



FIXED RATE OFFERS PHASE 1

GUIDE FOR APPLICANTS

Revised 12 July 2018



Biodiversity
Conservation
Trust

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 NSWBCT  BCT_NSW

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1. BCT FIXED RATE OFFER

This guide is to assist landholders who are interested in participating in a Fixed Rate Offer under the Biodiversity Conservation Trust's (BCT) Conservation Management Program.

Fixed Rate Offers are a key pathway by which interested landholders can enter a funded in-perpetuity conservation agreement.

If you think you have important native plants and animals on parts of your property you may wish to participate.

The BCT invites landholders within eligible areas to express their interest in a site assessment, by mailing or emailing an EOI (Expression of Interest) form available from the BCT website, or by calling the BCT. Expressing interest for a site assessment does not create a binding obligation to participate in a fixed rate offer.

For sites that are eligible, BCT field staff and ecologists will work with the landholder to identify the environmental values on the site, identify the potential conservation area and identify conservation management actions.

The BCT will assess all eligible sites following site assessment, and select those sites that provide the most value for money. Successful site owners will be notified of the terms the BCT proposes to incorporate into an in-perpetuity conservation agreement, being the fixed rate conservation management payment (\$/hectare/year) and proposed conservation management actions.

The BCT will prepare a draft conservation agreement that will identify the conservation area, the conservation management actions and a schedule setting out the annual conservation management payments the landholder will receive if they choose to accept the offer.

The offer is dependent on the landholder accepting and entering into an in-perpetuity conservation agreement with the BCT which must be registered on title.

This program provides a unique opportunity for successful landholders to secure an additional revenue stream to conserve and manage native vegetation and biodiversity on their land.

2. ELIGIBLE SITES

To be eligible for the Fixed Rate Offer your site needs to:

1. be located within the area of the fixed rate offer program shown on the map in these guidelines (you can access the map and other regional maps on the BCT website: www.bct.nsw.gov.au)
2. have a minimum size of 50 hectares proposed to be conserved and managed for biodiversity
3. contain threatened species, habitat for threatened species, or threatened ecological communities (you do not need to know if you have these types of plants and animals to submit an EOI for a site assessment; the BCT will determine if you have these plants and animals during the site assessment)

4. have a site that is in moderate to good ecological condition (this will also be determined by the BCT during the site assessment)

Sites that do not meet these criteria will not be eligible for the BCT Fixed Rate Offer.

3. WHERE ARE BCT FIXED RATE OFFERS AVAILABLE?

Phase 1 of the Fixed Rate Offers will focus on the highest priority NSW landscapes and will be offered within subregions that are the least protected within NSW.

Regional maps are available on the BCT website www.bct.nsw.gov.au or you can contact the BCT on 1300 992 688.

