

# Existing Obligations and Agreements

Landholders that have existing land management obligations and/or agreements on their property should consult the tables below to determine their eligibility to participate in **Conservation Management Program (CMP)** offerings. These include tenders, fixed price offer (FPO), co-investment partnerships (CiP) and revolving fund (RF). Landholders with questions about eligibility should discuss this with the BCT.

**Table A – Eligibility of existing conservation agreements for CMP tenders and fixed price offers**

| What agreements/sites does this cover  | Eligible for CMP tenders and fixed price offer* | Guidance note  |
|--|---|--|
| <p>1a. In-perpetuity conservation agreements under:</p> <ul style="list-style-type: none"> <li>➤ <i>Nature Conservation Trust Act 2001;</i></li> <li>➤ <i>National Parks and Wildlife Act 1974;</i></li> <li>➤ Registered property agreements (in perpetuity) under the <i>Native Vegetation Conservation Act 1997.</i></li> </ul> | <p>Yes*</p>                                     | <p>Sites that are under an existing in-perpetuity conservation agreement are only permitted to apply for a new in-perpetuity conservation agreement (and not for a termed agreement).</p> <p>The BCT reserves the right to limit the number of sites with existing in-perpetuity agreements that are prioritised for site assessments. Landholders will be informed after the Expression of Interest period closes if they have been prioritised for site assessment.</p> <p>For eligible sites, the BCT will reflect the sites current in-perpetuity protection status by reducing the risk component score of the assessment metric during the evaluation of the site. This will be applied proportionally and only apply to that part of the proposed conservation agreement that is protected by the existing in-perpetuity conservation agreement.</p> <p>The BCT also reserves the right to limit the total number of successful sites with existing in-perpetuity agreements to ensure the majority of available funding is allocated towards new agreements. Participants may nominate additional conservation areas and conservation management actions to those already agreed to under the existing in-perpetuity agreement.</p> <p>Participants are not permitted to include management activities already funded. Where there is a demonstrated need to maintain previously funded work and there is no ongoing funding, the activity is eligible.</p> <p>Landholders who have entered into a conservation partners grant with the BCT, and who are successful in a tender or fixed price offer, will be required to terminate that grant for any area and actions that are funded under the conservation tender or fixed price offer.</p> <p>Those sites that are not able to participate in the Conservation Management Program are encouraged to make an application for the conservation partners grants.</p> |

| What agreements/sites does this cover  | Eligible for CMP tenders and fixed price offer* | Guidance note   |
|--|---|---|
| 1b. Unfunded in-perpetuity conservation agreements entered under the <i>Biodiversity Conservation Act 2016</i> .                             | Yes* In limited circumstances                   | Sites with these agreements are eligible to participate in conservation tenders and FPO under the same conditions as shown in 1a, participants are not permitted to apply for a termed agreement.   |
| 1c. In-perpetuity conservation agreements entered under the <i>Biodiversity Conservation Act 2016</i> through fixed price offer 1, 2 and 3.  | Yes* In limited circumstances                   | <p>If you have an existing in-perpetuity agreement receiving funding under the fixed price offer 1, 2 or 3 you are permitted to apply for a funded in-perpetuity agreement under a relevant conservation tender in your region if your particular site is eligible.</p> <p>Additional management actions to those already agreed to under the existing fixed price offer agreement may be nominated or additional conservation areas to those already agreed to under the existing in-perpetuity agreement may be added. This opportunity has been made available to early adopters of BCT programs to support early engagement in the BCT's private land conservation programs.</p> <p>The BCT reserves the right to limit the number of sites with existing agreements that are prioritised for site assessments. Landholders will be informed after the expression of Interest period closes if they have been prioritised for site assessment.</p> <p>The BCT also reserves the right to limit the total number of successful sites with existing in-perpetuity agreements to ensure the majority of available funding is allocated towards new agreements.</p> |
| 1d. In-perpetuity conservation agreements entered under the <i>Biodiversity Conservation Act 2016</i> through fixed price offer 4 and later. | Yes* In limited circumstances                   | <p>Sites with these agreements are eligible to participate in conservation tenders under the same conditions as shown in 1a, participants are not permitted to apply for a termed agreement.</p> <p>Additional management actions to those already agreed to under the existing fixed price offer agreement must be nominated OR additional conservation areas to those already agreed to under the existing in-perpetuity agreement must be added.</p>   |
| 1e. Funded termed conservation agreements entered into with the BCT under the <i>Biodiversity</i>  | No  | Landholders are not eligible to apply under the CMP during the term of their agreement. These Landholders may make a request directly to the BCT to extend the term of the agreement to in-perpetuity.  |

