



Expression of Interest: Pump Track Building (2023)

3 Reserve Street, Donnybrook WA

Submission Deadline: 5th June 2023





Shire of Donnybrook Balingup

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The Shire would like to acknowledge the significant contributions of Donnybrook sporting clubs, in particular local netball and hockey clubs, who fundraised and worked to contribute to the construction and maintenance of the original pavilion building at the site”.



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1. Introduction

The Shire of Donnybrook Balingup (the Shire) is calling for Expressions of Interest (EOI) from community groups to utilise the Pump Track Building for their club/group/association and provide a welcoming place for local young people.

Submissions that highlight how their community group will welcome, advocate, and provide for young people and the wider community will be highly regarded.

A tenancy agreement may be offered to a successful applicant with terms and conditions negotiated by the Shire in accordance with the Shire's draft Property Management Framework. However, the Shire is not obliged to enter into an agreement or lease with any party and may choose not to proceed with the EOI at any point.

All decisions resulting from the process will be made at the discretion of the Council and in accordance with Council policy.

2. Premises

2.1. Location

- > The building is located at 3 Reserve St Donnybrook, WA 6239. The building's proximity to the Pump Track and the Apple Fun Park makes it an ideal space for children, teenagers, and young adults.
- > This building is partly located on a Rail Reserve managed by Arc Infrastructure Pty Ltd, of which the Shire has a licence to use and occupy. Approval of any tenancy agreement would require prior consent from Arc Infrastructure and align with the permitted use and conditions of the licence.



Figure 1 – Aerial photo of the Pump Track, adjacent to Pump Track building



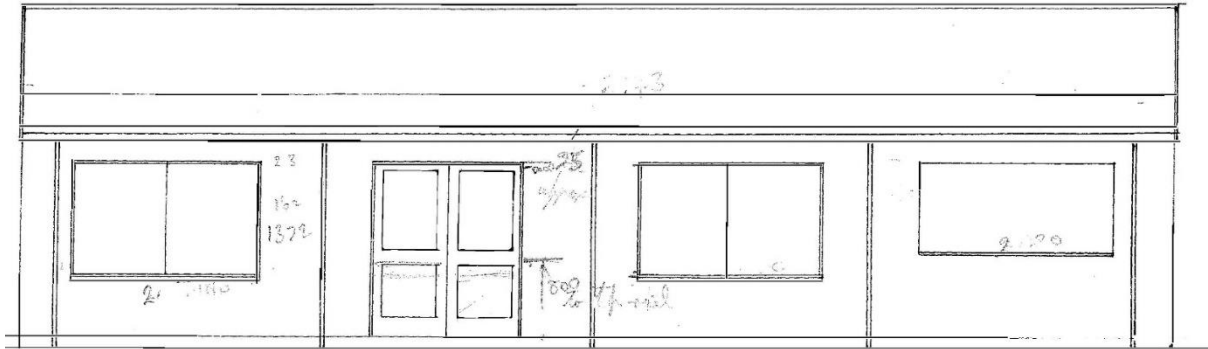
> Figure 2 – Apple Fun Park, located on the opposite side of the Pump Track site (Reserve Street)

