



# Expressions of Interest

Development and operation of an off-road  
motorcycling facility in the Mooloolah Logging  
Area, Beerwah State Forest

## Background

The Queensland Government's Department of National Parks, Recreation, Sport and Racing (NPRSR) is conducting an Expressions of Interest (EOI) process to identify organisations interested in developing and operating a commercial off-road motorcycling facility in the Mooloolah Logging Area (MLA) of the Beerwah State Forest on the Sunshine Coast (Attachment 1).

The process is being conducted in two stages – Stage 1 EOIs for organisations to register their interest in developing and operating the facility and Stage 2 Invitations to Offer (ITOs) for shortlisted organisations to develop and submit their detailed offers.

Off-road motorcycling is experiencing high levels of growth in south east Queensland; and faces a lack of appropriate facilities. As a result, safe and legal options for riders have steadily decreased across the south east Queensland region, leading to more riders choosing illegal and unsafe locations to ride.

The Queensland Government wants to create positive options for riders to enjoy their chosen recreational activity.

### The facility

Off-road motorcycling includes different disciplines such as motocross, enduro, recreational trail riding, supercross, dirt track, observed trials, minikhana and freestyle. Each discipline has a different track or facility requirement.

In December 2011, the Queensland Moto Park - Wyaralong was opened near Boonah, however this facility is not easily accessible for residents in the northern part of south-east Queensland.

NPRSR undertook assessments of State forests in the Sunshine Coast area to determine their suitability for the establishment of a purpose-built regional off-road motorcycling facility similar to the Queensland Moto Park at Wyaralong.

The MLA within Beerwah State Forest offers proximity to both Steve Irwin Way and the Bruce Highway and has been chosen as the site for the development of a regional off-road motorcycling facility.

Development of a well-managed, family-oriented, environmentally sustainable and purpose-built off-road motorcycling facility will assist in the management of unlawful riding on roads through other State forests and national parks in the area.

The MLA facility will provide similar riding opportunities to those at the Queensland Moto Park – Wyaralong. These include motocross, freestyle motocross, pee wees, moto-trials and other trails catering for enduro/recreational trail riding.

Provision will also be made within the site for a BMX track and a dedicated area for a motocross track for use by the Suncoast Junior Motorcycle club which vacates its current site in 2016.

Consideration will also be given to the provision of quad bike friendly tracks and trails and provision of facilities for any other compatible sport and recreation activities.

## Queensland Government support

The Queensland Government is providing the following support for the project:

- NPRSR is proposing to make the land available for the facility. The MLA is managed by the Queensland Parks and Wildlife Service (QPWS) within NPRSR under the *Forestry Act 1959*.
- The Queensland Government is preparing State Planning Regulatory Provisions (SPRPs) to provide a streamlined approach to obtaining approval to develop and operate the facility.
- The Department of Transport and Main Roads (TMR) will fund and construct transport access infrastructure to support the facility.
- NPRSR has committed funding from its budget to support the development of infrastructure associated with the facility. NPRSR will also negotiate with local governments in an effort to secure an additional contribution toward the development.

## The successful operator's responsibilities

- Organisations invited to submit Stage 2 ITOs will be required to develop design concepts based on the activities they propose to conduct on the site and to address any site constraints.
- Organisations shortlisted from Stage 1 will be responsible for undertaking their own due diligence as part of Stage 2.
- The successful operator will be responsible for securing the balance of funding required to develop the facility and will be responsible for all of the costs of operating and maintaining the site once it is established.
- The successful operator will need to ensure compliance with the SPRPs is maintained throughout development and operation of the facility.
- The successful operator will need to enter into appropriate contractual arrangements with NPRSR for matters associated with Queensland Government funding and land access.
- The successful operator will be responsible for obtaining any permits or approvals required for development and operation of the facility.



## Expressions of Interest process

The Expressions of Interest process will be conducted in two stages:

- Stage 1 - Expressions of Interest (EOI)
- Stage 2 - Invitations to Offer (ITO).

### Stage 1:

Interested organisations are invited to lodge an EOI to develop and operate the site.

Interested organisations are required to complete an Expression of Interest Application Form (Attachment 2) and return it via the QTenders website: <https://secure.publicworks.qld.gov.au/etender/home.do> by 5pm on Friday 4 April 2014:

Questions relating to lodgement of the Application Form should be directed to telephone (07) 3330 6398 or [procurement@nprsr.qld.gov.au](mailto:procurement@nprsr.qld.gov.au).

The EOI application must address the following:

1. Organisational details and contact
2. Any partnerships or consortium members
3. Proposed activities and facilities/infrastructure
4. The market segment/users
5. How the concept complements the site and addresses its constraints
6. Experience in operating activities of this nature
7. Willingness to enter into an arrangement with NPRSR to use the site.

