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EXPRESSIONS OF INTEREST

Expression of Interest

Tours of Table Cape Lighthouse, Wynyard

Waratah-Wynyard Council invites Expressions of Interest from persons interested in operating commercial tours of Table Cape Lighthouse. One licence only is offered.

Table Cape Lighthouse is a heritage listed structure, located in a State Reserve, and leased by the Commonwealth to operate as a functioning maritime navigation aid. It is located 5 minutes drive from the township of Wynyard in North-West Tasmania.

Expressions of Interest are invited from individuals, community groups or existing businesses to conduct tours to the top of the Lighthouse on a self-employed, commercial licence basis.

The closing date for Expressions of Interest is Friday 18th August, 2023

Expression of Interest documents can be downloaded from www.warywn.tas.gov.au

For further information please contact:

Rachael Burgess Manager, Tourism and Marketing 03 6443 8314 rburgess@warwyn.tas.gov.au

1. INVITATION TO OPERATE TOURS OF A HERITAGE SITE IN A SPECTACULAR COASTAL LOCATION

Waratah-Wynyard Council is inviting Expressions of Interest from persons interested in operating commercial tours of Table Cape Lighthouse.

Table Cape Lighthouse was the first Commonwealth-operated lighthouse in Tasmania to be opened to the public for tours in 2010, through a unique arrangement between Australian Maritime Safety Authority (AMSA), Tasmania Parks and Wildlife Service (PWS) and Waratah-Wynyard Council (Council). It has remained a functioning maritime navigational aid since 1888.

The heritage-listed lighthouse is situated in a State Reserve (managed under the *National Parks and Reserves Management Act 2002*) atop Table Cape, a spectacular volcanic plug overlooking Bass Strait near Wynyard, in North-West Tasmania.

Table Cape is recognised as a significant tourism drawcard for Wynyard and Surrounds, and recent additions to tourism experiences close by include a Whisky and Gin Distillery and several boutique accommodation options. In addition, approved plans for Table Cape developments include a multi-million dollar 5 star eco-resort and a café,tasting bar and visitor accommodation complex. Council also has plans afoot to develop an exciting visitor experience at the Table Cape Lookout (including much needed amenities). These developments will all increase traffic flow and visitor interest in the Lighthouse experience.

2. RESPONDENT SUBMISSIONS

2.1. Purpose of Expression of Interest

The Expression of Interest process calls for the presentation of a proposal for the operation of tours. The proposal should include information demonstrating relevant experience, and professional and business capacity.

Responses to the Expression of Interest will be assessed by a panel (the Assessment Panel) against the assessment criteria outlined in Appendix One.

Respondents may also be invited to provide a presentation and/or be interviewed on their submission by the Assessment Panel.

2.2. Site tour for interested persons

Interested parties are invited and encouraged to attend an information session and escorted tour of the site (date TBA). If you wish to attend, you must register with the Contact Officer.

3. SITE PROFILE

3.1. Site history

Table Cape Lighthouse has long been an icon of the municipality. Constructed in the 1880s it was first lit on 1st August 1888 and a community associated with keeping the lighthouse lit and maintained developed around it. Outlines in the grass within the precinct are all that remain of those early buildings but evidence remains in other forms - the bay tree and spring flowering bulbs reminding visitors to the site of families who made a home on Table Cape over a century ago. comprehensive history of the site is contained within Table Cape Lighthouse Conservation Management Plan prepared by Emma Lee in 2009 for Waratah-Wynyard Council.

In 1998 the Commonwealth handed over all lighthouses in Tasmania to the Crown and then negotiated under a Heads of Agreement to lease back all the operational lighthouses including Table Cape Lighthouse. Included within the Heads of Agreement was a condition that licenses to operate tours within these operational lighthouses could be entered into.

The Waratah-Wynyard Council embraced the tourism potential of the lighthouse, beginning the process of having the lighthouse open for public tours in 2008. A grant from the Commonwealth Department of Resources, Energy and Tourism made it possible for Council to complete the internal modifications to the lighthouse necessary to enable safe public access whilst preserving its heritage values. Modifications to the external railings were undertaken by AMSA to complete the transformation.



In 2009, the Minister for Primary Industries, Parks, Water and Environment entered into a sub-licence with the Council to enable it to offer access to the land and a licence to a commercial tour operator to conduct tours within the lighthouse.

