



Biodiversity  
Conservation  
Trust

# Biodiversity Conservation Trust Biodiversity Stewardship Agreement

**Application form**

# Biodiversity stewardship agreement application

**Complete this form to apply for a biodiversity stewardship agreement (BSA) on your land.**

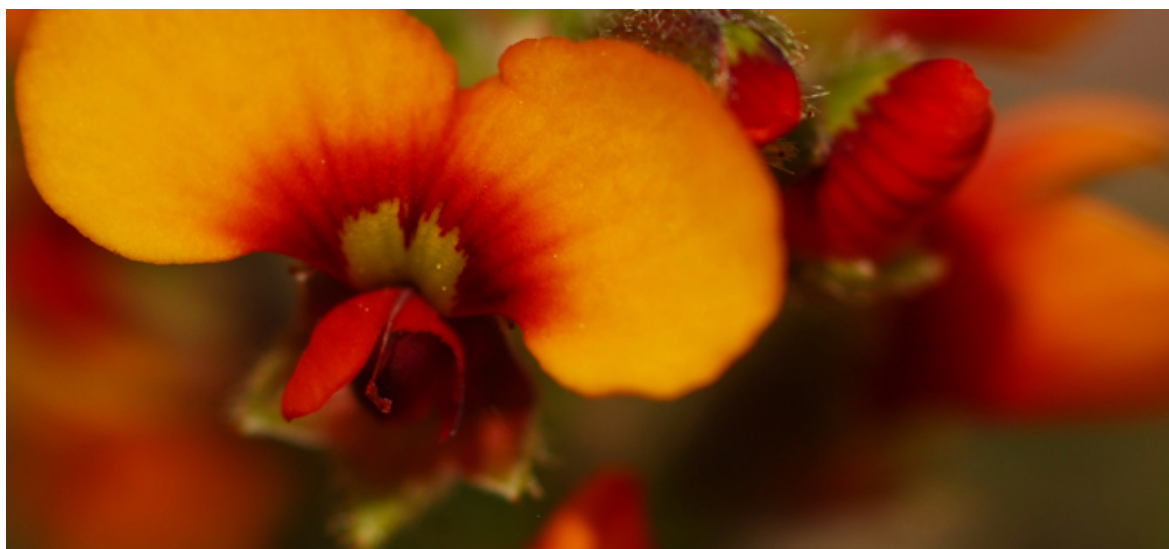
The requirements for this application are set out in the *Biodiversity Conservation Act 2016* (Division 2, Part 5 of the Act).

Please provide responses to each field. Once complete, print and sign the form. A scanned copy of the form should be uploaded with all supporting documents to the Biodiversity Offset Assessment Management System (BOAMS): <http://bit.ly/BOAMSLink>

More information about the supporting documents required as part of your application is available in the BSA Application Supporting Documents Guide available on the BCT website..

In some instances, the BCT may require an applicant to provide additional information to support the application.

If you need any assistance completing this form, please contact the BCT on 1300 992 688 or [info@bct.nsw.gov.au](mailto:info@bct.nsw.gov.au).



## 1. Landowner's details

The application must be made by an owner<sup>i</sup> of the land proposed to be designated as a biodiversity stewardship site.

Landowner	
<b>Owner type</b>	<input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation/Company <input type="checkbox"/> Trustee <input type="checkbox"/> Local Council <input type="checkbox"/> Public Authority <input type="checkbox"/> Other _____
<b>Owner name(s)</b> (the full name(s) of the legal owner of the land as it appears on the Certificate of Title)	
<b>ABN</b> (registered for GST) <sup>ii</sup>	

### Contact details for application

Provide the contact details for the **primary landowner<sup>iii</sup>** and **contact persons** who should be included on correspondence from the BCT in relation to this application.

If the application relates to land that is owned by a corporation or more than one individual, then each landowner (including director and/or secretary) is required to complete **Attachment 1**. This includes all directors or persons concerned in the management of a body corporate.