2.2. Building

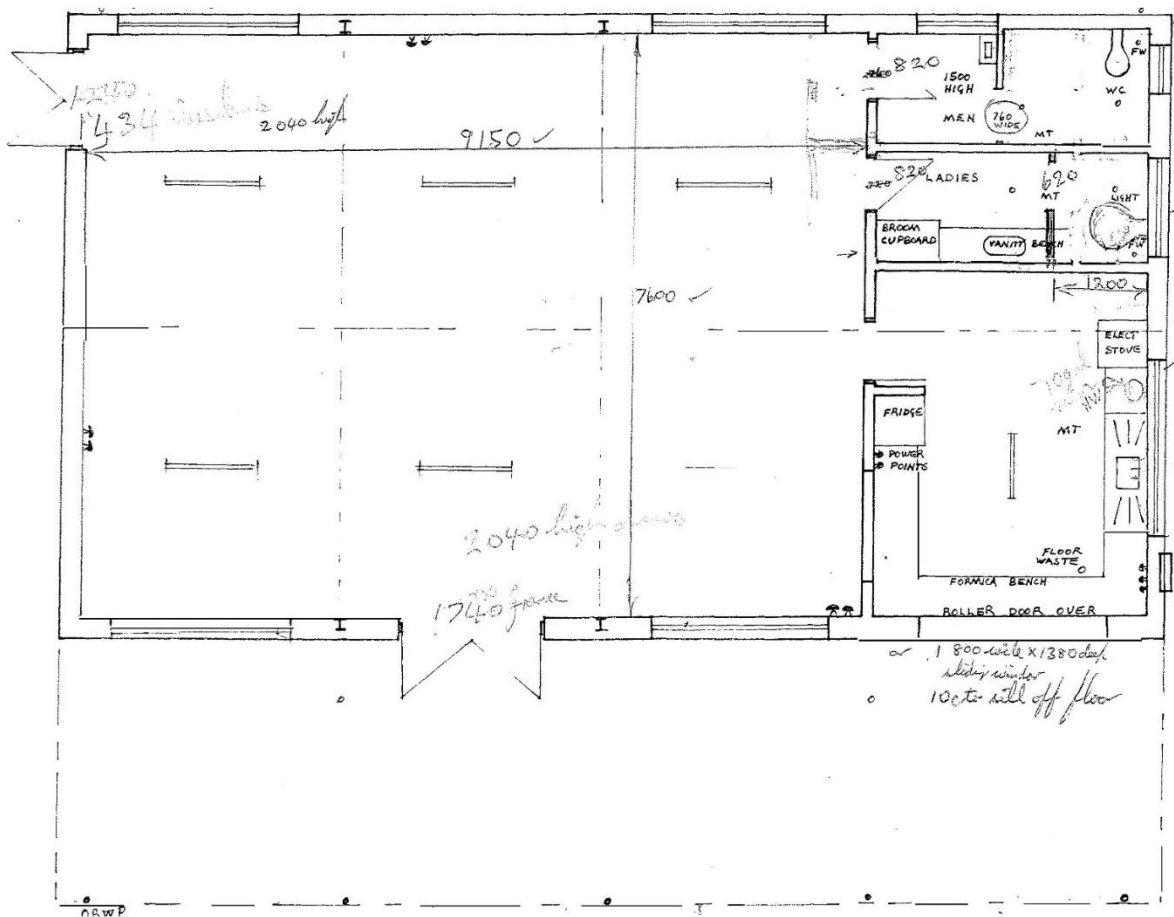
The building was initially known as the “Netball Pavilion and Viewing Shelter” and was constructed in the 1980’s. The building is constructed of brick with a solid floor and simple design. It is low maintenance and serviceable.

The internal layout comprises one main room with a kitchen and two toilets located on one side. The kitchen is equipped with some facilities as well as a canteen-style benchtop roller door opening to the outside.

An exuberant mural painted by artist Kaiman O’Reilly in 2021 adorns the external of the building and complements the overall design of the area, which is focused on adventure, creativity, and play.



> Figure 3 – Front elevation (East)



> Figure 4 – Building Footprint

3. Tenancy Terms

3.1. Proposed Tenancy Arrangements

Any tenancy agreement negotiations will be in line with the Shire's draft Property Management Framework which outlines the standard rent, terms and conditions for different categories of tenants. The Property Management Framework is in its second consultation phase and is planned to be presented to Council for adoption before the end of 2023. Any tenancy arrangements must have prior consent from Arc Infrastructure, who have granted the Shire a licence to use and occupy the land.

3.2. Zoning and Planning Considerations

In accordance with the Shire of Donnybrook Balingup Local Planning Scheme 7, the subject areas are classified as 'Parks and Recreation'. Any proposals must be consistent with the overall intent of the land which is broadly identified for Parks and Recreation. The successful candidate will be responsible for obtaining any relevant planning, building or other approvals should they be required.

