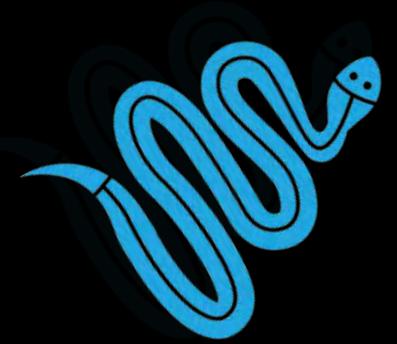




**CBD KATHERINE
TOWN SQUARE
LEASING**

Expression of Interest



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Introduction

Invitations for Expression of Interest (EOI) – Operator/Tenant

Katherine Town Council (Council) invites Expressions of Interest for the role of Operator/Tenant for the Katherine Town Square Portable Café/Kiosk for a period of 1 year + 1 year.

Council has an objective to secure the space as a vibrant venue that assists in activating the Town Square Precinct, providing flow on economic benefit by way of increased pedestrian movements through the wider Katherine Central Business District (CBD).

The Katherine Town Square Precinct and associated portable Café/Kiosk are in line with Council's goals to:

- Facilitate economic development and encourage and support investment and employment opportunities; and
- To provide, in partnership with other organisations, for the social, cultural and recreational needs of residents and encourage a sense of involvement and community pride.

Respondents will be invited to share their vision for the Café/Kiosk tenancy with Council in their Expression Of Interest (EOI) response.

Scope of the Operator / Tenant

Under the proposed lease structure, the Operator/Tenant will be required to carry out all necessary tasks and functions to ensure the safe, sustainable and effective operations of the Café/Kiosk for the period of the lease.

The Operator/Tenant will be responsible for the overall operations of the Café/Kiosk and incur all costs associated with the operations, including all statutory fees, charges and outgoings.

The Operator/Tenant will be responsible for ongoing routine maintenance of the Café/Kiosk building and related fixtures and fittings over the term of the lease.

The Landlord – Council

The Café/Kiosk is located within the newly revitalised Katherine Town Square Precinct, under the control of Council.

Council will manage the process which will lead to a new lease being awarded to an Operator/Tenant to operate the Café/Kiosk.

After the lease has been issued, Council, as the Landlord will be responsible for meeting its obligations under the lease.

Process

Leasing Process Overview

Council is looking to:

- explore commercial option
- explore social enterprise interest

The EOI will close 2pm, Wednesday, 30 November 2022.

The commencement date for the lease will be early 2023.

Briefings

Opportunities are available for interested operators/ tenants to partake in individual briefings with Council Officers to discuss further the leasing opportunity. Individual briefings are optional and prospective operators/tenants must contact Council's Administration Manager, Ms Casey Anderson (08 8972 5500) to arrange.

Questions

Questions regarding any element of the EOI will be accepted up until three (3) business days prior to the closing date for the EOI. All questions are to be addressed to the Administration Manager, Ms Casey Anderson in writing, (casey.anderson@krc.nt.gov.au).



The Opportunity - Cafe/Kiosk

General

The CBD Town Square has a lot to offer, the space is vibrant with modern architectural designs, elements including accessible plaza, a natural shade canopy, mister cooling system, state of the art audio/visual infrastructure to add vibrancy to the space, including a designed incorporated ablution facility adjacent in the Railway Terrace Parkland.

Katherine Town Council is offering a leasing opportunity located in the heart of Katherine's CBD vicinity. The Cafe/Kiosk is currently known as "The Meeting Place" the intent is to provide a space for the community and tourist alike to gather, provide social and economic benefits whilst serving the importance of space activation.

The container Café/Kiosk space consists of:

- Significant fixtures and fittings are included in the venue, including:
- One (1) x 30ft shipping container, converted for café/kiosk operations and storage space
- Internal floor and wall finishes in line with food preparation hygiene standards (cafe/kiosk);
- Timber cladding external finishes
- Connection available to all essential services including water, food preparation and hand washing sinks included, power, sewer and grease trap
- Stainless steel shelving throughout including food preparation benches and timber bench tops
- Blanco 60cm – 4 Element Ceramic Cooktop
- Rangehood
- WEGA Polaris EVD Model Commercial Coffee Machine
- Hobart EcoMax 504 Dishwasher
- Commercial Two Door Under Counter Fridge
- Four (4) x Paladina Vivi Deluxe Flip Top Dining Table
- 16 x Parisian dining chairs
- Four (4) x Shade Australia – Savannah Cantilever Umbrella



Objectives

The Katherine Town Square serves as an important geographical and economic placeholder within the Katherine CBD. Activities within the site need to provide both tangible and intangible beneficial community outcomes that Council consider important to enhance the area as part of the lease. The presence of the Café/Kiosk is to add value to the space through activation, with the successful operator/tenant demonstrating alignment with Council's goals.

