



Biodiversity  
Conservation  
Trust

# Biodiversity Conservation Trust Biodiversity stewardship agreement

**Variation application form**

# Biodiversity stewardship agreement variation application

**Please complete this form to vary a biodiversity stewardship agreement (BSA) on your land.**

The requirements for this application are set out in the *Biodiversity Conservation Act 2016* (Division 2 of 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>

In some instances, the BCT may require an applicant to provide additional information as necessary. Please contact the BCT to discuss the supporting documentation required for this 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. Proposed variation to the biodiversity stewardship agreement

Biodiversity stewardship agreement name				
Biodiversity stewardship agreement number				
Property address				
Property name				
Property address				
Town				
State		Postcode		
General description of the variation				
<p><i>In the space below provide a general description of the proposed variation e.g. incorporate additional land into the biodiversity stewardship site; create additional species and ecosystem credits; modify management plan(s).</i></p>				
Location details				
Total area of biodiversity stewardship site (hectares)	Current		Proposed	
Title reference of biodiversity stewardship site	Lot and DP number(s)			
	Folio identifier or volume-folio (if Torrens Land System)			
	Registered deed number (if Old Land System)			
Site reference	Easting (6 digits)		Northing (7 digits)	
	AMG zone (54, 55 or 56)		Reference system (e.g. GDA94, WGS84, AGD)	
Local government area (LGA)				
IBRA bioregion				
IBRA subregion				
Zoning (under Local Environmental Plan)	<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			

Other information	
<p>Are there any property interest holders in the land? If Yes, provide details and attach proof that each property interest holder is likely to consent to the variation of the agreement. Check on 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><b>Note:</b> Unless the Minister considers that the variation is a 'minor variation' as defined in the <i>Biodiversity Conservation Regulation 2017</i>, certain property interest holders will be required to sign the varied 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 proposed land <i>been used as an offset within the meaning of the 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 proposed 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 proposed land publicly owned?</p> <p>If Yes, specify what type of land it is (e.g. a 'natural area' under the <i>Local Government Act 1993</i>; reserved land under the <i>Crown Lands Act 1989</i>) and attach a description of legislative requirements regarding the use and management of the land.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

<b>Provide a short description of current land uses</b>		
<b>Is there any current or previous use or proposed use of the proposed site that may be inconsistent with biodiversity conservation?</b> <b>If Yes, describe the use.</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Description of use 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)</b>	<b>Management zones affected</b>	
<b>To the best of your knowledge, is there any use, or proposed use, of any land of the proposed site, or that is in the vicinity of the land, that may prevent relevant management actions from being carried out on the site or prevent the purpose of those actions from being achieved?</b> <b>If Yes, describe the condition or use.</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Description of use and whether current or proposed</b>		
<b>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)?</b> <b>If Yes, describe the land use and specify whether it is a development activity or other human activity.</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Description of proposed development or human activity (include details of how many people, tents, vehicles, campfires etc allowed at any time)</b>		
<b>Are there any Aboriginal objects and/or Aboriginal places<sup>i</sup> on the biodiversity stewardship site?</b> <b>If Yes describe the objects and/or places.</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Description of Aboriginal objects and places</b>	<b>Management zones</b>	

## 2. Landowner's details

The application for variation must be made by the owner<sup>ii</sup> of the land that is subject to the biodiversity stewardship agreement.

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>iii</sup>	

### Contact details for application

Provide the contact details for the **primary landowner<sup>iv</sup>** and **contact person** 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 person for application (if different from primary landowner)			
Name		Mobile	
Phone		Email	
Name		Mobile	
Phone		Email	

### Contact details for credit registers (if applicable)

If this application relates to a variation to generate biodiversity credits, 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.			

*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.*

### 3. Does the new landowner meet the 'fit and proper person' criteria<sup>v</sup>? (if applicable)

This section only needs to be completed by persons who did not execute the original biodiversity stewardship agreement and where a variation is proposed to add those persons as new owners of the land subject to the agreement.