In 2010, it became the first Commonwealth-operated lighthouse in Tasmania to be open to the public for commercial tours, and one of only 14 nationally at that time.

In 2011, AMSA received Tasmanian Heritage Council approval to rebuild the entry stairs to increase safe access to the tower. Since 2011, the lighthouse tours have been under commercial operation through this "Licence to Conduct Tours agreement".

3.2. Site Infrastructure

The entrance to the lighthouse precinct is marked with a heritage post and rail fence which also acts to protect a grave located adjacent to the entry. This is the burial site of the son of the first Lighthouse Keeper. Descendants of this family still live locally and were important in documenting the history of the site.

There is parking for approximately 12 cars and two buses within the turning circle. Large interpretive panels located adjacent to the lighthouse provide insight



into the heritage significance of the site. A pathway between the lighthouse precinct along the coastline to a lookout provides a 30-45 minute return walk option for visitors. Picnic tables and seating are also provided, however there is no covered shelter area.

There are currently no toilet facilities within the precinct, however Waratah-Wynyard Council is investigating the development of an exciting interpretive visitor experience at the Table Cape Lookout, which will include toilets. There is currently no definitive timeline for this development, however interested parties are encouraged to seek further information on this project from Council as the EOI process progresses.

The lighthouse is accessed via Lighthouse Road, Table Cape, which is unsealed.



4. BACKGROUND INFORMATION

4.1. Current operating context

Council received approval via a sub-licence from the Minister for the Environment, Parks and Heritage to offer a sub-licence to operate tours of this important heritage tourism asset and offered the first licence for tours of the lighthouse in June 2010.

Since that time, Council has signed new three-year term agreements with successful Expression of Interest applicants in 2014, 2017 and 2020.

The most recent tour operator has notified Council they do not wish to renew their licence, therefore Council is commencing the Expression of Interest process again in 2023.

4.2. Cultural heritage values

The lighthouse was permanently listed on the Tasmanian Heritage Register (#5147) in 1988 as part of the Table Cape Light Station precinct. The lighthouse was recorded as being of particular significance, whereby:

- There is a below ground level base to the tower.
- Represents the characteristics of a Victorian brick lighthouse.
- It is a dramatic feature of the landscape.
- It is associated with early expansions of the shipping trade and community development.
- The construction of the lighthouse includes a flyover gangway on the door to the lighthouse tower.

4.3. Aboriginal heritage values

There are no specifically identified sites of Aboriginal heritage value within the Precinct, however there are two sites of significant value located along the nearby walking track.

5. OPERATING CONTEXT

5.1. The Licence

The licence will be between the tour operator, Waratah-Wynyard Council and the Minister for Parks who manages the *National Parks and Reserves Management Act 2002*. The licence is non-transferrable and the tour operator **may** be liable for payment of fees applicable to this licence.

5.2. Council responsibilities and requirements

Council is responsible for maintenance of the access road, turning circle and coastal pathway, the general appearance of the precinct (e.g. mowing, and interpretive signage) and rubbish removal. The tour operator will be required to provide quarterly reports to Council relating to tour participants (numbers and feedback on tour experience). In addition, the operator will undertake monthly maintenance inspections and provide these reports to Council for information and/or action. The tour operator is responsible for cleaning as far as it relates to maintaining safe public access of the lighthouse. The business name 'Table Cape Lighthouse Tours' is owned by Council and is able to be used by the operator for the term of the licence.

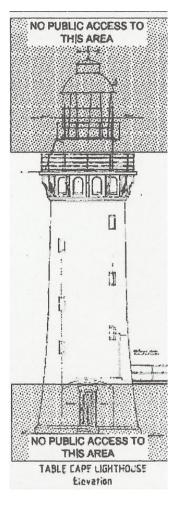
5.3. AMSA responsibilities and requirements

In agreeing to public access to a functioning navigation aid, AMSA has identified strict conditions relating to access to specific areas and the conduct of an operator on the site. These include, but are not limited to, the following:

- The licensee will be required to have an induction to the lighthouse and its operation conducted by qualified AMSA representative prior to access key being handed over.
- There is no public access to the ground floor maintenance room as well as the lantern room and the upper balcony catwalk as shown in adjacent plan.
- The business is to operate between the hours of dawn to dusk.