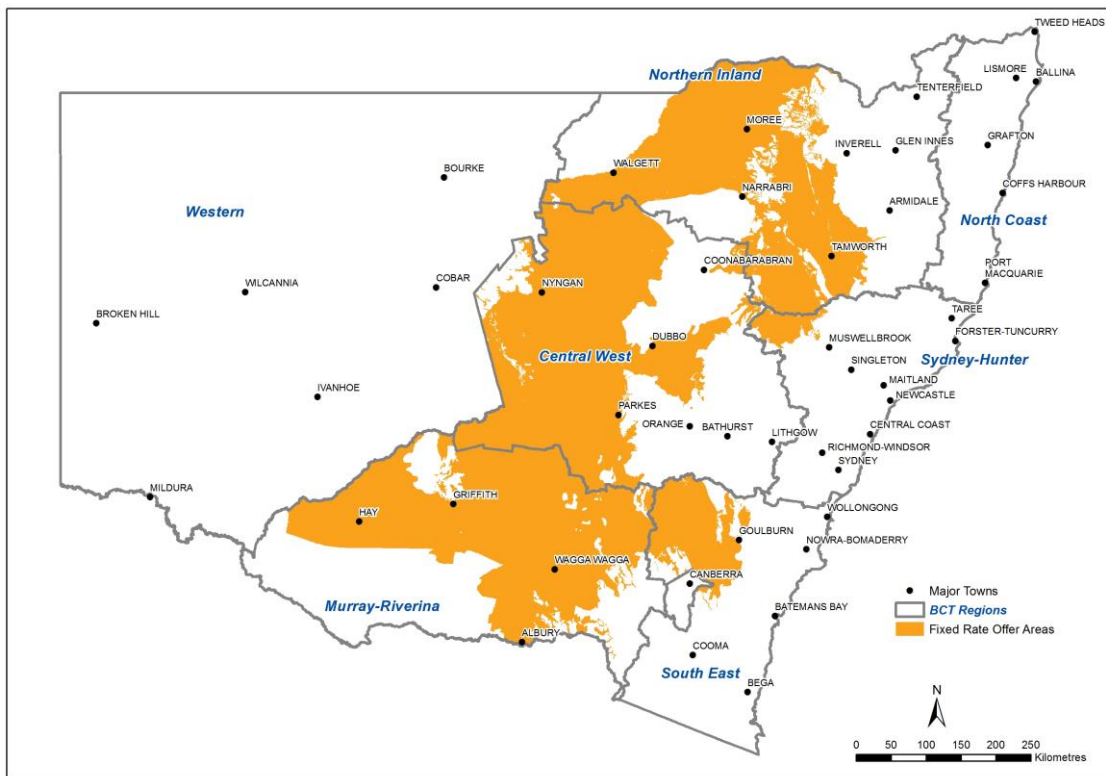


Figure 1: Map of eligible areas for phase 1 of Fixed Rate Offer

The BCT is targeting threatened species, habitat for threatened species, and threatened ecological communities. If your site is eligible for a site assessment, BCT field staff will confirm whether you have threatened entities, species or habitat for threatened species on your site.

Fixed Rate Offers will not be available in areas where a BCT Conservation Tender is being conducted, and until such tenders have fully concluded.

Fixed Rate Offers will not be available in the Monaro grasslands in phase one because a Conservation Tender will open in 2018-19 as identified in the BCT Business Plan.

Phase 1 of Fixed Rate Offers will not be available in priority subregions within the Western Division. The BCT will make fixed rate offers within the Western Division in future phases of the program after consultation with Department of Industry Lands.

Fixed Rate Offers will not be available within priority subregions where there is an active or growing biodiversity offset market such as the Hunter Region and Western Sydney.

4. WHAT IS THE PROCESS?

The Fixed Rate Offer will be conducted in a two-stage process. Landholders in eligible areas are invited to express interest for a site assessment.

Your expression of interest for a site assessment must be received by the BCT by **5pm on 29 June 2018**.

Stage 1 Expression of Interest and Site Assessment

Step 1. Submit your Expression of Interest (EOI) for a Site Assessment by **5pm on 29 June 2018**, by email or phone (info@bct.nsw.gov.au or 1300 882 688).

Step 2. The BCT will undertake a desktop assessment to assess EOIs for eligibility and the BCT will contact landholders with eligible EOIs to arrange a site assessment.

Step 3. The BCT will assess your site to ensure the site eligibility requirements are met. If eligibility is confirmed, the BCT will ask you to confirm the area you are proposing to manage for conservation, and the conservation management actions you are willing to implement. A unique Biodiversity Value Score will be calculated for eligible sites (see 'Site Assessment' below).

Stage 2 Evaluation and Offer Phase

Step 4. The BCT will rank eligible sites on a value-for-money basis (see 'Evaluation of Sites' below).

Step 5. The BCT will notify landholders with best value for money sites of proposed conservation management payments (in \$/ha/yr) and management actions which the BCT proposes be incorporated into an in-perpetuity conservation agreement under the *Biodiversity Conservation Act 2016*.

Step 6: For landholders who wish to proceed with a conservation agreement incorporating the BCT's proposed fixed price and management actions, the BCT will develop a conservation agreement. The conservation agreement will be based on the BCT's template agreement. Annual payments under the conservation agreement will commence after the agreement is executed by both parties and registered on the title of the land.

Agreements will be binding on successors in title (not just the current owner of the land).

The BCT's template conservation agreement can be found on the BCT website www.bct.nsw.gov.au.

Landholders who enter conservation agreements are provided ongoing technical support under the BCT's Landholder Technical Support Package.

5. SUBMITTING AN EXPRESSION OF INTEREST FOR SITE ASSESSMENT

The first step is to make an Expression of Interest for a Site Assessment. This can be done by mailing or emailing a completed EOI form available from the BCT website, or by contacting the BCT on 1300 992 688. Completed EOIs can be emailed to info@bct.nsw.gov.au or mailed to the BCT at PO Box A290, Sydney South, NSW 1232, Australia.

