

Fact sheet

Stock watering place lease

Tender process

A stock watering place (SWP) is a controlled travelling stock reserve (TSR), under section 61 of the *Local Land Services Act 2013* (NSW), for which Local Land Services may grant a lease, under section 111 of the *Local Land Services Act 2013*.

A Lessee must supply water (if available) to prescribed persons or stock, and allow prescribed stock to depasture at the SWP, under section 112 of the *Local Land Services Act 2013*.

Note that recreation use of TSRs is not authorised in the Western Division, under clause 62(3) of the *Local Land Services Regulation 2014* (NSW).

This fact sheet sets out the tender process for determining the Successful Tenderer for an advertised SWP lease that authorises grazing or conservation on the SWP within the North West and Western Local Land Services regions.

Tender advertisements will be published on the Local Land Services website.

Tender submissions for an advertised SWP lease opportunity must be made online via the Local Land Services website.

Tender submissions will be open from Monday, 8 May 2023 and will close at 11:59 pm on Friday, 9 June 2023.



Tender submission eligibility

To be eligible to make a tender submission, a Tenderer must:

1. Be over 18 years of age (if individual)
2. Have no outstanding debts owing to Local Land Services
3. Reside or have a landholding within 50 km (via the most direct practical route) of the SWP selected
4. Not have been subject to compliance action, including where Local Land Services has cancelled or suspended an SWP lease in the last 3 years
5. Submit a lease fee offer that meets or exceeds the advertised minimum lease fee offer for the SWP (minimum lease fees for each SWP are published on the Local Land Services website lls.nsw.gov.au/tsr).
6. Be satisfied that:
 - a. the SWP is fenced, and
 - b. the existing fencing on the SWP is stockproof, or
 - c. be prepared to undertake maintenance works, at own cost, to ensure the existing fence is stockproof.
7. Be satisfied that:
 - a. there are sufficient stock watering facilities on the SWP, or
 - b. be prepared to pump or transport water onto the SWP, at own cost, to provide adequate water for stock.
8. If issued an SWP lease, agree to comply with the SWP lease conditions, including the requirement to obtain public liability insurance cover of at least \$20,000,000 (and the requirement to provide Local Land Services with a copy of the public liability insurance policy before the lease term commences)
9. If granted an SWP lease, agree to pay to Local Land Services the lease fee offered in the submission:
 - i. before the SWP lease is granted, or
 - ii. in accordance with an agreed payment schedule, as set out in the SWP lease conditions
10. Read, understand, and agree to comply with the Terms of Tender (stated in the Tender Submission Form).

A Tenderer can make only one submission per SWP.

Note: A Tenderer can tender for no more than two SWPs within the North West region.

A sample Tender Submission Form can be found on the Local Land Services website.



Selection process

The Selection Panel will rank Tender Submissions from highest to lowest according to the following:

1. The dollar value of Lease Fee Offer (70 % weighting); and
2. The Selection Panel's view on the suitability of the Tenderer based on the evaluation criteria in the tender submission form (Evaluation Criteria) (30% weighting).

Prior to making a Tender submission, all Tenderers should read the Tender Process document, which can be found on the Local Land Services website.

Lease duration

The legislative authority is in accordance with the provisions of the *Local Land Services Act 2013*. The lease commences from the date the Local Land Services delegated Officer issues it.

Lease duration is region specific.

- North West region: five years (1 July 2023 to 30 June 2028)
- Western region: 14¾ years (1 October 2023 to 30 June 2038).

Inspection

It is expected that Tenderers have inspected the specific SWP before submitting a Tender submission. Tenderers should consider the current condition of fencing, the presence of weeds, stock carrying capacity and any other land management issues on the SWP when making a submission.

Lease fee

A fee for the SWP lease must be paid annually in advance. The SWP lease fee is subject to GST. CPI increases will be applied annually to the lease fee. Applicants must submit an annual lease fee offer in their tender submission. If the first year of the lease period is less than 12 months, the annual fee payable will be pro-rata. There is no application or processing fee.



Lease terms and conditions

Lease conditions outline the duty and responsibilities, and rights of a lessee and Local Land Services. Lease conditions ensure that management expectations are clear and consistent.

There are 2 sets of conditions in an SWP lease agreement. One set is Standard Terms and Conditions and applies to all leases. The other set is a group of additional special conditions that may be included relative to the specific SWP site conditions, environmental condition or considerations. A sample SWP lease can be found on the Local Land Services website.

Lessees are also required to fulfil any legal obligations stated in any other legislation.

Compliance

The lessee must comply with all terms and conditions in their SWP lease. Failure to comply may lead to direction from Local Land Services for the lessee to cease operations on the SWP under lease and/or remedy at the cost of the lessee. The lease may be terminated, and further compliance action undertaken should the lessee fail to adhere to any direction issued by Local Land Services. Annual reporting is required by the lessee.

Confidentiality of information

All submissions will remain the property of Local Land Services. Local Land Services will treat the contents of the submissions as commercial-in-confidence.

Other useful resources

For a better understanding of SWP management and issues that may apply to TSRs in general, documents are available on the Local Land Services website:

- TSR Plan of Management: TSR-Delivering better TSR Services for our customers
- Best Environmental Management Practice Toolkit for TSRs.

Submission support and enquiries

All submissions must be made online via the Local Land Services website at www.lls.nsw.gov.au/tsr

If assistance is required to complete the tender submission form or to access a computer, Tenderers can make an appointment with a customer service officer at the nearest Local Land Services office by calling 1300 795 299.

For enquiries, please contact the relevant regional TSR staff member below:

North West - Mal Scott | mal.scott@lls.nsw.gov.au

Western - Kerry Hart | kerry.hart@lls.nsw.gov.au