3.3. Encouraged Use/s.

Activities and/or services which may be considered:

- > Services that benefit young people in the community, including but not limited to education & training, mental health services, sport & recreational activities, the headquarters for a Youth Action Group (YAG) or Youth Reference Group (YRG).
- > Community groups that promote the wellbeing and/or interests of its members and contribute to the wider community.
- > Groups or organisations involved in a charitable purpose aimed at improving and enhancing local community wellbeing.

4. Evaluation Process and Timelines

The Shire is seeking proposals from prospective tenants who can demonstrate they are suitable to occupy the building. Applicants are to provide sufficient information against each of the requirements detailed in the Expression of Interest Assessment Criteria, using the same headings and in the same order as listed, to demonstrate their ability to satisfy all the assessment criteria.

Submissions will be checked for completeness and compliance. The Shire may seek further information or clarifications from applicants according to the submission requirements.

The Shire in its absolute discretion, before, during or after any negotiation with one or more prospective tenants may decide not to proceed with any of the EOI submissions.

4.1. Indicative Timeframe for Selection Process

Expression of Interest (4 weeks)

- > Expression of Interest opens: **8th May 2023**
- > Site Inspection: Contact Senior Community Engagement Officer at the Shire to request a walk through.
- > Expression of Interest closes: **5th June 2023**
- > EOIs will be presented to the Shire Council/Commissioner at the Ordinary Council Meeting scheduled for the 28th of June 2023.

5. Submission Requirements

The submission should provide sufficient information to enable a panel to assess the proposal against the relevant criteria. EOI submissions require applicants to complete the following:

- > A written submission addressing each one of the **Expression of Interest Assessment Criteria** (see below);
- > **Annexure A: Annual Community Group Health Check**
- > **Annexure B: Proposed Tenant Details**
- > Any references the proponent may wish to provide.

The total length of submissions addressing the Expression of Interest Assessment Criteria is not to exceed 3 single sided A4 pages.

5.1. Expression of Interest Assessment Criteria

1.	What is the nature of your community group?	
2.	How will your group contribute to the local community?	
3.	Does your group have a current premises?	
4.	What days / hours would you use the premises?	
5.	Will your group be happy to share the premises with other community groups?	
6.	What date would your community group wish to occupy the premises?	
7.	Would your community group need to modify the premises? If so, how?	
8.	What services and/or programs (if any) will you offer to the young people of the Donnybrook Balingup Shire?	

5.2. Lodgement of Submissions

Expressions of Interest submissions are to be lodged as follows by the Closing Date:

In person:

Chief Executive Officer
Shire of Donnybrook Balingup
1 Bentley Street, Donnybrook, Western Australia, 6239

By mail:

Chief Executive Officer
Shire of Donnybrook Balingup
PO Box 94, Donnybrook, Western Australia, 6239

By email:

shire@donnybrook.wa.gov.au
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CLOSING DATE:	5th June 2023
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5.3. Enquiries

Susie Delaporte, Senior Community Engagement Officer			
Phone:	(08) 9780 4239	Email:	susie.delaporte@donnybrook.wa.gov.au

6. Negotiating with Preferred Proponent

After the closing date for the EOI, the Shire will negotiate in good faith with any preferred prospective tenant(s) with a view to entering into a tenancy agreement and possibly a management agreement in accordance with Council policy and the draft Property Management Framework.

In the event that the Shire and the preferred proposed tenant(s) are unable to agree on a binding agreement, the Shire may negotiate with another party or elect not to proceed. It will be a requirement that any tenant(s) operate as agreed and in accordance with any lease, tenancy or management agreement.