Respondents should also consider the following document (Attachment 3):

- *Development and Operations Framework: Off-Road Motorcycling Facility, Mooloolah Logging Area*

EOIs are indicative without prejudice offers, and best and final offers will be sought from organisations invited to submit ITOs under Stage 2.

Applications are welcome from organisations including, but not limited to:

- Not-for-profit sport and recreation organisations (incorporated)
- Community organisations (incorporated)
- Local Governments
- For-profit companies or corporations (Pty Ltd / Ltd).

## Evaluation Criteria

In completing the Application Form and responding to the questions, respondents should consider the following criteria:

Evaluation Criteria	Description
Capability and experience (20%)	Demonstrated experience in the design, construction and development of similar off-road motorcycle facilities or demonstrated capability and experience in operating and managing similar public facilities.
Financial capacity/ viability (15%)	Provision of capital investment for the development of the Facility and evidence that sufficient funding is available for the start-up and operating costs of the Facility.
Operation and management (25%)	Demonstrated understanding of, and commitment to, safety and risk management and effective land and environmental management practices.
Business development (25%)	A clear vision for continued development of the Facility and expanding patronage numbers and the range of opportunities and events.
Financial and Leasing (15%)	Proposed duration of authority to use the State forest sought by the proponent and amount of planned investment offered over the term of the authority.

### Site Visits

Organisations considering lodging an EOI are invited to inspect the site on either of the following dates:

- 10am to 12 noon, 14 March 2014  
(RSVP by 5pm 12 March 2014)
- 10am to 12 noon, 19 March 2014  
(RSVP by 5pm 17 March 2014)

Reservations for the above dates and further details on site visits can be obtained by contacting NPRSR by telephone (07) 3338 9232 or [planning@nprsr.qld.gov.au](mailto:planning@nprsr.qld.gov.au).

Those respondents shortlisted from Stage 1 will be contacted by NPRSR and invited to lodge an ITO under Stage 2.

It is anticipated that ITO documents will be provided to shortlisted applicants on 5 May 2014 with submissions due by 30 June 2014. Subject to the receipt of necessary planning and project approvals, it is anticipated that the successful organisation will commence work on the site in late 2014 with a view to the site opening for business by mid 2015.

NPRSR reserves the right to change dates or timeframes associated with the EOI process.



## Stage 2:

Respondents shortlisted from Stage 1 will be invited to provide detailed information which addresses the following:

- Organisational capability and experience
- Financial capacity and viability
- Operation and management
- Business development
- Financial and leasing.

To support the ITOs, shortlisted parties will be required to provide certified copies of audited financial statements, annual forward budgets including substantiation for future funding sources and a business case for the operation of the site.

Requirements for Stage 2 are subject to change.



## Property information

A brief description of the site is provided below.

The facility will be located within the MLA in Beerwah State Forest (State Forest 561) described as Lot 561 on FTY1884.

The 534 hectare site is located in Glenview, Parish of Bribie, within the Sunshine Coast Council local government area. It is four kilometres east of the town of Landsborough and eight kilometres west of Caloundra. The Steve Irwin Way runs along the northern boundary and the Bruce Highway runs along part of the eastern boundary.

The remainder of Beerwah State Forest to the south of the MLA (approximately 4500 hectares) is made up of exotic pine plantation under licence to Hancock Queensland Plantations Pty Limited.

There are some common boundaries with rural residential private holdings in the north, east and south west. Some of these properties to the south west and east retain reasonable amounts of remnant vegetation but to the north is almost entirely cleared.

The physical geography of the site is varied. The topography consists of relatively flat land to the north, rising to a high point of 130m above sea level in the south-east portion adjacent to the private freehold. The high point is the location for telecommunications infrastructure.

A wide variety of vegetation communities are present, ranging from grassy open forest on the ridgeline to tall eucalypt forest with vine and palm forest understorey, tall open forest with shrubby understorey on lower slopes and undulating flats and melaleuca swamp and heathland in the lowest lying areas.

The MLA is managed by QPWS within NPRSR under the *Forestry Act 1959*. The Department of Agriculture, Fisheries and Forestry (DAFF) is responsible for the management of native forest log timber production and associated harvesting, for the sale of quarry material and other forest products (such as foliage and wildflowers) and for the permitting of established apiary sites for beekeeping on State forests which include the MLA.