Primary landowner			
<b>Position/Role</b>	<input type="checkbox"/> Individual <input type="checkbox"/> Director <input type="checkbox"/> Secretary <input type="checkbox"/> Partner <input type="checkbox"/> Trustee <input type="checkbox"/> Other _____		
<b>Title</b>	<input type="checkbox"/> Mr <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Mrs <input type="checkbox"/> Dr <input type="checkbox"/> Other _____		
<b>Name</b>		<b>Mobile</b>	
<b>Phone</b>		<b>Email</b>	
Street address			
<b>Address</b>			
<b>Town</b>			
<b>State</b>		<b>Postcode</b>	
Mailing address (if different from above)			
<b>Address</b>			
<b>Town</b>			
<b>State</b>		<b>Postcode</b>	

Contact for application (if different from primary landowner)			
Name		Mobile	
Phone		Email	
Name		Mobile	
Phone		Email	

### Contact details for credit registers

Provide the details of the contact to be listed on the Biodiversity Offsets Scheme (BOS) public registers. Landowners also can opt for the BCT to receive initial inquiries from potential buyers and forward these to the landowner.

Contact for biodiversity credits			
<input type="checkbox"/> Landowner nominated contact for credit inquiries			
Name		Mobile	
Phone		Email	
<input type="checkbox"/> BCT to receive initial inquiries (optional)	info@bct.nsw.gov.au		
<input type="checkbox"/> Credits to appear on Biodiversity Offsets Scheme Credit Supply Public Register (optional) By ticking this box I agree to have my pending credits published on the Biodiversity Offsets Scheme Credit Supply Public Register. These are credits that have been submitted as part of this application, but not yet approved.			

### Contact details for annual reporting

Contact details for annual reporting (if different from primary landowner)			
Name		Mobile	
Phone		Email	
Mailing address (if different from above)			
Address			
Town			
State		Postcode	

*Note: All landowners (incl. company, director/secretary, authorised persons) and contact persons listed in Section 1 must have a BOAMS account. This account must be linked to the BSA application in BOAMS.*

## 2. Is the landowner a ‘fit and proper person’ to enter into a biodiversity stewardship agreement?

The Minister (or delegate) may decline a request from an owner of a site to enter into a biodiversity stewardship agreement if the Minister considers that any owner of the site is not a fit and proper person to enter into, and fulfil the obligations imposed by, the agreement<sup>iv</sup>.

Each landowner must respond to the following questions. The primary landowner should complete section. Additional landowners should complete the questions at **Attachment 2**.

Primary landowner (an individual or corporation)	
<input type="checkbox"/> Yes <input type="checkbox"/> No	Has the landowner or an Associated Manager <sup>v</sup> of the landowner contravened <sup>vi</sup> any Relevant Legislation <sup>vii</sup> , or held a licence or other authority that has been suspended or revoked under any Relevant Legislation?
<input type="checkbox"/> Yes <input type="checkbox"/> No	If the landowner is an Associated Manager of another person, has the other person contravened any Relevant Legislation, or held a licence or other authority that has been suspended or revoked under any Relevant Legislation?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Has the landowner or an Associated Manager of the landowner, in the previous 10 years, been convicted in New South Wales or elsewhere of an offence involving fraud or dishonesty?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Has the landowner or an Associated Manager of the landowner, during the previous 3 years, been an undischarged bankrupt or applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded with creditors or made an assignment of remuneration for their benefit?
<input type="checkbox"/> Yes <input type="checkbox"/> No	if a body corporate, is the landowner the subject of a winding up order or has the landowner had a controller or administrator appointed during the previous 3 years?
<input type="checkbox"/> Yes <input type="checkbox"/> No	if an individual, is the landowner or has the landowner been the director or person concerned in the management of a body corporate that is the subject of a winding up order or for which a controller or administrator has been appointed during the previous 3 years?

If you answered 'Yes' to any question in **section 2**, attach a statement outlining the specific circumstances and why you think those circumstances should not prevent you from entering into a biodiversity stewardship agreement.

### Written references

Each individual landowner or company director/secretary must also provide **two independent written references** (of approx. 200–300 words) addressing the following matters:

- that they are of good repute, having regard to character, honesty and integrity; and
- that they are competent to undertake the management actions proposed to be carried out on the site.

The name, address and contact phone number/s of the referee must be included in the reference. A referee cannot be a relative of the applicant and must have known the applicant for at least 10 years.