The following conditions relating to conducting tours will be a not negotiable annexure to the tour licence:

- The premises must be inspected by the Guide prior to any tour to ensure the Premises are in a clean and tidy state and that the Table Cape Lighthouse is safe to access (e.g. no visible signs of water entry causing a slippery walking surface).
- 2. Children under five (5) years of age are prohibited from entering the Table Cape Lighthouse.
- 3. Children under ten (10) years of age must be under strict adult supervision at all times.
- 4. The Guide must ensure that a safety briefing is given to tour participants before any tour participant is allowed to ascend the stairs.



- 5. No more than ten (10) tour participants plus the Guide are allowed inside the premises at any time.
- 6. Extra tour participants are to remain outside the premises until permitted to enter by the Guide.
- 7. Whilst in the premises tour participants are to remain as one group for the duration of the tour, under the supervision of the Guide.
- 8. The Guide must always be the first person into the premises and the last person out.
- 9. Tour participants are to assemble at the entrance walkway to the Table Cape Lighthouse. Then under direction they may proceed to the lower lantern room with the Guide present.
- 10. When the tour participants are assembled in the lower lantern room, the stairway is to be chained off while the tour participants are viewing the lower lantern room and accessing the balcony.
- 11. No tour participants are to be allowed access to the lantern room or the upper balcony catwalk, as shaded on the Lighthouse Plan on page 8.
- 12. Movement to the balcony is to be controlled by the Guide who must remain with the tour participants for the duration of the visit. If strong winds are present no balcony access is allowed.
- 13. Upon completion of the tour the tour participants must re-assemble at the base of the premises.
- 14. Under no circumstances is the Table Cape Lighthouse entrance door to remain open and unsupervised whilst tour participants are inside.
- 15. Guides are to ensure that no equipment is interfered with.
- 16. Guides must ensure that all tower internal lights in the Table Cape Lighthouse are turned off at the completion of each tour.
- 17. The Table Cape Lighthouse entrance door is to remain locked between visits.

5.4. The Crown requirements

The site, encompassed within the Table Cape State Reserve, falls under the provisions of the *National Parks and Reserves Management Act 2002* (Tasmania) and the licence would include conditions relevant to this e.g. no alcohol permitted on the site; no alterations are to be made to the site; and removal of relics or artefacts found on the site is not permitted.

The site is listed on the Tasmanian Heritage Register (#5147), which is governed by the *Historic Cultural Heritage Act 1995* (Tasmania).

Preservation of the heritage and historic values of the buildings at the site are also to be in accordance with the principles of the *Australia ICOMOS Burra Charter*, 1999 (Burra Charter) for the conservation of places of historical significance.

The Table Cape Lighthouse Tours operator is required to obtain Tasmanian Industry Council accreditation within 12 months of commencing operation.

6. ASSESSMENT PROCESS

Submissions will be assessed by an Assessment Panel appointed for the purpose. The Assessment Panel will comprise of the following (or their nominated representatives):

- Waratah-Wynyard Council: Mayor
- Parks and Wildlife Service: Parks and Reserves Manager (Northwest Coast)
- Waratah-Wynyard Council: Manager, Tourism and Marketing

The Assessment Panel's role will be to examine and evaluate all responses and recommend a preferred operator to Council. The Assessment Panel will meet in the week after submissions close. At this time, if deemed necessary, respondents may also be invited to provide a presentation and/or be interviewed on their Submission. Earliest possible notice will be provided.

The Assessment Panel will recommend a preferred operator to Council to then commence licence negotiations. It is anticipated that tours can commence during the spring tourism season, 2023.

7. OTHER INFORMATION

7.1. Outgoings

It will be a licence requirement that the tour operator will be responsible for securing appropriate Public Liability Insurance coverage for a minimum of \$20 million Australian Dollars. Full details of insurance coverage requirements are detailed in the licence to be offered to the preferred operator.