The successful organisation, as a result of the EOI process, is required to work constructively with DAFF in regard to the following:

- DAFF's commercial timber harvesting operations over all or specified parts of the MLA during the construction phase of the facility, including salvage harvesting operations in conjunction with the successful organisation's required clearing of vegetation in areas proposed for infrastructure and other facilities such as car parks, picnic areas, dams and motocross tracks.
- DAFF's sale of any surplus quarry material on the MLA.
- The continuation of native foliage harvesting within the MLA at least until 31 October 2016, which is the expiry date of the current period of the authorisation held by the third party to undertake this harvesting.
- The five apiary sites within the MLA that are currently authorised to be used by beekeepers for honey production and associated purposes.

The land will remain as State forest tenure. As managers of the land, QPWS will require the operator to comply with a set of conditions to ensure the site is operated in a safe, legal and sustainable manner.

Sealed road access to the location will be available via Steve Irwin Way.

Construction of sealed road access from Steve Irwin Way will be funded by the Queensland Government, as part of the facility's development.

Service roads throughout the property are unsealed.

Organisations intending to respond to the EOI are encouraged to visit the site on the nominated days in March 2014.



# Expressions of Interest conditions

The following general terms and conditions are applicable to the EOI stage of the tender process.

## 1. Status of EOI invitation document and EOI process

- 1.1 Nothing in this invitation document, the *Development and Operations Framework* document, or in connection with the conduct of the EOI process amounts to any process contract and in making this EOI invitation document available and conducting this EOI process, NPRSR expressly excludes any process contract arising.
- 1.2 NPRSR may at any time prior to the closing date for submitting EOIs change any part of this invitation document. NPRSR accepts no responsibility for respondents not being aware of such changes.
- 1.3 The information in this invitation document or in the *Development and Operations Framework* document is not exhaustive. While NPRSR believes its information to be accurate (and NPRSR will also take care when making available records, documents and information during the EOI process), neither NPRSR or any officer, employee or other representative of NPRSR gives any warranty or makes any representations, expressed or implied, as to:
  - (a) the completeness, currency or accuracy of the information contained in this invitation document (or any records, documents or information made available by or on behalf of NPRSR to the respondent, whether before, during or after the EOI process); or
  - (b) any actions taken, or not taken, in connection with making this

invitation document available or conducting the EOI process; or

- (c) any subsequent dealings between NPRSR and the respondent in relation to any of the above, and any such warranty or representations, expressed or implied, are expressly excluded to the extent permitted by law.

- 1.4 By submitting an EOI, the respondent agrees that it:
  - (a) participates in this EOI process entirely at its own risk and cost and is obliged to conduct its own independent enquiries, due diligence and analyses and seek its own independent advice and at its own cost, and that, in submitting its EOI, it has not relied upon information in this invitation document (or other records, documents or information that may be accessed in connection with the EOI process); and
  - (b) is liable for any expenditure of money, the making of commitments or incurring of liabilities in connection with its response to this invitation document or any matter contained in this invitation document or the respondent's participation in the EOI process and related activities, which the respondent does at its sole and entire risk and expense; and
  - (c) will not be entitled to claim compensation or loss from NPRSR or the officers, employees or representatives of NPRSR for any matter arising out of the invitation document or EOI process, including but not limited to any failure by NPRSR or the officers, employees or representatives of NPRSR to comply with these conditions of offer or any other element of the invitation document or EOI process.

- 1.5 In addition to any other provision of this invitation document, after considering any EOI proposals submitted in accordance with this request for EOIs, the NPRSR may:
- (a) decide whether or not to enter into negotiations with one or more preferred respondents (shortlist);
  - (b) invite revised EOI proposals from shortlisted respondents;
  - (c) proceed to invite one or more preferred respondents to make an offer pursuant to Stage 2 – Invitation to Offer;
  - (d) abandon the EOI process; or
  - (e) terminate part or all of the elements of the MLA infrastructure project.

## 2. Reservation of rights

- 2.1 In making this EOI invitation and conducting this EOI process, NPRSR reserves the right to:
- (a) invite any person or entity to submit an EOI proposal;
  - (b) extend the closing date and other dates specified in this invitation document;
  - (c) vary the evaluation criteria and key attributes at any time, subject to NPRSR first giving each respondent the opportunity to respond to the variations;
  - (d) allow a respondent to change its EOI proposal before the completion of evaluation of EOIs, but only if the same opportunity is given to all respondents;
  - (e) consider or accept an EOI submitted other than in accordance with the requirements of this invitation document;
  - (f) consider or accept an incomplete EOI or an alternative EOI or innovative solution;
  - (g) exclude from consideration or reject an EOI that has not been submitted by the closing time or due date;
  - (h) abandon this EOI process at any time;
  - (i) clarify any aspect of an EOI after the closing date;

- (j) seek the advice of external consultants to assist NPRSR in the evaluation or review of EOIs;
- (k) make enquiries of any person or entity to obtain information about a respondent and its business activities or EOI proposal;
- (l) seek information and additional documents in whatever form or format from any respondent;
- (m) following evaluation of EOIs, invite revised EOIs from one or more respondents;
- (n) following evaluation of EOIs, negotiate with one or more respondents;
- (p) enter into negotiations with any other person or entity who is not a respondent; or
- (q) discontinue negotiations at any time with any respondent.