### 3. Proposed biodiversity stewardship site

<b>Application reference (please provide at least one)</b>			
<b>Parent Case Number (from BOAMS)</b>			
<b>Child Case Numbers (from BOAMS)</b>			
<b>Property address</b>			
<b>Property name</b>			
<b>Property address</b>			
<b>Town</b>			
<b>State</b>		<b>Postcode</b>	
<b>Location details</b>			
<b>Proposed biodiversity stewardship site area (hectares)</b>			
<b>Title reference</b>	<b>Lot and DP number(s)</b>		
	<b>Folio identifier or volume-folio (if Torrens Land System)</b>		
	<b>Registered deed number (if Old Land System)</b>		
<b>Site reference</b>	<b>Easting (6 digits)</b>		<b>Northing (7 digits)</b>
	<b>AMG zone (54, 55 or 56)</b>		<b>Reference system (e.g. GDA94, WGS84, AGD)</b>
<b>Local government area (LGA)</b>			
<b>Interim Biogeographic Regionalisation for Australia (IBRA)</b>	<b>IBRA bioregion</b>		
	<b>IBRA subregion</b>		
<b>Zoning (under Local Environmental Plan)</b>	<input type="checkbox"/> Rural <input type="checkbox"/> Residential <input type="checkbox"/> Recreation <input type="checkbox"/> Business <input type="checkbox"/> Industrial <input type="checkbox"/> Special purpose <input type="checkbox"/> Waterway <input type="checkbox"/> Environmental protection		

<b>Other information</b>	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Are there any property interest holders on the land?</p> <p>If Yes, provide details and attach proof that each property interest holder consents to a biodiversity stewardship site being established. Check your certificate of title for property interest holders and also declare any residential tenancies, other leases and other unregistered interests.</p> <p><input type="checkbox"/> Easement   <input type="checkbox"/> Lease   <input type="checkbox"/> Mining interest   <input type="checkbox"/> Mortgage/charge</p> <p><input type="checkbox"/> Other _____</p> <p>Note: Certain property interest holders will be required to sign the biodiversity stewardship agreement to provide their consent.</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Is any part of the proposed biodiversity stewardship site covered by a conservation covenant or has it received government funding?</p> <p>If Yes, attach a copy of the covenant or funding agreement.</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Has the land proposed to be used as a biodiversity stewardship site been used as an offset within the meaning of the <i>Native Vegetation Regulation 2013</i> under a property vegetation plan approved under the <i>Native Vegetation Act 2003</i>, or an offset under any other Act (including under an authority granted by a public authority under an Act)?</p> <p>If Yes, attach a copy of the offset agreement.</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Are there any conditions of consent or approval granted under the <i>Environmental Planning and Assessment Act 1979</i> that require biodiversity conservation measures to be carried out on the land?</p> <p>If 'Yes', attach a copy of the development approval consent listing all management requirements on the land.</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Is the land publicly owned?</p> <p>If 'Yes', specify what type of land is it (e.g. a 'natural area' under the <i>Local Government Act 1993</i>; reserved land under the <i>Crown Lands Act 1989</i>).</p> <p>_____</p> <p>Attach a description of legislative requirements regarding the use and management of the land.</p>
Provide a short description of current land uses	

<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Is there any current or previous condition, use or proposed use of the site that may be inconsistent with biodiversity conservation?</p> <p>If 'Yes', describe the condition or use.</p>	
	<p>Description of condition, use or development and whether previous, current or proposed (such as maintaining or constructing access tracks, building shed/s to store weed control chemicals or other pesticides, building fences to manage stock or human access, building structures to restore natural water flows)</p>	<p>Management zones affected</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>To the best of your knowledge, is there any condition or use, or proposed use, of any land of the site, or that is in the vicinity of that land, that may prevent relevant management actions from being carried out on the site or prevent the purpose of those actions from being achieved?</p> <p>If 'Yes', describe the condition or use.</p>	
	<p>Description of condition or use and whether current or proposed</p>	<p>Management zones affected</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Are there any land uses, compatible with biodiversity conservation, proposed for the biodiversity stewardship site once it is established (e.g. traditional Aboriginal cultural activities, ecotourism, camping, bushwalking or other passive recreational activities)?</p> <p>If 'Yes', describe the land use and specify whether it is a development activity or other human activity.</p>	
	<p>Description of proposed development or human activity (include details of how many people, tents, vehicles, campfires etc allowed at any time)</p>	<p>Management zones affected</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Are there any Aboriginal objects and/or Aboriginal places<sup>viii</sup> on the biodiversity stewardship site?</p> <p>Include Aboriginal Heritage Information Management System (AHIMS) search result PDF as supporting documentation to this application</p> <p>If 'Yes' describe the objects and/or places.</p>	
	<p>Description of Aboriginal objects and places</p>	<p>Management zones</p>