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| <i>Conservation Act 2016</i> through conservation tenders.   |   | Requests of this nature will be assessed having regard to available funds, value for money and the Government's investment priorities.  |
| 1f. In-perpetuity conservation agreements entered into with the BCT under the <i>Biodiversity Conservation Act 2016</i> through conservation tenders.  | No  | Landholders are not eligible to participate in CMP (for the same area that is already protected through these agreements). 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. |
| 1g. Set aside conservation agreements entered into with the BCT under the <i>Biodiversity Conservation Act 2016</i> as part of compliance outcomes under the <i>Native Vegetation Act 2003</i> . | No  | Landholders are not eligible to participate in CMP for the same area that is already protected through these agreements.  |

\*NOTE: Sites with an existing in-perpetuity agreement are not eligible for the CMP co-investment partnerships or revolving fund

**Table B Eligibility of other types of agreements for CMP tenders, fixed price offer, co-investment partnerships and revolving fund.**

| Agreement type  | What agreements/sites does this cover   | Eligible for CMP offers         | Guidance note  |
|---|---|---------------------------------|--|
| <b>1. Conservation agreements used to secure biodiversity offsets</b> | Conservation agreements entered under the <i>Biodiversity Conservation Act 2016</i> , <i>Nature Conservation Trust Act 2001</i> or the <i>National Parks and Wildlife Act 1974</i> for the purposes of securing biodiversity offsets. | No                              | Conservation agreements that have been entered into to secure biodiversity offsets are not eligible for the CMP as the site has an existing legal obligation for the purposes of offsetting development.   |
| <b>2. Biodiversity stewardship agreements</b>                         | Biodiversity stewardship agreements entered under the <i>Biodiversity Conservation Act 2016</i> .   | No                              | Sites with these agreements are not eligible as there is an existing legal obligation to secure the land for the purposes of offsetting development. These lands are also not eligible for conservation partner grants.  |
| <b>3. BioBanking agreements</b>                                       | BioBanking agreements entered into under the repealed <i>Threatened Species Conservation Act 1995</i> .   | No                              | See item 2.  |
| <b>4. Environmental Stewardship Program</b>                           | In-perpetuity agreements entered under the Commonwealth Government Environmental Stewardship Program.   | Yes* – in limited circumstances | Sites with these agreements are eligible to participate in the Conservation Management Program, these sites will be subject to the same limitations as in item 1a of table A.  |
| <b>5. Termed registered property agreements (RPAs)</b>                | RPAs (termed) entered into under the <i>Native Vegetation Conservation Act 1997</i> .   | Yes                             | Sites with these agreements are eligible for the BCT Conservation Management Program. For CMP tenders which permit term agreements, landholders must nominate a term that is greater than the term of the RPA and must not bid for management actions for which they are already being funded. Where there |

| Agreement type                               | What agreements/sites does this cover   | Eligible for CMP offers                 | Guidance note  |
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|  |   |   | is a demonstrated need to maintain previously funded work and there is no ongoing funding, the activity is eligible.   |
| <b>6. Southern Mallee Reserve Agreements</b> | Agreements under the repealed <i>Western Lands Act 1901</i> .   | No                                      | Areas that are subject to Southern Mallee Reserve agreements have been entered into to secure offsets and are not eligible for the CMP.  |
| <b>7. Property vegetation plans (PVPs)</b>   | 7a. In-perpetuity conservation and incentive PVPs entered under the <i>Native Vegetation Act 2003</i> . | Yes*<br><br>In limited circumstances    | Sites with these agreements are eligible to participate in a tender or fixed price offer under the same conditions as outlined in 1a of table A. However, unlike 1a agreements, in-perpetuity conservation and incentive PVPs are not eligible for BCT conservation partners grants.<br><br>Land with an existing in-perpetuity agreement is not eligible for the CMP co-investment partnerships or revolving fund |
|  | 7b. Term PVPs.  | Yes                                     | Sites with these agreements are eligible for the CMP however in tenders which permit term agreements, landholders must nominate a term that is greater than the term of the PVP and must not bid for management actions for which they are already being funded. Where there is a demonstrated need to maintain previously funded work and there is no ongoing funding, the activity is eligible.                  |
|  | 7c. PNF PVPs.   | Yes<br><br>Subject to relinquishing PVP | The site is eligible to participate in a CMP offering, but if successful eligibility is subject to relinquishing their approved PNF PVP prior to BCT entering into the conservation agreement and providing conservation management payments. Standard eligibility rules on condition of the site apply.   |
|  | 7d. INS PVPs.   | Yes<br><br>Subject to relinquishing PVP | The site is eligible to participate in a CMP offering, but if successful eligibility is subject to relinquishing the existing INS PVP prior to BCT entering into the conservation agreement and providing conservation management payments. Standard eligibility rules on condition of the site apply.   |