8. LODGEMENT OF SUBMISSIONS AND CONDITIONS

8.1. General

- 1. This invitation for Expressions of Interest is not a request for tender. It does not constitute an offer intended to be accepted by the Council.
- 2. For the purposes of this invitation for Expression of Interest:
 - (a) "Proposal" means the idea articulated in response to this invitation for Expressions of Interest:
 - (b) "Council" means Waratah-Wynyard Council;
 - (c) "Invitation for Expression of Interest (EOI)" means this document inviting

respondents to offer to deliver the Council's requirements by lodging a submission;

- (d) "Respondent" means any person or corporation lodging a submission;
- (e) "Site" means Table Cape Lighthouse described in the "Site Profile" (Section 3); and
- (f) "Submission" means proposal presented in response to this Invitation for Expression of Interest.
- 3. The Council does not warrant the accuracy of the content of the EOI and the Council is not liable for any omission from the EOI.
- 4. No contractual or other legal obligation shall arise on the part of the Council from the lodgment of any submission or any consideration or review of the submission by the Council. No representation, commitment or undertaking is given by the Council that any respondent will be invited to do or to provide any or all of the things outlined in this EOI.
- 5. A single onsite briefing to prospective respondents will be conducted. The briefing date will be advised on request. It is strongly recommended that respondents attend. Respondents must register for the briefing through the Contact Officer whose details are set out in section 2.2.
- 6. Late EOI will not be accepted, unless the Council is of the view (and its decision will be absolute and final) that:
 - (a) circumstances beyond the Respondent's control were the cause of the lateness; and
 - (b) accepting a late EOI will not compromise the integrity of the process or provide any unfair advantage to the Respondent lodging the late EOI.

Late EOI which are not accepted will be marked on the envelope with the time and date of receipt, and will be returned unopened to the respondent.

- 7. The Council reserves the option to accept part, or the whole, of a submission from the same or from different respondents in order to best meet the EOI requirements and specifications.
- 8. The respondent must ensure that all commercial in confidence, confidentiality and privacy issues and responsibilities are properly addressed in the submission, and that no conflict of interest arises in relation to the submission or any matter relating to it.
- 9. Respondents should be aware that confidentiality of submissions may be subject to exceptions where the information:
 - (a) is required or authorised to be disclosed by law;
 - (b) is reasonably necessary for the enforcement of the criminal law or for the protection of the public revenue.
- 10. All submissions will become the property of the Council after the advertised closing date
- 11. Respondents agree to provide the Council with a licence to copy, reproduce, use, modify and adapt any of the information provided in the submission, and agree the Council may provide copies of the documentation (in electronic or hardcopy format) to their agents, for the purposes of assessing the submissions.

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- 12. The information which is provided in and with the EOI and any other information provided by the Council or anyone on its behalf to a respondent is provided for the background information of respondents only. The Council assumes no responsibility for or makes no representation or warranty with respect to the information, including as to its relevance, accuracy, adequacy, currency or content. Accordingly, no respondent (nor any of its consultants or subcontractors) may in any circumstances rely on the relevance, accuracy, adequacy, currency or content of the information. The Council does not intend that the information be used by any Respondent as a means on which to base its submission or satisfy itself about the conditions of the site. All submissions must be based solely on the Respondent's own investigations, determinations, assessment, skill and experience. All business and commercial aspects of the submission prepared by the Respondent or its agents are at the sole risk of the respondent.
- 13. The Council does not warrant the commercial or other feasibility of the tour operation.
- 14. Respondents are responsible for making all necessary enquiries about the site. Each respondent must acquaint itself with all conditions relating to the EOI and the site prior to making a submission. In lodging a submission, a respondent is deemed to have:
 - (a) examined carefully and to have acquired full knowledge of the EOI and any other information made available in writing by the Council to the respondents for the purpose of the EOI;
 - (b) examined all information relevant to the risks, contingencies and other circumstances having an effect on the submission;
 - (c) visited the site and fully informed themselves of all relevant conditions;
 - (d) accepted and agreed with the terms and conditions of this EOI; and
 - (e) relied solely upon their own enquiries and inspection in relation to the site.
- 15. The Council and the Assessment Panel are not responsible for, nor will pay for, any cost or expense or loss incurred by any respondent including but not limited to:
 - (a) preparing and lodging a submission;
 - (b) carrying out any investigation in relation to a project or proposal set out in a submission; or
 - (c) any resources used by the respondent in the preparation of a submission.
- 16. The Assessment Panel is not bound to or required to endorse any submission.
- 17. Respondents are required to meet all costs and expenses associated with preparing, documenting and lodging the submission and related matters.
- 18. The Council takes no responsibility for the relevance, accuracy, adequacy, currency or content of, and makes no representation or warranty of any kind or assumes any duty of care in respect of the information provided in and with this EOI and the Council is not liable for any omission from the Invitation for Expressions of Interest.