## 4. BAM Assessor declaration

Name of Assessor	
Accreditation number	
Email	
Phone number	
Declaration of Assessor	<p>I declare that all information supplied in relation to the biodiversity stewardship site assessment report, biodiversity credit report and any associated documents complies with both the Biodiversity Assessment Method and the operational manual.</p> <p>I understand that I am personally accountable for the validity of all data collected and analyses performed and that I have adequately supervised all support team members for this assessment.</p> <p>I have undertaken this assessment within the terms of my accreditation to apply the Biodiversity Assessment Method and have adhered to the Accredited Person Code of Conduct.</p>
Signature of Assessor	

## 5. Application fee

The application fee to enter into a biodiversity stewardship agreement is due at the time of submission. The [Biodiversity Offset Scheme fee schedule](#) can be found on the department's website: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

Application fee amount	\$
Application fee payment method (select one)	
<input type="checkbox"/> Electronic Fund Transfer	<b>Bank: Westpac</b> <b>BSB: 032001</b> <b>Acct No.: 181372</b> <b>Reference number: Application parent case number from BOAMS.</b> If paying by Electronic Funds Transfer, please attached proof of payment with your application.
<input type="checkbox"/> Cheque	<b>Please make cheque payable to the 'Biodiversity Conservation Trust NSW'</b>
<input type="checkbox"/> Credit card	<input type="checkbox"/> Master card <input type="checkbox"/> Visa Card no [ ] [ ] [ ] [ ]      Expiry date [ ] / [ ] Cardholder's name [ ] Cardholder's signature      Date [ ] / [ ] / [ ]

## 6. Supporting Documentation Checklist

<input type="checkbox"/> <b>Proof of land ownership</b> Current certificate of title or other documentation (e.g. Crown lease, contract to purchase Crown land etc).
<input type="checkbox"/> <b>Supporting documentation and due diligence</b> The <b>BSA Application Supporting Documents Guide</b> <a href="#">available on the BCT website</a> provides more information about the additional documents required as part of your application. Supporting documents should be uploaded to BOAMS with this application form.
<input type="checkbox"/> <b>Biodiversity Stewardship Site Assessment Report</b> The assessment report must be prepared by a person accredited <sup>ix</sup> to use the Biodiversity Assessment Method and the Credit Calculator. The report must include all the required supporting documentation as indicated by the Biodiversity Assessment Method (e.g. local reference data, expert reports, request of increase in gain in site value).
<input type="checkbox"/> <b>Maps and GIS files</b> The map(s) and GIS files must identify: <ul style="list-style-type: none"><li><input type="checkbox"/> biodiversity stewardship site boundary (including GPS points)</li><li><input type="checkbox"/> vegetation zones</li><li><input type="checkbox"/> plots and transects</li><li><input type="checkbox"/> 1500m buffer area</li><li><input type="checkbox"/> species polygons (showing location of any threatened species for which species credits are created)</li><li><input type="checkbox"/> location of photo-points</li><li><input type="checkbox"/> management zones</li></ul> <b>Maps should be provided in JPEG or PDF format and uploaded in a single compressed folder (not individual files).</b> <b>Spatial data layers for each feature must be provided and referenced to the Geocentric Datum of Australia 1994 (GCS_GDA_1994, WKID 4283) coordinate system. Spatial data files should be uploaded in a single compressed folder (not individual files).</b> The BCT's <b>Mapping agreement boundaries policy and Guideline for BSA Sites</b> (tracks, trails and other exclusions) <a href="#">available on the BCT website</a> provide additional information on mapping standards.
<input type="checkbox"/> <b>Management actions</b> Management actions and management plans must be drafted using the <b>Management Plan template</b> <a href="#">available from the BCT website</a> . The template wording must be used and uploaded in Word format.
<input type="checkbox"/> <b>Credit report</b> BAM Biodiversity Credit Report generated through the BAM Calculator.
<input type="checkbox"/> <b>Proposed Total Fund Deposit</b> The <a href="#">Total Fund Deposit Calculator</a> used to estimate the total fund deposit (TFD) must be filled in for all annual management costs and other recurring costs. The <b>BCTs Total Fund Deposit Guideline</b> <a href="#">available on the BCT website</a> can be referred to when preparing this.
<input type="checkbox"/> <b>BCT Nominated bank account form</b> The <b>Nominated Bank Account Form</b> <a href="#">available on the BCT website</a> must be submitted with the BSA application. The form must be signed by all landowners.