- 2.2 If a respondent acts contrary to its obligations or NPRSR's expectations, NPRSR may elect to (regardless of any subsequent dealings) terminate:
- (a) negotiations with that respondent; or
  - (b) consideration of the respondent's EOI proposal or any subsequent offer or acceptance in connection with the MLA infrastructure project, without any obligation or liability on NPRSR to make any payment or provide compensation to the respondent.

## 3. NPRSR'S expectations

- 3.1 NPRSR expects, and by submitting an EOI proposal the respondent accepts, that:
- (a) the respondent has the necessary financial capacity, skills, knowledge and experience to comply with the requirements for participation in the MLA infrastructure project;
  - (b) NPRSR will retain all documents submitted in response to this EOI and documents will not be returned to the respondents;

- (c) the respondent has fully informed itself of all facts and conditions relating to this EOI process and the requirements for participation in the MLA infrastructure project;
- (d) NPRSR is not obliged to accept any EOI;
- (e) any undertakings, representations, promises or conditions made or offered (whether orally or in writing) prior to the release of this invitation document in respect of its subject matter do not bind NPRSR and are expressly excluded;
- (f) no acceptance of an EOI nor any invitation or agreement to negotiate or to make an offer or participate in a select EOI proposal or tender process will be effective to create any binding legal obligations or constitute a contract or to create any legitimate expectation on the part of the respondent unless and until a formal written contract with comprehensive terms and conditions is executed by each party's duly authorised representative(s); and
- (g) notification to a respondent that it has been shortlisted and can submit an offer under Stage 2 will not constitute an acceptance of the EOI proposal but is simply an invitation to submit an offer.

#### 4. Respondent's obligations

4.1 By submitting an EOI proposal, the respondent will:

- (a) independently make its own enquiries about any information provided by NPRSR in this invitation document or during the EOI process;
- (b) declare any actual or potential conflict of interest that arises or may arise during the EOI process timeframe (including any period of negotiations), where "conflict of interest" means having an interest (whether personal, financial or otherwise) which

conflicts or may reasonably be perceived as conflicting with the ability of the respondent to submit an EOI fairly and objectively;

- (c) comply with all laws in force that may be applicable to the EOI process or the MLA infrastructure project delivery, including the *Competition and Consumer Act 2012* (Cth);
- (d) disclose whether acting as agent, nominee or jointly with another person or entity and disclose the identity of the other person or entity;
- (e) not offer any incentive to, or otherwise attempt to influence, any employee of NPRSR involved in this EOI process or any member of an evaluation committee at any time;
- (f) not do or permit anything to be done that may cause or encourage a current or former NPRSR officer or employee to breach NPRSR's code of conduct or engage in any conduct that may amount to 'official misconduct' as specified in the *Crime and Misconduct Act 2001* (Qld); and
- (g) not make any news releases or responses to media enquiries and questions pertaining to this EOI process, the ITO process or the MLA infrastructure project without NPRSR's express prior written approval.

#### 5. Consortium responses

5.1 If a respondent submits an EOI proposal in conjunction with any other person, or with the intention of acting, in future, in conjunction with any one or more other persons ("group members") in relation to this process the following applies:

- (a) NPRSR expects that a respondent will provide a description of the proposed legal structure and relationships that are proposed between

- respondents and group members;  
and
- (b) NPRSR expects that respondents will nominate one person as the preferred contact person for their company and all group members.

## **6. Right to information**

6.1 The *Right to Information Act 2009* (RTI Act) requires that documents be disclosed upon request, unless the documents are exempt or on balance, disclosure is contrary to the public interest. Information contained in an EOI Application Form is potentially subject to disclosure to third parties. If disclosure under the RTI or general disclosure of this information would be a concern to a respondent, because it would disclose trade secrets, information of commercial value, or information of a confidential nature, this should be indicated in the EOI Application Form. NPRSR cannot guarantee that any information provided by the respondent will be protected from disclosure under the RTI Act.

## **Attachments**

Attachment 1: Area of Mooloolah Logging Area, Beerwah State Forest available for off-road motorcycling facility

Attachment 2: Expressions of Interest Application Form

Attachment 3: Development and Operations Framework