Your Expression of Interest for a Site Assessment must be received by the BCT by **5pm on 29 June 2018**.

The BCT will undertake an initial desktop assessment to ensure your site is located within the eligible area for a Fixed Rate Offer and meets the minimum size requirements.

Landholders with eligible expressions of interest will be contacted to arrange a site assessment. If your site is not eligible for a site assessment, you will be informed by the BCT.

The BCT reserves the right to limit the number of site assessments having regard to number of applications and available funds.

EOIs made after the close of the EOI period will be entered into the BCT database and landholders will be notified of future BCT opportunities.

6. SITE ASSESSMENT

At the site assessment, you will need to confirm the area that you propose to protect and manage as a conservation area. The BCT will discuss the types of conservation management actions that can be included in a conservation agreement, and the types of conservation management actions you are willing to implement. Information on how to prepare for the site visit is given in Attachment 1: Preparing for the Site Visit.

BCT field staff will assess the site to ensure that it meets the eligibility criteria. The proposed conservation area:

- must be a minimum of 50ha
- must contain threatened entities, species, or habitat for threatened species

- must have vegetation that is in moderate or better ecological condition (this is determined by BCT field staff by applying vegetation benchmark criteria; any significant areas of a proposed site in poor ecological condition will be excluded, and sites with only poor vegetation condition will not be eligible).

Sites that do not meet these eligibility criteria will not be progressed to the next step.

If you receive a site assessment, and you made an expression of interest over the phone as opposed to in writing, a BCT field officer will bring a record of the expression of interest to the site visit and you will be asked to confirm the details.

If your site is assessed as meeting the eligibility criteria, the BCT field staff will calculate a unique Biodiversity Value Score for your property. To understand more about the Biodiversity Value Score, refer to Attachment 2: Landholder Guide: Fixed Rate Offer Biodiversity Assessment Metric.

7. EVALUATION OF SITES

Following site assessments, each eligible site will be assigned a unique Biodiversity Value Score and a Fixed Offer Price, which will be based on the BCT's schedule of fixed offer prices.

The BCT will rank eligible sites on a value for money basis by applying the Fixed Rate Offer Biodiversity Assessment Metric (refer to Attachment 2: Landholder Guide: Fixed Rate Offer Biodiversity Assessment Metric for details).

Sites that represent the best value for money will be offered the BCT's fixed price in \$/ha/year to enter into an in-perpetuity conservation agreement and implement agreed conservation management actions.

The BCT will make written offers to the best value for money sites until the allocated budget is spent. The offers will be conditional on an in-perpetuity conservation agreement being entered into and registered on title. The Fixed Rate Offer price for successful sites will not be negotiable.

The schedule of fixed offer prices will be published on the BCT website: www.bct.nsw.gov.au.

Payments will be for the life of the agreement (i.e. in-perpetuity) and the agreement will provide for future years' payments to be indexed (increased) in line with inflation. The BCT will set aside sufficient funds to ensure it can continue to make the agreed annual conservation management payments.

All agreements will include a provision for the conservation management plan and associated payments to be reviewed by the landholder and the BCT, and possibly renegotiated, every five years. In limited circumstances, the BCT may agree to amend the conservation management actions and/or reset the forward schedule of payments, if this is well justified and funds are available in the BCT's opinion.

To read more about the BCT fixed rate offer price, refer to Attachment 2: Landholder Guide: Fixed Rate Offer Biodiversity Assessment Metric.

8. ELIGIBLE ACTIVITIES

A BCT conservation agreement under the Fixed Rate Offer provides funding for the management actions set out under the conservation management plan in the agreement.

Proposed sites that are subject to an existing binding agreement or contract (e.g. contract or legal agreement) and/or that receive funding for activities similar to or in conflict with activities that would be required by the conservation management plan under a BCT conservation agreement may not be eligible for this program. Landholders with concerns about eligibility should discuss this with the BCT.

Land management activities that are required to be undertaken or are funded under an existing agreement are not eligible.

In Phase 1, the BCT will allocate most of its Fixed Rate Offer investment in new in-perpetuity conservation agreements. However, the BCT may consider EOIs from existing in-perpetuity agreement holders with the BCT in exceptional circumstances. Existing in-perpetuity agreements with the BCT include agreements under the *National Parks and Wildlife Act 1974*, Trust Agreements under the *Nature Conservation Trust Act 2001* and Registered Property Agreements under the *Native Vegetation Conservation Act 1997*. An exceptional circumstance could include, for example, a site with critically endangered species or entities under threat, where funded conservation management actions would lead to significant benefits for biodiversity conservation.