| Agreement type   | What agreements/sites does this cover   | Eligible for CMP offers                             | Guidance note  |
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|  | 7e. Clearing PVPs   | Yes<br><br>Subject to relinquishing PVP             | <p>If vegetation has been cleared, any offset area is ineligible for CMP.</p> <p>If the vegetation has not been cleared and the PVP has not expired then both the “uncleared” vegetation and the proposed offset may be eligible, subject to the PVP being relinquished if successful.</p> <p>If the vegetation has not been cleared and the PVP has expired then both the “uncleared” vegetation and the proposed offset may be eligible, subject to the area meeting eligibility criteria of the program.</p>                                |
|  | 7f. PVP established for the purposes of an offset.  | No  | Where a PVP has been established for the purposes of an offset, the site is ineligible for CMP.  |
| <b>8. Set asides under <i>Local Land Services Act 2013</i></b> | Areas required as set asides as required by the Land Management (Native Vegetation) Code.                                 | No  | These sites have already been used to offset clearing and are therefore not eligible for CMP offerings.  |
| <b>9. INS Certificate</b>                                      | INS Certificate issued by Local Land Services pursuant to Part 5A Division 5 of the <i>Local Land Services Act 2013</i> . | Yes<br><br>Subject to relinquishing the certificate | The site is eligible to participate in a CMP offering, but if successful eligibility is subject to relinquishing the INS Certificate prior to BCT entering into the conservation agreement and providing conservation management payments. Standard eligibility rules on condition of the site apply.  |
| <b>10. Carbon projects and agreements</b>                      | Australian Government registered carbon projects and other types of carbon agreements.                                    | Yes   | <p>Land that is subject to a carbon agreement will generally be eligible, however landholders will not be permitted to include activities that are similar to or in conflict with actions required/funded under the registered carbon project or agreement.</p> <p>Management activities that are required under any binding agreement/contract/conservation obligations pursuant to a registered carbon projects are not eligible.</p> <p>Management actions that are funded under any binding agreement/contract/obligations pursuant to</p> |

| Agreement type                                   | What agreements/sites does this cover  | Eligible for CMP offers | Guidance note  |
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|  |  |                         | <p>registered carbon project are not eligible. Landholders will be required to provide a declaration in the bid/application form that they are not including activities for which they are already being funded under a carbon project.</p>  |
| <p><b>11. Grants or incentive agreements</b></p> | <p>Any payments made to a landholder via a grants or incentive payment program to manage for conservation.</p> | <p>Yes</p>              | <p>Landholders will be required to provide a declaration before entering an agreement with the BCT that they are not including activities for which they are already being funded, a copy of any agreement will be required by the BCT to determine if they are eligible for funding.</p>  |
| <p><b>12. Indigenous Protected Areas</b></p>     | <p>Sites that have been declared an Indigenous Protected Area (IPA)</p>  | <p>Yes</p>              | <p>Sites with these agreements are eligible to participate in the CMP under the same conditions as outlined in 1a of table A.</p> <p>Participants are not permitted to include management activities already funded. Where there is a demonstrated need to maintain previously funded work, and there is no ongoing funding, the activity is eligible.</p> <p>For eligible sites, the BCT will reflect the sites current National Reserves System (NRS) protection status by reducing the risk component score of the assessment metric during the evaluation of the site.</p> |