

Expression of Interest - Invitation



Lease of Tug Pen Facility, Port Kembla, NSW

Strategic Objectives for Port Kembla

NSW Ports' vision for Port Kembla is to have efficient and sustainable port infrastructure and services which will continue to attract and generate trade for the benefit of the NSW economy. Port Kembla benefits from its proximity to Sydney and access to the Sydney West and South regions. It is the 'Port of Growth' for New South Wales. Port Kembla is an international trade gateway for bulk agricultural, construction and mining industries, and operates 24/7. It is New South Wales' largest motor vehicle import hub, home to the state's largest grain export terminal and second largest coal export port.

This Expression of Interest (EOI) process will enable NSW Ports to consider leasing its existing tug pen facility and associated landside infrastructure (both of which are located within Port Kembla's outer harbour) to a suitable towage operator in order to facilitate that operator to supply towage services to port users at Port Kembla. NSW Ports Strategic Approach is available [here](#).

The Opportunity

NSW Ports invites expressions of interest from towage service operators to lease its existing tug pen facility and associated landside infrastructure for the permitted use of supplying towage services to Port Kembla for a term of 5 years commencing 9 April 2022, which in general terms comprises the following waterside and landside infrastructure (**Premises**):

- three berthing boxes:
 - o two berthing boxes on a standard pontoon
 - o one berthing box on an enhanced pontoon, which has maintenance and fuelling infrastructure
 - o Note, the common user berth is excluded from the lease
- covered storage areas (approximately 70 square metres);
- maintenance shed (approximately 125 square metres);
- covered car parking (accommodating up to 25 motor vehicles); and
- hardstand area (approximately 1,300 square metres).



Diagram 1 – Location of existing waterside and landside Infrastructure

The EOI Process

To assist applicants, the EOI process is outlined below.

Step 1 - Registration

Each applicant must complete the **Registration Form**, which includes a **Confidentiality Deed**. Registration closes on **5.00pm Wednesday, 3 March 2021**.

Step 2 – Provision of Information and Returnable Schedules

Following successful registration, applicants will receive:

- **Standard Lease template:** NSW Ports will provide a copy of the proposed lease.
- **Returnable Schedules:** Throughout the Returnable Schedules, NSW Ports has inserted guidance notes setting out NSW Port's expectations on both commercial terms and risk appetite to assist applicants.
- **Briefing Sessions:** prior to the close of EOI Responses, applicants can request a briefing session with NSW Ports. If NSW Ports considers it necessary to assist applicants, these will be undertaken. Such sessions can be mandatory or optional and may be undertaken individually or collectively, in NSW Ports' sole discretion.

Step 3 – EOI Response

Applicants must submit in writing within the time permitted their EOI Response containing any departures from the Standard Lease template, information and documents required by the Returnable Schedules. Any material departures from the terms of the Standard Lease template must be articulated and rationale provided. The time to lodge EOI Responses closes **5.00pm Tuesday, 6 April 2021**. If any clarifications, additional site information or support is required, please contact the Property Team at: EOI@nswports.com.au.

Step 4 – Evaluation & Negotiation

Once the time for lodgement of EOI Responses closes, NSW Ports will, in its sole discretion, commence its evaluation of the EOI Responses. NSW Ports will evaluate applicants according to the information received in the EOI Responses. This stage of the process may include seeking additional information from applicants, negotiation of commercial terms and transaction documentation.

Step 5 – Approval & Award

This EOI process is not an offer for lease but an invitation to receive responses from eligible applicants to assist NSW Ports in its commercial considerations as a landlord. No contractual obligation whatsoever shall arise from the EOI Process unless and until NSW Ports has completed its internal approvals and a formal lease/agreement is signed and executed by both NSW Ports and the successful applicant.

Lodgement & Contact Details

All EOI Responses are to be lodged via email and sent to: EOI@nswports.com.au. For general enquires please contact the undersigned via the same email address.

No warranty as to suitability, exclusive rights or otherwise

In participating in the EOI Process, each applicant acknowledges and agrees that, it has not relied on any promise, representation, undertaking or warranty given by or on behalf of NSW Ports, whether directly or indirectly related to the suitability of the Premises, any exclusive right to supply towage services in Port Kembla or otherwise. While this EOI process calls for expressions of interest for a single towage operator to supply towage services to Port Kembla using the existing tug pen facility and associated infrastructure, interested towage service operators should be aware that, although a second towage service operator is not sought in respect of the existing facilities and infrastructure, NSW Ports retains its right to engage the services of a second towage service operator for additional facilities at Port Kembla should it, in its sole discretion, determine to do so in the future.

Your sincerely,



Geraldine Bourgarel
Head of Property (0419 135 424)