Those landholders with existing agreements with the BCT who are not able to participate in this initial phase are nevertheless eligible to make an application for Conservation Partners Grants. The BCT has allocated \$2 million for Conservation Partners Grants in 2017-18 and a further \$2 million in 2018-19.

9. ELIGIBLE ENTITIES

To be eligible for the program, you must meet the following criteria:

- owners of land – as defined by the Biodiversity Conservation Act 2016¹
- Australian citizens

¹ Under the *Biodiversity Conservation Act 2016* owner of land includes: (a) every person who, either at law or in equity: (i) is entitled to the land for any estate of freehold in possession, or (ii) is a person to whom the Crown has lawfully contracted to sell the land under the Crown Lands Act 1989 or any other Act relating to the alienation of lands of the Crown, or (iii) is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits in respect of the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise, and (b) a person who leases land under the Crown Lands Act 1989, the Crown Lands (Continued Tenures) Act 1989 or the Western Lands Act 1901, and (c) any other person who, under the regulations, is taken to be the owner of the land, but (unless the regulations otherwise provide) does not include a beneficiary of a trust relating to the land.

- parties registered for tax purposes in Australia which have an Australian bank account
- persons assessed by the BCT as fit and proper to enter into conservation agreements with the BCT
- parties willing to enter into a conservation agreement with the BCT.

BCT staff and Board members (and their close family members) and delivery agents (contractors and directors of delivery agents) involved in the delivery and evaluation of the fixed rate offer program are not eligible to participate. Any EOI received from such parties will not progress further in the process.

State, federal and local government authorities, bodies, departments, statutory corporations, state-owned corporations and other similar entities, and land owned by such entities, will not be eligible for the first phase of fixed rate offer. The BCT will develop guidelines on the participation of certain public authorities and publicly-owned land in future phases of the program commencing after 1 July 2018.

10. RECEIVING A FIXED RATE OFFER

If your site is assessed as best value for money the BCT will send you a Conservation Agreement which includes:

- the Management Plan a map of the area the fixed rate offer applies to, showing the boundary of the area that is proposed to be managed for conservation
- the annual payment schedule, and
- the management actions that you agree to implement

11. AFTER YOU RECEIVE YOUR CONSERVATION AGREEMENT, YOU WILL HAVE FOUR WEEKS TO RETURN THE EXECUTED AGREEMENT TO THE BCT. STEPS AFTER YOU ACCEPT THE FIXED RATE OFFER

Once the Conservation Agreement is completed, the BCT will provide a copy to the landholder.

All agreements with the BCT will include a provision for periodic review every five years. In limited circumstances, the BCT may agree to amend the conservation management actions and/or reset the forward schedule of payments, if this is well justified and funds are available.

12. CONDITIONS OF THE FIXED RATE OFFER

Before agreeing to proceed with a conservation agreement, a landholder needs to be satisfied they can undertake the management actions outlined in the fixed rate offer. The landholder must also be satisfied that they are willing to have an in-perpetuity conservation agreement placed over the land shown in the map attached to the fixed rate offer.

A landholder must also review the conservation management payments (the fixed rate offer) to ascertain for themselves that the payments are financially and practically viable (i.e. they will be sufficient to allow the landholder to undertake the conservation management actions).

An agreement to proceed with a conservation agreement must be submitted by a legal entity with the capacity to enter into a contract. The BCT may ask a landholder to provide evidence of its legal status or capacity to enter into a contract.

Late or facsimiled submissions will not be accepted.

An agreement to proceed with a conservation agreement following a fixed rate offer may be sent by email to info@bct.nsw.gov.au

It is not intended that the issue or acceptance of a fixed rate offer commits, obligates, or otherwise creates a legal relationship between the landholder and the BCT. A landholder may withdraw their agreement to proceed with a conservation agreement in writing to the NSW BCT prior to entering into a conservation agreement. Once a conservation agreement is entered into and registered on title, the landholder and the BCT will be bound by the terms of the agreement.

The BCT is not responsible for costs incurred by a landholder in participating in, reviewing, or accepting a fixed rate offer.

You can contact the BCT if you have any questions or if you have a complaint on 1300 992 688. Any complaints will be managed in accordance with the BCT complaints policy.