**Additionality (if required)**

If there are any existing conservation obligations over the site, a copy of any agreement(s) (e.g. conservation agreement, PVP, Nature Trust agreement) must be provided and any conflicts resolved.

**Full survey (optional)**

If you want to identify the biodiversity stewardship site's exact boundaries on the deposited plan you need to provide a NSW Land Registry Services approved 'full plan' for irregular boundaries or 'sketch plan' for regular boundaries.

**Application fee**

Please upload proof of electronic funds transfer, fill in credit card information in section 5 of this application, or post a cheque to the BCT.

## 7. Publication of information about agreements on a public register of private land conservation agreements

The *Biodiversity Conservation Act 2016* and Biodiversity Conservation Regulation 2017 require the BCT to manage a public register of private land conservation agreements. The public register is available at [www.bct.nsw.gov.au](http://www.bct.nsw.gov.au).

### Information that will be published if you sign an agreement

If you make a biodiversity stewardship agreement, the following information about the agreement will be made available on the public register:

- that a biodiversity stewardship agreement has been made, its identification number and the date it was executed
- the local government area and the Interim Biogeographic Regionalisation of Australia (IBRA) subregion in the agreement is located
- the number and class of biodiversity credits created in relation to the agreement
- the area of the agreement (in hectares)

### Additional information published if the owner is a corporation

If the land is owned by a corporation, council or public authority, the register will also make public:

- the names of the current and previous owners of the land to which the agreement relates during any period the agreement is in force (excluding the names of company directors)
- the lot and deposited plan numbers of the land to which the agreement relates
- a copy of the agreement (and any variation of the agreement) with financial information and signatures redacted
- a copy of the biodiversity stewardship site assessment report (BSSAR) that relates to the agreement
- a copy of any management plan prepared under the agreement (and any variation of the plan)

### Consent to publish additional information if the owner is an individual

If the land is owned by an individual or individuals, additional information about the BSA will be published on the public register if you provide consent. Please indicate below if all parties agree to any or all of the following information appearing on the public register:

- the names of the current and previous owners of the land to which the agreement relates during any period the agreement is in force
- the lot and deposited plan numbers of the land to which the agreement relates
- a copy of the agreement (and any variation of the agreement) with financial information and signatures redacted
- a copy of the biodiversity stewardship site assessment report (BSSAR) that relates to the agreement
- a copy of any management plan prepared under the agreement (and any variation of the plan)

A Privacy Notice outlining how the BCT protects your personal information is provided at **Attachment 3**.

### 8. Signature(s) of the proposed biodiversity stewardship site owner(s)

This application should be signed by the person(s) who legally own(s) the land. The various ways in which the application may be signed, and the people who may sign the application, are set out in the categories below.

Owner category	Application is signed and certified by
<input type="checkbox"/> <b>Individual</b>	The individual who owns the land
<input type="checkbox"/> <b>Partnership</b>	The two or more people who own the land
<input type="checkbox"/> <b>Corporations</b>	<input type="checkbox"/> the common seal being affixed in accordance with the <i>Corporations Act 2001</i> , or <input type="checkbox"/> two directors, or <input type="checkbox"/> a director and a company secretary, or <input type="checkbox"/> the director, if a proprietary company that has a sole director who is also the sole company secretary.
<input type="checkbox"/> <b>Trustee</b>	The landowner entering an agreement in a Trustee capacity. The application form should be signed by those who have the authority within the structure of the Trust. e.g. Individual(s) or director and/or secretary of a company as Trustee.

	<input type="checkbox"/> Supporting documents confirming the Trust and Trustee arrangement are provided
<input type="checkbox"/> <b>A local council</b>	<input type="checkbox"/> the general manager in accordance with s.377 of the <i>Local Government Act 1993</i> (LG Act), or <input type="checkbox"/> the seal of the council being affixed in a manner authorised under the LG Act.
<input type="checkbox"/> <b>A public authority other than a council</b>	The head of the public authority.

**I/We (the landowner(s)):**

- **apply for a biodiversity stewardship agreement, and**
- **declare that, to the best of my/our knowledge, the information in this biodiversity stewardship agreement application (including any attachments) is not false or misleading in any material particular.**

Signature		Signature	
Name		Name	
Position		Position	
Date		Date	

Signature		Signature	
Name		Name	
Position		Position	
Date		Date	

**Affix common seal (if signing under seal):**

## 9. Lodging the application

Once completed and signed, upload this application form with all required attachments to the Biodiversity Offsets and Agreement Management System (BOAMS): <http://bit.ly/BOAMSLink>

## Attachment 1 – Additional landowner details

If the application relates to land that is owned by a corporation or more than one individual, then each director or landowner is required to provide the following information and sign the completed application form.

