribute general enquires and responses, thereby enabling proponents to withdraw any enquiries.
# ANNEXURE A

## DETAILS OF PROPONENT

This annexure must be completed by the proponent and submitted as part of the EOI submission.

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<th>Name of Organisation</th>
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<th>Corporate Structure</th>
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<table>
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<th>Address of registered office</th>
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<th>Date established/incorporated</th>
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<th>Directors &amp; Principal Shareholders</th>
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<td>(unless public company)</td>
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<tr>
<th>Authorised representatives</th>
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<td>(name, address, contact)</td>
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ANNEXURE B

CONDITIONS OF EXPRESSION OF INTEREST

The proponent may request, in writing, clarification or elaboration from the Shire of Gingin’s representative of any of the EOI documents. Any clarification or elaboration may also be given to any other proponent.

The Shire of Gingin and Tourism WA are not responsible for inaccurate or inadequate information

All information the Shire of Gingin and Tourism WA provides to a proponent, whether in the EOI documents or not, is provided in good faith to assist proponents to assess the EOI, the project and the nature and location of the work to be completed. None of the information is guaranteed. It is the proponent’s responsibility to interpret and assess the relevance of the information provided to the proponents. The Shire of Gingin and Tourism WA are not liable for any loss, damage or expense suffered by a proponent as a result of any inaccuracy or incompleteness in the information it provides.

Proponent’s Warranties

The proponent warrants for the benefit of the Shire of Gingin

a) That it has made its own enquires about the Project, including the Site, and has carried out all relevant investigations and has examined and satisfied itself concerning all information provided in the EOI or made available in connection with the EOI and does not rely on any such information;

b) That the proponent has the legal capacity to bid for the Site and that there is no restriction under any relevant law to prevent the proponent from bidding for or undertaking development (for example under the Foreign Acquisitions and Takeovers Act 1975 (Cth)) which could not be overcome to the satisfaction of the Shire of Gingin (Proponents to include details here of any restrictions and how they propose to address them);

c) That all entity-specific information supplied in the proponent’s EOI Proposal relating to the Project is correct and complete at the time of submitting the EOI proposal and not by omission misleading; and

d) That all information supplied in the proponent’s EOI Proposal is correct and complete at the time of submitting the EOI Proposal and not by omission misleading.

The Shire of Gingin may vary the scope of work

The Shire of Gingin may vary the scope or conditions of this EOI, by giving notice in the form of a public notice and/or email advice (where possible) of the variation to all proponents, to the extent that is reasonably able to do so, at any time before the closing date for submission of the EOI.

Governing Law

The EOI documents are governed by the law of Western Australia.

Intellectual Property

Copyright in all EOI documents (including, without limitation, any documents to which the Shire of Gingin and Tourism WA are party, prepared by or at the cost of the Shire of Gingin and Tourism WA or in favour of the Shire of Gingin and Tourism WA and relating to the EOI or to matters arising out of the EOI) belongs to and remains the property of the Shire of Gingin.
Conditions binding

By submitting an EOI and/or detailed response following the RFDP, the proponent becomes bound by these conditions of EOI.

No Contract

Submissions of an EOI and/or a detailed response following the RFP does not in any way create a contract for the project or any part of it, nor does it create an obligation to award a contract or to enter into a tender process or any form of negotiation.

No change of EOI after closing date

A proponent may not change its EOI after the closing date, unless the Shire of Gingin invites it in writing to do so.

No right of recourse

A proponent is not entitled, in any jurisdiction, to challenge any decision of the Shire of Gingin including the following decisions;

- To negotiate with one or more preferred proponents or a successful proponent
- To enter into a contact with a preferred proponent or a successful proponent
- To cancel the EOI at any time

The Shire of Gingin has absolute discretion

The Shire of Gingin has absolute discretion in relation to the evaluation of EOI and the selection of a preferred or successful proponent or proponents.

The Shire of Gingin is not bound to accept any EOI

After evaluation of EOIs, the Shire of Gingin (in its absolute discretion and before, during or after negotiation with one or more proponents) may decide not to enter into any contract relating to the project or to request detailed proposals for the project.

Proceeding without Request for Detailed Proposal

It is considered unlikely, but depending on the results of the EOI process, the Shire of Gingin may also (and reserves the right to do so) determine not to proceed to the Request for Detailed Proposal stage (Stage 2) and may instead move straight to the selection of and negotiation with, a proponent. For various reasons, including probity, the Shire of Gingin is only likely to take this course if only one suitable EOI is received. Such a selection would enable the commencement of negotiations towards reaching an acceptable agreement between the Shire of Gingin and the proponent. In that case, the preferred proponent’s EOI will be used to progress the negotiations. However, such selection does not indicate total acceptance of all aspects of the proponent’s submission. If at any stage the Shire of Gingin believes, at its sole discretion, that an agreement with a preferred proponent cannot be reached, the Shire of Gingin shall have the right to terminate negotiations with the preferred proponent and to commence negotiations with the organisation deemed to be the next ranked proponent or to revert to the Request for Detailed Proposal Stage.

Any agreement reached as a result of negotiations will be subject to all necessary Shire of Gingin Council and planning approvals. The Shire of Gingin will not be required to enter into any correspondence or representation with regard to its decision. In this situation, unsuccessful proponents, will however, be advised in writing and will be offered a debrief on their submission if required.