Annexure A: Annual Community Group Health Check

ANNUAL COMMUNITY GROUP HEALTH CHECK			
Property Management Framework			
COMMUNITY GROUP DETAILS:			
Group Name:			
Postal Address:			
Street Address:			
Incorporation Number:		Incorporation Date:	
ABN:		Group Operation (in years):	
Website Address:			
Social Media Details:			
Date of AGM (approx.):			
OPERATION DETAILS:			
What is the main activity of your group? (e.g., Playgroup, Sporting Group – Tennis, Community Garden...)			
Is your group incorporated?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Is your group registered for GST?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Does your group have paid workers?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Is your group affiliated with any state or national associations / peak body?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
If yes, please list the peak bodies with which your group is affiliated.			
Does your Group have a Liquor Licence?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
EXECUTIVE COMMITTEE MEMBERS:			
President Name:			
Secretary Name:			
Treasurer Name:			
COMMUNITY GROUP CONTACTS:			
Primary Contact Name:			
Email:		Phone:	
Secondary Contact Name:			
Email:		Phone:	
MEMBERSHIP NUMBERS:			



What were your membership numbers last year?	
Junior Males	
Junior Females	
Total Juniors	
Senior Males	
Senior Females	
Total Seniors	
Social Members*	
Total Members	
*Social members are those that have a membership with the group that is not for competition/ participation purposes, but more for supporters of the community group.	
What percentage of your members reside within the Shire of Donnybrook Balingup? **	%
**Please note that your group is required to submit a detailed breakdown of membership (including postcodes) with your Health Check.	
COMMITTEE MANAGEMENT:	
What steps do you take to manage your committee effectively?	
1. Does your community group have role descriptions for committee positions?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Does your group use resource's such as information packs and templates to assist committee members to carry out their duties?	Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Does your group meet at least three (3) times a year?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Does your group have a succession plan for replacement of your committee?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Does your group mostly get enough committee members?	Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Does your community group have a constitution?	Yes <input type="checkbox"/> No <input type="checkbox"/>
7. Does your community group have a Strategic Plan?	Yes <input type="checkbox"/> No <input type="checkbox"/>
8. Does your group maintain at least \$20 million public liability insurance?	Yes <input type="checkbox"/> No <input type="checkbox"/>
9. Does your group refer to its constitution in the management of the group?	Yes <input type="checkbox"/> No <input type="checkbox"/>
10. Has your group reviewed its constitution in the last five years?	Yes <input type="checkbox"/> No <input type="checkbox"/>
11. Does your community group have role descriptions for committee positions?	Yes <input type="checkbox"/> No <input type="checkbox"/>
12. Does your group use resource's such as information packs and templates to assist committee members to carry out their duties?	Yes <input type="checkbox"/> No <input type="checkbox"/>



FINANCIAL MANAGEMENT:

What does your group do to manage its financial resources?

1. Does your group prepare an annual budget?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. Does your group stick to this budget, using it to make day-to-day decisions?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. Does your committee receive regular financial reports from the group treasurer?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. Is this regular financial report included in your minutes for your members to view?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5. Does your group prepare an annual financial report in accordance with the <i>Associations Incorporation Act 2015</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6. Do members of your community group know where to find copies of plans and policies?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7. Does your community group have formal meeting procedures?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
8. Does your group have an up-to-date Risk Management Plan?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

ASSOCIATIONS ACT 2015 COMPLIANCE:

Does your group comply with this list of key obligations of associations under the Associations Act 2015?

1. Does your group have at least six (6) members with full voting rights?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. Does your group hold their AGM within six months after the end of the association's financial year?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. Are the annual accounts prepared and presented to members at each AGM?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. Are the groups accounting records kept in such a way that true and fair accounts of the association can be prepared from time to time according to the requirements for the association's financial reporting Tier?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5. Is an up-to-date members' register maintained and made available to any member to inspect and copy on request?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6. Are a copy of the group's rules provided to each member when they join the association?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7. Are the rules of the association kept up-to-date and made available to any member to inspect and copy on request?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
8. Is a list of committee members and office bearers, together with their residential, postal, business or email address maintained and made available to any member to access or copy on request?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
9. Does your group retain financial records for at least seven (7) years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
10. Do your rules state the minimum number of people required for a meeting to be valid? (A quorum)	Yes <input type="checkbox"/>	No <input type="checkbox"/>