Additional landowner			
Position/Role	<input type="checkbox"/> Individual <input type="checkbox"/> Director <input type="checkbox"/> Secretary <input type="checkbox"/> Partner <input type="checkbox"/> Trustee <input type="checkbox"/> Other_____		
Title	<input type="checkbox"/> Mr <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Mrs <input type="checkbox"/> Dr <input type="checkbox"/> Other_____		
Name		Mobile	
Phone		Email	
Street address			
Address			
Town			
State		Postcode	
Mailing address (if different from above)			
Address			
Town			
State		Postcode	

*Note: All landowners (incl. company, director/secretary, authorised persons) and contact persons listed in Section 1 must have a BOAMS account. This account must be linked to the BSA application in BOAMS.*

## Attachment 2 - Is the landowner a 'fit and proper person' to enter into a biodiversity stewardship agreement?

The Minister (or delegate) may decline a request from an owner of a site to enter into a biodiversity stewardship agreement if the Minister considers that any owner of the site is not a fit and proper person to enter into, and fulfil the obligations imposed by, the agreement.

Each landowner must respond to the following questions.

Primary landowner (an individual or corporation)	
<input type="checkbox"/> Yes <input type="checkbox"/> No	Has the landowner or an Associated Manager <sup>vi</sup> of the landowner contravened <sup>vii</sup> any Relevant Legislation <sup>viii</sup> , or held a licence or other authority that has been suspended or revoked under any Relevant Legislation?

<input type="checkbox"/> Yes <input type="checkbox"/> No	If the landowner is an Associated Manager of another person, has the other person contravened any Relevant Legislation, or held a licence or other authority that has been suspended or revoked under any Relevant Legislation?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Has the landowner or an Associated Manager of the landowner, in the previous 10 years, been convicted in New South Wales or elsewhere of an offence involving fraud or dishonesty?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Has the landowner or an Associated Manager of the landowner, during the previous 3 years, been an undischarged bankrupt or applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded with creditors or made an assignment of remuneration for their benefit?
<input type="checkbox"/> Yes <input type="checkbox"/> No	If a body corporate, is the landowner the subject of a winding up order or has the landowner had a controller or administrator appointed during the previous 3 years?
<input type="checkbox"/> Yes <input type="checkbox"/> No	If an individual, is the landowner or has the landowner been the director or person concerned in the management of a body corporate that is the subject of a winding up order or for which a controller or administrator has been appointed during the previous 3 years?

If you answered 'Yes' to any question in **section 2**, attach a statement outlining the specific circumstances and why you think those circumstances should not prevent you from entering into a biodiversity stewardship agreement.

### Written references

Each individual landowner or company director must also provide **two independent written references** (of approx. 200–300 words) addressing the following matters:

- that they are of good repute, having regard to character, honesty and integrity; and
- that they are competent to undertake the management actions proposed to be carried out on the site.

The name, address and contact phone number/s of the referee must be included in the reference. A referee cannot be a relative of the applicant and must have known the applicant for at least 10 years.





### **Attachment 3 - Privacy Notice – Private Land Conservation Agreements with Biodiversity Conservation Trust**

The *Privacy and Personal Information Protection Act 1998* [‘the PPIPA’] defines personal information as “information or an opinion about an individual whose identity is apparent or can be reasonably ascertained from the information or opinion.”

When entering a private land conservation agreement with the BCT, whether in the form of a Biodiversity Stewardship Agreement, a Conservation Agreement, or a Wildlife Refuge Agreement, you must provide information to the BCT that is personal information within the meaning of the PPIPA. We are bound to protect this information and are committed to protecting your privacy.

The BCT is part of the Department of Planning, Industry and Environment (DPIE). The **DPIE Privacy Management Plan** describes how the agency meets its privacy obligations.

This notice describes how the BCT will protect the personal information you as a landholder must provide to enter into a private land conservation agreement with the BCT. In particular, it describes how the BCT will protect your personal information in the context of the BCT’s obligation under s 9.7(1)(c) of the *Biodiversity Conservation Act 2016* [‘the Act’] to keep and make available a public register of private land conservation agreements containing certain information, some of it personal information (pending privacy and public interest considerations).