If there is more than one new landowner (individual or corporation) the primary landowner should complete this section. Additional landowners should complete the questions in the **Attachment 2**.

Proposed New 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	<p>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?</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>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?</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>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?</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>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?</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>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?</p>

If you answered 'Yes' to any question in section 3, attach a statement with the specific circumstances and why you think those circumstances should not prevent you from being a party to a biodiversity stewardship agreement.

### Written references

Each new 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 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.



## 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

Please contact the BCT to discuss which fee is applicable to this application for variation. 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	Bank: Westpac BSB: 032001 Acct No.: 181372  Reference number: Application parent case number from BOAMS. If paying by Electronic Funds Transfer, please attached proof of payment with your application.
<input type="checkbox"/> Cheque	Please make cheque payable to the 'Biodiversity Conservation Trust NSW'.
<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

Please contact the BCT to discuss the supporting documentation required for the application for variation.

<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) is required for all variation applications.
<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 a BSA application. The BCT will advise which supporting documents are required to 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 (BAM) and the BAM Calculator. The report must include all the required supporting documentation as indicated by the Biodiversity Assessment Method and Operational Manual (e.g. local reference data, expert reports, request of increase in gain in site value).  Note: A biodiversity stewardship site assessment report is not required if the application is for a minor variation (as referred to in clause 5.6 of the <i>Biodiversity Conservation Regulation 2017</i> ) or if the Minister is satisfied that the variation will not significantly impact on the retention or improvement of biodiversity values that the agreements seeks to achieve.
<input type="checkbox"/> <b>Maps and GIS files</b> The map(s) 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>The 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 on the BCT website</a> . The template wording must be used and uploped in Word format.
<input type="checkbox"/> <b>Credit report (if required)</b> BAM Biodiversity Credit Report generated through the BAM Calculator.
<input type="checkbox"/> <b>Proposed Total Fund Deposit (if required)</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 BCTs <b>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 (if required)</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.
<input type="checkbox"/> <b>Additionality (if required)</b> 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.
<input type="checkbox"/> <b>Full survey (optional)</b> If you want to identify the biodiversity stewardship site's exact boundaries on the deposited plan you need to provide a LPMA-approved 'full plan' for irregular boundaries or 'sketch plan' for regular boundaries.  If the variation of the agreement requires the preparation of a plan of survey relating to an alteration in the area of a biodiversity stewardship site, the owner must provide or pay for the provision of the plan of survey.
<input type="checkbox"/> <b>Application fee</b> 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 creation a public register of Biodiversity Stewardship Agreements. Public registers are made available at [www.bct.nsw.gov.au](http://www.bct.nsw.gov.au)

### Information that will be published if you sign a variation agreement

If you make a variation to a biodiversity stewardship agreement, the following information about your 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 variation 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 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>	<p>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.</p> <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>	<p>The head of the public authority.</p>

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

- **apply for a Biodiversity stewardship agreement variation; and**
- **declare that, to the best of my/our knowledge, the information in this biodiversity stewardship agreement variation 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, accredited assessors are to upload this 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			
<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>	

*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 new landowner a 'fit and proper person' to enter into a biodiversity stewardship agreement? (if applicable)

This section only needs to be completed by persons who did not execute the original biodiversity stewardship agreement and where a variation is proposed to add those persons as new owners of the land subject to the agreement.

If there is more than one new landowner (individual or corporation) additional landowners should complete 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 new 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.





## **Privacy Notice – 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)

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<sup>i</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>ii</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.

<sup>iii</sup> 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.

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

<sup>vi</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>vii</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>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:

NSW Biodiversity Conservation Trust  
4 Parramatta Square, 12 Darcy St Parramatta NSW 2150  
Locked Bag 5022, Parramatta NSW 2124  
Phone: (02) 9995 5000 (switchboard)  
Phone: 1300 992 688  
Email: [info@bct.nsw.gov.au](mailto:info@bct.nsw.gov.au) Website: [www.bct.nsw.gov.au](http://www.bct.nsw.gov.au)

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