- 19. The Council may vary the EOI at any time by:
 - (a) informing all respondents; and
 - (b) notifying all persons to whom the Council has issued the EOI; and
 - (c) advertising the variation in the manner in which the original EOI was advertised.
- 20. The Council may discontinue or suspend the EOI process.
- 21. The EOI is not to be construed as making any express or implied representation, undertaking or commitment by the Council that it will enter into a binding contract with any respondent to undertake the Council's requirements.
- 22. No representation made by or on behalf of the Council about a submission or the EOI (or their subject matter) binds the Council.

8.2. Assessment of Submissions

An Assessment Panel has been appointed to assess submissions in accordance with the process set out in this EOI.

Submissions will be assessed against the assessment criteria in Appendix 1 of this EOI.

If any submission is assessed as not sufficiently meeting the requirements of this EOI, the Assessment Panel may in its sole and absolute discretion:

- a) not consider the submission any further and notify the relevant respondent that the submission will not be assessed further; or
- b) ignore any apparent lack of fulfilment of all requirements and assess the submission in accordance with the criteria as applicable; or
- c) notify the respondent that further information is required to adequately assess the submission.

Notwithstanding any other requirements of this EOI, a respondent shall, if requested, submit additional information to allow clarification of its submission. However, the Assessment Panel is not obliged to require any respondent to provide any further information or clarification and may not require additional information.

Should a respondent fail to submit any of the information so required by the date and time stipulated, their submission may be assessed in the absence of the information or not considered further, at the Assessment Panel's sole and absolute discretion.

8.3. Lodgment of Submissions - place and closing date

Submissions shall be lodged no later than **5.00pm Friday 18th August, 2023**. Submissions are to be either posted or hand delivered to:

The Tender Box Waratah-Wynyard Council 21 Saunders Street (PO Box 168) Wynyard TASMANIA 7325

Or emailed to:

council@warwyn.tas.gov.au

Note:

- emailed submissions will be accepted, however no alterations or re-submitted copies will be accepted after the initial receipt date.
- Late Expressions of Interest will not be considered and will be returned unopened.

8.4. Registration Form

The Registration Form in Appendix 2 must be completed in full by the respondent and must be returned as part of the submission.

Failure to supply information in full as required in the Registration Form may render a submission to be treated as not sufficiently meeting the requirements of this EOI and to be excluded from assessment in the Assessment Panel's sole and absolute discretion.

8.5. Number of copies

One (1) complete submission must be lodged. Submissions shall be enclosed in a sealed envelope marked as follows:

Expression of Interest
Table Cape Lighthouse Submission
Private and Confidential

Emailed copy accepted as per conditions set out in 8.3 – with the above in the subject line.

8.6. Limitations on submission material

To assist the Assessment Panel to make like comparisons, submission material for Expressions of Interest should be limited to:

• Covering letter: maximum of two (2) single sided A4 pages; and

• Printed material: maximum of fifteen (15) single sided A4 pages with minimum text font size 12.

8.7. Submissions to comply with requirements

1. All submissions shall be prepared and lodged in accordance with the requirements of this EOI and any additional terms and conditions that may be included upon

written notice to each respondent to which this EOI has been issued.

2. No explanation or amendment to this EOI shall be recognised unless it is in the form of an addendum issued by the Council, receipt of which shall be

acknowledged in writing by each respondent.

3. The Council may reject a submission that does not comply with the terms of the EOI.

4. All monetary amounts are to be expressed in Australian Dollars and the respondent

must quote any amounts excluding GST.

8.8. Implied agreement

By lodging a submission in accordance with clause 8.3, the respondent agrees to be bound

by the terms of this EOI.

8.9. Contact Officer

Unless the Contact Officer directs otherwise, all questions pertaining to the EOI process are

to be directed to:

Rachael Burgess - Manager, Tourism and Marketing

Ph: 6443 8314 Email: rburgess@warwyn.tas.gov.au

8.10. Disclaimer

This EOI has been prepared for the information of those wishing to consider expressing an interest in the licence to conduct tours of Table Cape Lighthouse. The information

does not constitute all or any part of an offer to licence and is intended as a guide only.

The information contained in this EOI has been compiled with all due care, however no person should rely solely upon the information contained herein. Potential respondents

should satisfy themselves as to the correctness by such independent investigations as they see fit. The Council accepts no liability for negligence or otherwise that may arise from

the material contained in this EOI or any appendices.