13. LANDHOLDERS THAT DO NOT RECEIVE A FIXED RATE OFFER IN PHASE 1

For landholders that submit an EOI in Phase 1 and may be eligible for the program, but do not receive a fixed rate offer in Phase 1, details will be entered in the BCT database so they can be notified of future BCT opportunities.

Landholders can apply for in-perpetuity conservation agreements under the Conservation Partners Program at any time. Whilst this program does not offer annual conservation management payments, landholders are eligible for the Conservation Partners Grants. To find out more visit the BCT website: www.bct.nsw.gov.au or call 1300 992 688.

14. WHEN DOES THE FIXED RATE OFFER PROGRAM OPEN

Phase 1 will open on 16 May 2018 and expressions of interest for a site assessment will close on 29 June 2018.

It is anticipated that Phase 2 of the Fixed Rate Offer program will open in the second half of 2018.

15. WHAT IS THE LEVEL OF INVESTMENT

The BCT has committed \$2 million for Phase 1 of this program.

16. HOW DO I FIND OUT MORE?

Please call us 1300 992 688 or visit our website www.bct.nsw.gov.au

Send us an email: info@bct.nsw.gov.au

17. IMPORTANT ADDITIONAL INFORMATION FOR ELIGIBLE LANDHOLDERS

The BCT has prepared important additional information for landholders who are eligible to participate in a fixed rate offer. This information is attached to this Landholder Guide.



PREPARING FOR THE SITE VISIT

If you receive a site visit, the following activities will occur:

- Where an Expression of Interest has been lodged by phone, you will be asked to confirm the details on the application form
- The BCT will assess the site against the BCT's site eligibility criteria to confirm it meets the minimum size and ecological condition requirements, and contains threatened ecological communities
- You will have an opportunity to ask questions about the program to ensure you understand the program and what is being offered
- You and the BCT field staff will have discussions about a proposed conservation management plan if you are successful and identify conservation management actions. At this stage, you will need to identify:
 - what part of the property you are proposing to manage for biodiversity
 - what types of conservation management actions you are willing to do (for example: weed control, feral animal control and conservation grazing)
 - which suite of management action options you would like to choose: maintain actions, restore actions or enhance actions.
- BCT field staff will do an assessment of the site to develop a Biodiversity Value Score (BVS). Each eligible site will require a BVS to participate in the fixed rate offer (for more information about the BVS refer to "Landholder Guide: Fixed Rate Offer Biodiversity Assessment Metric" in the Attachment 2).



LANDHOLDER GUIDE: FIXED RATE OFFER BIODIVERSITY ASSESSMENT METRIC

The BCT has developed a Biodiversity Assessment Metric to calculate a score which represents the biodiversity value from the conservation management of a site: Biodiversity Value Score (BVS).

To rank sites on a value-for-money basis, the BCT will calculate a **Biodiversity Value Index (BVI)** for proposed conservation sites by dividing the BVS by the total present value of the proposed management payments for the conservation management of the site:

$$\frac{\text{Biodiversity Value Index (BVI)}}{\text{Fixed Rate Offer Price}} = \text{Biodiversity Value Score (BVS)}$$

This enables the BCT to rank sites based on their value-for-money.

The Biodiversity Value Index will only be calculated after the BCT has assessed a site for conservation. Landholders will not be provided with their BVI. Participating landholders will be provided with an indication of the BVS on a relative scale (from 'high' to 'low') but will not be provided their score, as this is market-sensitive information.

Biodiversity Value Score

The BVS enables an objective assessment of the biodiversity value of managing a site within the program. It has been developed consistent with the NSW Government's investment priorities for private land conservation.

The Fixed Rate Offer Biodiversity Value Score (BVS) measures three components:

1. **Conservation values** are assessed and measured: This involves a field officer assessing the ecological condition of the site and the predicted future condition of the site based on the proposed management actions the landholder elects to do; the type of environmental values on the property such as threatened ecological communities; and the value of the site based on its contribution to conservation in the landscape.
2. **Risk:** Risks of conservation values being lost or impacted in the future is assessed, having regard to the land and soil capability class of the site.
3. **Area:** The area of the proposed site to be protected by the conservation agreement is measured.

ATTACHMENT 2: FIXED RATE OFFER BIODIVERSITY ASSESSMENT METRIC

Fixed Rate Offer Price

The BCT has calculated a fixed rate price for each eligible Local Government Area.