VOLUNTEER MANAGEMENT:					
<i>Does your group practice effective volunteer management? (This section also applies to paid officials such as referees.)</i>					
1. Does your group mostly get enough volunteer members to meet your needs?	Yes <input type="checkbox"/>		No <input type="checkbox"/>		
2. Does your group mostly get enough officials to meet your needs? E.g., referees/ coaches	Yes <input type="checkbox"/>		No <input type="checkbox"/>		
3. Does the group have a formal Volunteer Management Plan which identifies volunteer needs and how your group seeks to address those needs?	Yes <input type="checkbox"/>		No <input type="checkbox"/>		
4. Does your community group have volunteer protection insurance?	Yes <input type="checkbox"/>		No <input type="checkbox"/>		
5. Does the group provide formal job descriptions for volunteer positions?	Yes <input type="checkbox"/>		No <input type="checkbox"/>		
VOLUNTEER MANAGEMENT:					
<i>Does your group practice effective volunteer management? (This section also applies to paid officials such as referees.)</i>					
1. What are your current membership fees?					
Senior Member					
Junior Member					
Social Member					
Other Member					
2. In the last financial year, what was the groups' overall income from membership fees?	Yes <input type="checkbox"/>		No <input type="checkbox"/>		
3. How much of the income from the above-mentioned membership fees is paid to a peak body?	Yes <input type="checkbox"/>		No <input type="checkbox"/>		
4. Do you receive an annual subsidy from a peak body or the Shire (Not including Shire grant funding)?	Yes <input type="checkbox"/>		No <input type="checkbox"/>		
5. How much income was set aside for the future Development/Improvements of your group last financial year?	Yes <input type="checkbox"/>		No <input type="checkbox"/>		
6. Has the group been in financial distress at any time in the last three years e.g., have trouble paying bills or affording necessary repairs, upgrades, or expenses?	Yes <input type="checkbox"/>		No <input type="checkbox"/>		
7. In the last financial year did your group seek out additional income streams? (Select all that apply)	Yes <input type="checkbox"/>		No <input type="checkbox"/>		
Sports Tourism	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Events	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Social Competitions	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Sponsorship	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Kiosk Sales	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Grants	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Other*	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>*If yes, please specify below:</i>		
8. If you answered <u>no</u> to all the additional income streams above, please indicate why?					
<input type="checkbox"/> We don't have the recourses needed to seek additional income					
<input type="checkbox"/> We don't wish to seek any additional income					
<input type="checkbox"/> Our facility/building doesn't allow for us to					
<input type="checkbox"/> Other (please specify)					





ASSOCIATED DOCUMENTS CHECKLIST:

Please only provide information relating to the maintenance and document checklist if you currently have a lease or licence with the Shire.

- > **Maintenance** - All maintenance has been completed in accordance with the requirements of the lease.
- > **Membership** - A list detailing the suburb of residence for your current members has been submitted.
- > **Insurance** - A copy of the Certificate of Currency for any insurance held for the club/group has been submitted.
- > **AGM Minutes** – A copy of the minutes from your last AGM.
- > **Finances** - A copy of your club/groups audited financial statements has been submitted.
- > **Fees and Charges** - The fees and charges associated with hiring your facility have been submitted.
- > **Incorporation** - A copy of the group’s incorporation certificate is attached.
- > **Liquor Licence** – A copy of the groups up to date Liquor Licence.

DECLARATION:

I submit this Health Check and associated documents on behalf of the group. I certify that I have been authorised to prepare and submit the Health Check and that the information provided is to the best of my knowledge true and correct.

Name:				Signature:	
Position:				Date:	
- SHIRE USE ONLY -					
File #:	L	PRO		Synergy #:	
Tenant Category:	1 <input type="checkbox"/> 2 <input type="checkbox"/>	Has the tenant category changed from last year?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
	3 <input type="checkbox"/> 4 <input type="checkbox"/>				
Subsidy Score:			Subsidy %		
Officer Signature:				Date:	





Annexure B: Agreement to Terms and General Conditions:

By lodging the EOI Submission the Proponent agrees to be bound by the Shire's Terms and General Conditions set out in the document.