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8.11. Release

By lodging the submission, a respondent indemnifies and agrees to keep indemnified, the Council against any claim or demand of any nature whatsoever, or howsoever, arising with respect to any costs incurred by the respondent in preparing, lodging or expanding upon a submission.

8.12. Confidentiality

- 1. The EOI remains the property of Council and may be used only to prepare a submission.
- 2. Except for information available to the public generally (other than by breach of this EOI) a person receiving the EOI must not publish disclose or copy any of its contents except to prepare a submission.
- 3. The respondent must keep confidential all information provided by Council as part of, or in connection with, the EOI.
- 4. All submissions become the property of Council, which may reproduce all or any part of a submission for evaluation.
- 5. Despite any confidentiality or intellectual property rights subsisting in this EOI or any attachments to it, Council may publish all or any part of it without reference to the respondent provided that nothing in this clause derogates from a party's obligations under the *Personal Information Protection Act 2004* (Tasmania) or the *Privacy Act 1988* (Commonwealth).
- 6. Subject to the previous clauses, the Council and the respondent must hold the submission in confidence, so far as the law allows, except if:
 - a. The information is available to the public generally, other than by breach of this obligation;
 - b. A law requires a party to file, record or register something that includes information in the submission;
 - c. Disclosure is necessary or advisable to get a consent, authorisation, approval or licence from a governmental or public body or authority;
 - d. It is necessary to make disclosure to a taxation or fiscal authority;
 - e. It is disclosed confidentially to a party's professional advisers;
 - i. To get professional advice about the EOI process; or
 - ii. Otherwise to consult such professional advisers.

APPENDIX 1 - ASSESSMENT CRITERIA

Submissions in response to the EOI should address the Criteria from 1 - 4 below. Please note all criteria are of equal weighting and importance.

Criteria Category 1 - Proposal

Submissions should include a description of the proposed visitor experience to be offered and the respondent's preference for duration of the licence.

Criteria Category 2 - Tour Operation

Respondents should undertake and submit a preliminary business plan to support the Proposal. This should reflect an understanding of tour demand, the visitor profile, tour price sensitivities, tourism product alignment to the municipal and regional brand.

Note: It will be a licence condition that a comprehensive operational plan will be submitted to Council including a tour schedule, marketing plan, risk management plan and an emergency evacuation plan. These documents are not necessary at this stage of the EOI but respondents should be prepared for further business planning.

Criteria Category 3 - Professional Capacity, Experience and Customer Service

Submissions should demonstrate professional capacity and experience in or understanding of similar tourism projects. For example, submissions may include demonstrated experience or understanding of the following:

- interpretation and presentation of cultural heritage and environmental values
- management and delivery of visitor services and tourism quality assurances.

Criteria Category 4 – Governance and Business Capacity

The fourth criteria category to be addressed is governance and business capacity. Submissions should provide:

- details of the business structure, and personnel and their responsibilities involved in the business;
- evidence of financial commitment to the proposal;
- particulars of any current or known court proceedings against the respondent.

In addition, names and contact details of two (2) referees should be supplied including the respondent's consent for the Assessment Panel or Council to contact those referees for the purposes of assessing the respondent's submission.

APPENDIX 2 - REGISTRATION FORM

Invitation for Expression of Interest DECLARATION

Respondents must complete this registration form, and lodge it with their submissions. Respondents should attach a separate sheet to the completed for each applicant if applying as a consortium or partnership.						
I/We lodge this Submission as an Expression of Interest for:						
Full Name and / or Name of Company/Corporate Entity/Partnership/Business						
Company's ACN/ABN (Australian Company Number/Australian Business Number) (if applicable)						
Trading or Business Name (if any)						
Address (business/personal stre	eet address)	Postal address				
Phone (Business/home):		Email:				
Mobile:						
Respondent's Representative (if not applying as an individual – please include contact telephone number(s), email address and position held)						
 I/We, consent to the undertaking of such due diligence enquiries as are considered relevant by the Assessment Panel or Council provide Council with a licence to copy, reproduce, use, modify and adapt any of the information provided in this IEOI Submission; and agree Council may provide copies of the documentation (in electronic or hardcopy format) to their agents for the purposes of the assessment and consideration of this Submission 						
Signed for or on behalf of the Respondent	Printed Name		Date			