You should be aware that as the agreement is registered on title with Land Registry Services, it will be publicly available for property searches.

Except in circumstances where consent is given for use for another purpose, the BCT is bound by the PPIPA only to use the personal information it holds for the purpose/s for which it was collected. The BCT may only use personal information provided by you for the following purposes:

- to assess your application to enter into a private land conservation agreement with the BCT
- if you enter into a private land conservation agreement with the BCT, to administer the agreement, including to meet legislative requirements
- to acquit the BCT’s obligation under the Act to publish a public register of private land conservation agreements containing information prescribed for inclusion in same under the Biodiversity Conservation Regulation 2017

Information provided by you is shared with the Energy, Environment and Science (EES) Group of the DPIE to enable EES and the Environment Agency Head to carry out their regulatory functions. The BCT will share your information within DPIE only when the purpose for which it is shared is consistent with the purpose for which it was collected. The BCT will not otherwise share your information to any other person unless you have provided your consent, or the BCT is permitted or required to do so under law.

You have the right to access your personal information that we hold. You also have a right to request that we update or amend this information. If you would like more information, or have any questions regarding your privacy, then please contact:

NSW Biodiversity Conservation Trust  
Locked Bag 5022 Parramatta NSW 2124  
Phone: 1300 992 688  
Email: [info@bct.nsw.gov.au](mailto:info@bct.nsw.gov.au)

<sup>i</sup> 'Owner' of the land is defined in section 1.6 of the *Biodiversity Conservation Act 2016* which, as at the date of preparation of this form, is as follows:

**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.

ii A landowner entering a biodiversity stewardship agreement and undertaking associated management actions is considered to be undertaking an enterprise. Therefore, any landowner wishing to apply for a biodiversity stewardship agreement must provide the BCT with an Australian Business Number (ABN) registered for Goods and Services Tax (GST). The BCT will verify that the person or entity that holds the ABN is appropriately linked to the landowner. The BCT's [Taxation Issues Landholder Guide](#) provides some further information. The BCT encourages landholders to obtain independent advice on taxation that considers their specific circumstances before (and ongoing after) entering a private land conservation agreement.

iii **Primary landowner** is the owner, or one of the owners of the land to which the application for a Biodiversity Stewardship Agreement relates that is designated by all landowners as the main contact for the purposes of this application.

<sup>iv</sup> See section 5.8(5) of the *Biodiversity Conservation Act 2016* and clause 5.3 of the *Biodiversity Conservation Regulation 2017*.

<sup>v</sup> **Associated Manager** is defined in clause 5.3(3) of the *Biodiversity Conservation Regulation 2017* and at the time of the preparation of this form means:

- (a) if the person is a body corporate – a person who is, or has been within the previous 5 years, a director or concerned in the management of the body corporate, or
- (b) if the person is in partnership with another person in connection with carrying out management actions on the proposed biodiversity stewardship site – that other person.

<sup>vi</sup> To 'contravene' includes fail to comply with (s 21(1) *Interpretation Act 1987*).

**Relevant Legislation** is defined in clause 5.3 of the *Biodiversity Conservation Regulation 2017* and at the time of the preparation of this form means the following Acts, or parts of Acts, and any regulations, agreements, authorities or other instruments entered into, granted or made under those Acts or parts (whether or not still in force):

- (a) the *Biodiversity Conservation Act 2016*,
- (b) Part 5A of the *Local Land Services Act 2013*,
- (c) Parts 7 and 7A of the *Fisheries Management Act 1994*,
- (d) the *Environmental Planning and Assessment Act 1979*,
- (e) an Act or part of an Act administered by the Minister for the Environment,
- (f) a repealed Act that corresponds to an above-mentioned Act,
- (g) an Act of the Commonwealth, another State or Territory that corresponds to an above-mentioned Act.

<sup>viii</sup> 'Aboriginal object' is defined in s 5(1) of the *National Parks and Wildlife Act 1974* as at the date of preparation of this form to mean "any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains".

'Aboriginal place' is defined in s 5(1) of the *National Parks and Wildlife Act 1974* as at the date of preparation of this form to mean "any place declared to be an Aboriginal place under section 84".

<sup>ix</sup> Accredited persons are individuals accredited under section 6.10 of the *Biodiversity Conservation Act 2016* to prepare biodiversity assessment reports in accordance with the biodiversity assessment method.

### **Published by:**

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