The BCT has identified a base value for land capability classes upon which to create a reasonable rate of return.

The BCT commissioned land valuation research to identify average market values for usable grazing land that considered fencing, man-made watering and pasture improvement. The method did not consider buildings, fixed plant or irrigation licenses.

Three values have identified for each eligible LGA:

1. High land capability classes (cropping capable – land capability classes 1,2 and 3), and
2. Low land capability class value (land capability classes 4, 5 and 6).
3. Limited land capability class value (land capability classes 7 and 8).

The base value has been approved by the BCT Board.

The schedule of fixed offer prices will be published on the BCT website:
www.bct.nsw.gov.au

The BCT Board may consider changing this rate in the future based on a range of factors, including initial implementation outcomes.

Successful sites will be offered conservation management payments at the fixed rate (\$/hectare/year) that is applicable to their LGA and land and soil capability.

The BCT will determine the applicable land capability class for the proposed conservation area having regard to published OEH land and soil capability data.

The fixed rate offer price will be non-negotiable and the decision of the BCT will be final.

Payments will be made on an annual basis to manage your land under the agreed conservation management actions in the conservation agreement.

Submitting an Expression of Interest (EOI) for a Site Assessment is the first step to take if you are interested in participating in the BCT Fixed Rate Offer.

A site assessment involves your site being assessed for eligibility to participate in the program.

Eligible sites will be ranked having consideration of factors such as priority landscapes, conservation assets and size. Highest ranked sites will be contacted by the BCT to arrange a site visit. EOIs close on 29 June 2018.

EOIs made after the close of the EOI period will be entered into the BCT database and landholders will be notified of future BCT opportunities.

Complete the information requested as accurately as possible. Please contact the BCT for if you require assistance. For more information about the Fixed Rate Offer you can call **1300 992 688** or visit the BCT website at www.bct.nsw.gov.au.

| | |
|---|--|
| Landholder (s) Full Names | |
| Property Owner (s) (if different from above) | |
| ABN/ACN | |
| Property Address | |
| Postal Address (if different from Property Address) | |
| Lot and DP numbers (as shown on a Council Rates Notice) | |
| Local Government Area | |
| Approximate Property Size (ha) | |
| Proposed Conservation Area size (ha) | |
| Contact phone numbers | |
| Email Address | |
| Preferred method of contact? (and time) | |
| How did you hear about us? | |



Are you interested in regular updates from the BCT on other programs and opportunities?

If so, tick yes below to be added to a BCT distribution list to receive updates and e-newsletters in the future.

Yes No

Lodging your Interest Form

Call the BCT on **1300 992 688** to lodge your interest, or send a completed EOI form via **info@bct.nsw.gov.au** or post:

NSW Biodiversity Conservation Trust, PO Box A290, Sydney South NSW 1232

| | | |
|-------------------------------|-----------------------------|---------------|
| Landholder Signature | Landholder (Print) | Date |
|-------------------------------|-----------------------------|---------------|

| | | |
|-------------------------------|-----------------------------|---------------|
| Landholder Signature | Landholder (Print) | Date |
|-------------------------------|-----------------------------|---------------|

How your information will be managed

Information received in applications is treated as confidential. However, documents held by the BCT are subject to the *Government Information (Public Access) Act 2009* (NSW) (GIPA Act). This means that the information contained in this form may be released in response to an application lodged under the GIPA Act.

The BCT is committed to protecting the privacy of your personal information, in accordance with the *Privacy and Personal Information Protection Act 1998* (NSW). Personal information provided on this bid form is collected for the purpose of administering the BCT’s Conservation Management Program, and consideration of your eligibility for the BCT’s other programs and future opportunities. The BCT will not use it for any other purpose, nor will it be disclosed, unless with your consent or in other circumstances where such use or disclosure is permitted under the *Privacy and Personal Information Protection Act 1998*. You may choose not to provide your personal information to BCT. However, this may mean that it is not possible for the BCT to assess your bid. For information about how your personal information is collected, used and disclosed by the BCT, please see the privacy policy available at <http://www.environment.nsw.gov.au/whoweare/privacy.htm>. You can ask to access or amend your personal information held by the BCT by contacting:

NSW Biodiversity Conservation Trust
PO Box A290
Sydney South, NSW 1232
Email: info@bct.nsw.gov.au
Phone: 1300 992 688