Beneficial community outcomes include:

- Family friendly/all ages/accessible service and location;
- Increased patronage for local businesses; and

Council has identified four (4) key objectives to be supported by the new lease of the Café/Kiosk. Council's objectives are:

1. To enhance the precinct as a friendly, safe and inviting space;
2. To maximise the economic, social and cultural benefits to the precinct and wider community;
3. To develop a leasing model that enables commercial viability for the tenant and a new positive position for the Council (in line with Council's Leasing Policy);
4. To transfer Café/Kiosk maintenance, compliance and replacement responsibilities/liabilities to the operator/tenant.

These objectives should be addressed in all EOI responses.

Landlord's Requirements

Under the proposed lease structure, the Operator/Tenant will be required to carry out three (3) main functions:

1. Operational Management: All necessary tasks and functions to ensure the safe, sustainable operations of the café/kiosk for the term of the lease to achieve Council's objectives for the venue
2. Operational Hours: The Operator/Tenant must operate minimum of six (6) days a week, across any span of days. Minimum hours Monday to Friday, 9am to 4pm and Saturday, Sunday and Public Holidays, 10am to 2pm. Closed Christmas Day and Good Friday. Additional operational hours are at the discretion of the Operator/Tenant. The Operator/Tenant can propose their own specific trading days and times. However, the proposed times will be considered and approved at the discretion of the Panel. The trading times must be deemed reasonable and should not be less than 40 hours per week.
3. Payment of Rent: Payment of rent to Council.

Operational Management

During the terms of the lease, the Operator/Tenant will be responsible for:

- All costs associated with the operation of the venue;
- All statutory fees, charges and outgoings, including water, power, sewer etc
- Agreed capital upgrades and contribution during the course of the lease (if applicable);
- Routine maintenance of the venue as agreed with Council;
- Ensuring use of the venue is at all times compliant with the terms of the lease and associated development permit.

At the end of the lease the Operator/Tenant will be responsible for making good, including reinstatement of services, fittings, fixtures and modifications carried out during the course of the lease, except for the agreed capital upgrades (if applicable).

Rent

The Operator/Tenant will be responsible for the payment of rent under the Lease.

Permitted Use

The Café/Kiosk is contained within Lot 509, 20 Katherine Terrace, Katherine and zoned Central Business (CB). A development permit has been issued for the lot (DP20/0147) to use and develop the land for the purpose of a restaurant in two (2) demountable structures together with outdoor seating in a defined flood area. A copy of the Development Permit, Notice of Consent and Endorsed Plans are enclosed within this document.

Respondents should familiarise themselves with the NT Planning Scheme. Respondents are also encouraged to contact Senior Town Planner- Department of Infrastructure, Planning and Logistics for detailed information: 08 8973 8951 | das.ntg@nt.gov.au

Other Uses

Council is open to the Café/Kiosk being utilised for complementary purposes aligned with its objectives. However, uses that are inconsistent with Council's objectives or those that do not complement or support preferred community outcomes will not be supported. EOI respondents are to include all proposed alternative uses as part of their EOI submission.

Consideration of alternative uses will also be subject to the development permit for the site.

Lease term

Council is prepared to offer a lease term of one (1) year plus one (1) year to enable the Operator/Lease to maximise returns and deliver benefits in line with Council's objectives, noting the significant capital contributions made by Council. Longer lease terms will be considered and respondents seeking a term greater than the identified term should include justification for a longer lease term in explaining its visions for the Café/Kiosk through the EOI submission.

Lease Boundary

The proposed lease boundary is shown in Attachment One.

Approvals

The Operator/Tenant will be responsible for obtaining all approvals required in order to undertake operations.



Information Required for EOI

To enable Council to assess EOI responses received, each EOI respondent is required to complete the Expression of Interest Response Schedule.

The EOI Response Schedule sets out the form and content required to be submitted in each EOI response. Respondents are strongly advised to observe the content and guidelines included in the response schedule.

Attachments with additional information may be included with EOI responses.

Evaluation Criteria

Council will use the following criteria to evaluate EOI responses:

- Experience and track record in similar operation management;
- Financial capability and capacity;
- Café/Kiosk vision including Social, Cultural and Recreational contribution; and
- Financial contribution.

Detail of Evaluation Criteria

Provided below, are further details of each evaluation criterion that will be used by Council in its evaluation of EOI responses.

Experience and Track record in similar operation management

EOI respondents are to clearly outline their track record and experience in managing and operating operations or related of comparable size and nature. Specifically EOI respondents should provide examples of operations and document notable achievements and successes in the last five years.