SIGNED FOR AND ON BEHALF OF (AUTHORISED SIGNATORY):

Signature:	
Name:	
Organisation	
Position:	
Date:	

OTHER PARTIES (ADD DETAILS AS REQUIRED) - SIGNED FOR AND ON BEHALF OF:

Signature:	
Name:	
Organisation	
Position:	
Date:	

Annexure C: General Conditions for Expressions of Interest

Acceptance and Rejection of EOI:

The Shire of Donnybrook Balingup (the Shire) may in its sole discretion accept any EOI, either wholly or in part, or decide not to accept any EOI (or part of an EOI) at all.

Following the evaluation of any EOIs the Shire may, in its sole discretion, or before, during or after negotiation with one or more Proponent, choose not to enter into any further negotiation or contract relating to the EOI and/or occupancy agreement.

Disclosure of EOI Evidence

The Proponents acknowledge and accept that the Shire may be required by law (under the *Freedom of Information Act 1992*, in terms of a court order, application or otherwise) to disclose documents and/or other information which form part of, or are in relation to, the EOI and or this EOI process.

The Proponent shall treat the information in this EOI and any/all information provided by the Shire or its nominated agents, in relation thereto as confidential and communicate it only to the people directly involved in the preparation of its EOI.

Information relating to the examination, clarification, evaluation and comparison of the proposal submitted in response to this EOI is confidential to the Shire and will not be disclosed to Proponents or any other persons not officially concerned with such process.

EOI Validity Period

All EOIs will remain valid and open for acceptance for a minimum period of ninety (90) days from the Closing Date unless extended on mutual agreement between the Shire and the Proponent in writing.

No Contract

This EOI may result in negotiations for the award of a Contract or agreement, but is in itself not an offer open for acceptance by Proponents by submitting an EOI.

Conditions Binding

EOIs will be deemed to have been made on the basis of and to incorporate (and Proponents shall be bound to) all the terms and conditions of this EOI.

Proponents to Inform Themselves

Proponents will be deemed to have:

- > Examined the EOI and any other information available in writing to Proponents for the purpose of submitting an EOI;
- > Examined and to be aware of all the risks, contingencies, and other circumstances having an effect on their EOI, which is obtainable by the making of reasonable enquires;
- > Acknowledged that the Shire may enter into negotiations with one or more Proponents and that negotiations are to be carried out in good faith; and
- > Satisfied themselves they have a full set of the EOI documents and all relevant attachments and acknowledge the background reports and information referred to in this EOI document.

The Shire has used reasonable efforts in compiling this EOI. It will not be liable to Proponents for any inaccuracy or omission in this EOI or any additional information which may be provided or withheld.

Alterations

The Proponent must not alter or add to the EOI or any part thereof, unless specifically required by this EOI.

Risk Assessment

The Proponent, by submitting an EOI, irrevocably authorises the Shire to contact and have access to and give consideration to:

- > Any referees nominated by the Proponent;
- > Any information provided by the Proponent on behalf of their nominated bank, financial institution or accountant.

Ownership of Documentation

All documents, materials, articles and information submitted by the Proponent as part of or in support of an EOI will become upon submission of the EOI the absolute property of Shire and will not be returned to the Proponent PROVIDED that the Proponent is entitled to retain any copyright and other intellectual property rights therein, unless otherwise provided by the EOI.



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Canvassing of Commissioner

If a Proponent, whether personally or by an agent, canvasses the Shire's Commissioner with a view to influencing the acceptance of any EOI, regardless of such canvassing having any influence on the acceptance of any EOI, the Shire may at its absolute discretion omit such Proponent's EOI from consideration.

Changes To/Withdrawal of EOI

The Shire reserves the right to:

- > notify the Proponents in writing before the Deadline of any changes to this EOI which may in the discretion of the Shire be necessitated by any matter of significance;
- > extend the deadline for submissions; or
- > cancel, amend, re-issue or withdraw all or part of this EOI and/or process under it at any stage prior to entering into a Contract or agreement, without incurring any liability.

No Right to Claim

Except as expressly and specifically permitted in this EOI, no Proponent shall have any claim for compensation of any kind whatsoever, as a result of participating in or responding to this EOI and/or participating or not participating in any further negotiations resulting from this EOI. By submitting an EOI, each Proponent shall be deemed to have agreed that it has no right to claims.