Financial Capability and Capacity

EOI respondents should provide evidence of their financial capability and capacity to meet the obligations of the lease term for the operations of the Café/Kiosk and their ability to support the maintenance of the venue and payment of rent as required under the lease.

EOI respondents should also indicate a willingness to and capacity to provide a form of security to Council for its obligations under the lease.



Vision

In response to this criterion the respondent should explain their vision for the Café/Kiosk. Provide details of how, and the extent to which the vision aligns with Council objectives and how it takes in account the community's expectations.

Respondents should clarify any proposed variations to Council's preferences.

Financial Contribution

Respondents should indicate the expected level of rent payable. In doing so the respondent should explain and justify the basis of the indication of financial contribution being provided.

Selection Process

Council will review and assess each EOI response in accordance with the following process:

Step 1: Initial review of each EOI response to confirm that all required components of the submission are present and in a form capable of evaluation.

Step 2: (For each EOI response which is confirmed as including all required components in a form capable of evaluation) Detail assessment and review of specific content of the EOI responses against each of the evaluation criteria in order to rank EOI responses. (NOTE: Council may seek any necessary clarification of any elements of a respondents EOI in order to complete the detailed evaluation).

Step 3: Council to enter in direct negotiations with the preferred respondent, confirming lease provisions including term and rent payable.

Step 4: Confirmation of lease award by Council Resolution.

Evaluation Process

- Council will not be bound to engage any respondent or review any EOI response that does not conform to the requirements set out in this EOI.
- The respondents acknowledge that Council is not bound to accept any EOI response submitted in response to this EOI and may terminate the process at any time.
- The submission of an EOI response does not give rise to any contract governing, or in any way concerning, the EOI process, or any aspect of the EOI process. Council expressly disclaims any intention to enter into such a contract.

Terms and Conditions

Lodgement Details

The respondent must provide Council with one (1) copy in a sealed envelope marked “Confidential – Katherine Town Square – Expression of Interest” to the Tender Box at:

Katherine Town Council Civic Centre
24 Stuart Highway
KATHERINE NT 0850

Or

Email electronic copy of its EOI response online to records@ktc.nt.gov.au

Or

Post via prepaid post to PO Box 1071, Katherine NT 0851

Closing Date and Time

The closing time for submission of EOI's is 2.00pm (Central Standard Time) on Wednesday, 30 November 2022. Council will not consider late EOI's.

Costs to be borne by respondents

Council or any other agency or their respective officers will not be responsible for any costs or expenses incurred by any respondent in preparing or lodging an EOI response or in complying with the EOI process.

Confidentially and propriety information

Subject to the terms of this EOI, Council will hold all EOI responses in confidence in so far as the law permits. The EOI responses will become Council's property. Without limitation, each respondent authorises Council to use and reproduce the whole or any portion of the respondent's EOI response for the purposes of evaluation.

Any personal information collected as part of the EOI process will be handled in accordance with the Privacy Act.

Canvasing

The respondent, its employees and consultants, must not approach, or request any other person to approach, any Elected Member, member of Council's staff or consultant engaged by Council:

- (a) to solicit support for its EOI response; or
- (b) otherwise seek to influence the outcome of this invitation for EOI.

The respondent will direct all communications during this EOI process to the location provided in section 6.3.

If a respondent breaches this clause Council may, in its sole discretion, disqualify the respondent from participating in this EOI process.

Conflict of Interest

Respondents must declare to Council any direct or indirect conflict of interest in respect of the Council or this EOI process.

Public Statements

A respondent must not make any public statement in relation to this EOI process and must refer all enquiries from the media to Council.

Change in circumstance

Each respondent must inform Council promptly in writing of any material change to any of the information contained in the respondents EOI response, and of any material change which may affect the truth, completeness or accuracy of any information provided in, or in connection with, the EOI response.

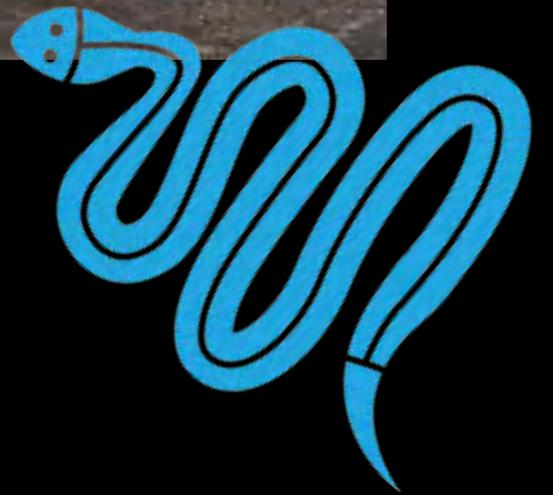
Other Rights

Without limitation, Council reserves the right, in its absolute discretion at any stage of the EOI process, to:

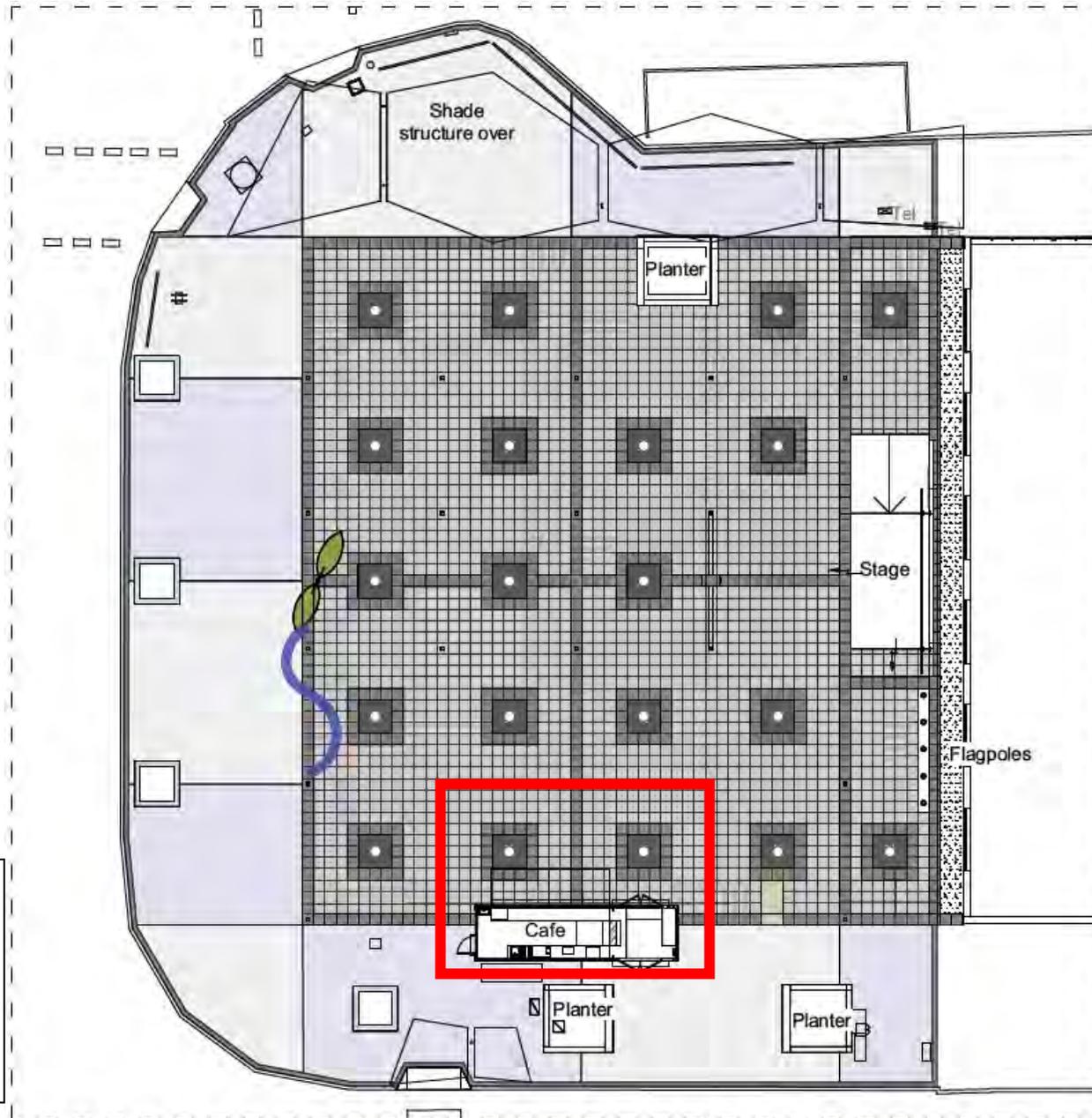
- Require additional information from a respondent;
- Check EOI's for error and omissions and by agreement with a respondent otherwise amend the EOI of the respondent to remedy the effect of any errors or omission;
- Change the timing of the EOI process and the timing or basis on which EOI responses are required or accepted;
- Rely on publicly available information relating to the respondents as part of the EOI process; and
- Publish the names of respondents.



**THE
MEETING
PLACE**



ATTACHMENT 1 – LEASE BOUNDRY - KATHERINE TOWN SQUARE CAFÉ/KIOSK



Lease area includes the proposed café/kiosk and storage area along with approximately 70m² Alfresco area.

