



Biodiversity
Conservation
Trust

Cultural Biodiversity Conservation pilot offer

Landholder Guide | BCT fixed price offer for culture and conservation



Acknowledgement of Country

The NSW Biodiversity Conservation Trust acknowledges the Traditional Custodians of NSW and recognises their ongoing connection to land, waters, and culture.

Private land within NSW often contains significant sites and features in various forms within the landscape. Aboriginal Cultural Values are connected to Country, including waterways, mountains, wetlands, floodplains, hills, sandhills, rock outcrops and the biodiversity within these geological features. Many of these features are known to have cultural value and contain culturally significant sites. These elements of the landscape can be associated with Dreaming stories and ongoing cultural practices and learning.

We pay our respects to their Elders past, present, and emerging, and commit to genuinely, collaboratively engage and partner with Aboriginal people in the delivery of our private land conservation programs.

Published by the NSW Biodiversity Conservation Trust

www.bct.nsw.gov.au

Cultural Biodiversity Conservation pilot offer - BCT fixed price offer for culture and conservation:
Landholder Guide

First published: October 2023

ISBN/ISSN: 978-1-923132-00-9

Department reference number: DOC23/880692

More information

BCT Private Land Conservation Programs

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Introduction

The NSW Biodiversity Conservation Trust (BCT) is a statutory body, partnering with landholders to protect the state's unique and diverse habitats and species through long-term, funded conservation agreements on privately-owned properties.

These conservation agreements are part of the total protected area system of NSW, along with indigenous protected areas, private land conservation and national parks and reserves.

The BCT invests to support private land conservation, through a range of mechanisms, such as this Cultural Biodiversity Conservation pilot offer. Through these offers, eligible landholders earn annual payments and receive support to manage conservation areas on their property for their biodiversity and cultural values.

This guide is to assist landholders who are interested in participating in the Cultural Biodiversity Conservation pilot offer (CBC offer) under the BCT's Conservation Management Program (CMP). The BCT is offering Aboriginal landholding organisations an opportunity to diversify their income by earning annual management payments for, conserving native plants, animals, and important wetlands on their property through the protection of cultural values and traditional land management practices.

Protecting and respecting Indigenous Cultural and Intellectual Property (ICIP) including cultural knowledge of plants and animals, lands and waterways is an essential component of the Cultural Biodiversity Conservation pilot offer.



How we will work with you

The BCT *Statement of Business Ethics*¹ details how the BCT will conduct business with you in a professional and ethical manner, as well as our expectations of you to act ethically, fairly and honestly in all dealings with us.

In all dealings with you the BCT will recognise and protect Indigenous Cultural and Intellectual Property (ICIP) and respect your rights and wishes with regard to your heritage, knowledge and cultural expressions.

Participants are reminded the CBC offer is a competitive process.

¹ [NSW Biodiversity Conservation Trust - Statement of Business Ethics](#)

How to participate in the Cultural Biodiversity Conservation offer

As an Aboriginal landowning organisation, you can participate in this offer and apply to receive an annual management payment to protect species and habitats on your land through conservation and traditional land management activities.

The seven key steps of this offer are:

1. Consider your eligibility as a participant in the CBC offer and assess if the area you are proposing is within the eligible area (see **Map 1** below).
2. Submit a contact form to let the BCT know you are interested in participating. Contact forms are available on the BCT website at Cultural Biodiversity Conservation offer | BCT (nsw.gov.au). Alternatively, phone 1300 992 688 to request a form or assistance to express interest .
3. BCT staff will contact you to discuss the CBC offer and your property / proposed conservation area. You can work with the BCT staff either over the phone or in person to complete an expression of interest (EOI) for an on-site assessment.

Expressing interest in an on-site assessment does not create a binding obligation to participate in the CBC offer.

4. Where your proposed conservation area is found eligible for an on-site assessment, BCT field staff and ecologists will work with you to:
 - identify the environmental values of your proposed conservation area, applying a Biodiversity Value Score (BVS)².
 - agree on the land management actions and cultural activities to protect and manage biodiversity on your land.
 - prepare a management plan for your proposed conservation area.
5. Submit an application, using a standard template provided by the BCT. The application will include your agreed management plan for your proposed conservation area and a draft fixed price payment (on a \$/hectare/year basis)³ to implement the agreed management plan. You will have the option to include a request for BCT support for essential conservation infrastructure (e.g. fencing) and cultural activities (e.g. cultural burning, planting considering cultural values, cultural monitoring) in addition to your draft fixed price offer.
6. If your application is successful, you will be offered an ongoing (in-perpetuity) conservation agreement with annual payments, in accordance with your application (increasing annually in line with the consumer price index).
7. If you accept the offer, the BCT will register the conservation agreement on the title of your land, via the NSW Land Registry Services and you will start receiving your annual payments. The BCT will also provide ongoing support through its networks, field staff and ecologists for the lifetime of your conservation agreement.

² Refer to Attachment 1: Landholder Guide: Assessment metric.

³ To make their application more competitive, a landholder has the option to nominate an annual payment below the fixed price payment calculated by the BCT for a site, in line with landholder's capacity and willingness to deliver the agreed Plan of Management.

Where is the Cultural Biodiversity Conservation offer available

The CBC offer is initially located across traditional lands / language group areas of the Wiradjuri (including Jeithi), Yitha Yitha, Madi Madi (Mutti Mutti), Nari Nari, Wadi Wadi, Baraba Baraba, Wemba Wemba, and Yorta Yorta peoples in Southern NSW, however this will be expanded in the future (see **Map 1** below and the interactive map on the BCT website at [Cultural Biodiversity Conservation offer | BCT \(nsw.gov.au\)](https://www.biodiversityconservation.nsw.gov.au/)).

The CBC offer area boundary includes parts of the Murray Riverina, Central West and Western BCT regions and stretches from Albury to Young and Orange, then up to Mudgee, Dunedoo, and Dubbo in the east across to Condobolin, Lake Cargelligo, and the Cobb Highway in the Northwest and then down to Balranald and the Murray River in the south.

Within this boundary, the CBC offer focuses on the highest priority NSW landscapes within subregions that are the least protected in NSW. Within the CBC offer area the BCT is looking to work with Aboriginal landholding organisations to protect the following conservation assets:

- native vegetation that supports threatened species and their habitats, listed under either NSW or Commonwealth legislation; and/or
- threatened ecological communities listed under either NSW or Commonwealth legislation; and/or
- important wetlands, shown on the Directory of Important Wetlands (DIWA)⁴, including Ramsar wetlands identified by the Convention of Wetlands of International Importance (Ramsar Convention 1971), and / or a wetland that is consistent with a threatened ecological community determination in either NSW or Commonwealth legislation.



Map 1: Cultural Biodiversity Conservation pilot offer eligible area.

⁴ DIWA - <https://www.environment.gov.au/water/wetlands/australian-wetlands-database/directory-important-wetlands>

Eligibility

Participant eligibility

To be eligible for the CBC offer, participants must be:

- an Aboriginal landholding organisation such as,
 - NSW Aboriginal Corporations registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*
 - NSW Prescribed Body Corporate or Registered Native Title Body Corporate
 - NSW Local Aboriginal Land Council.
- an Owner of the land⁵ as defined by the Biodiversity Conservation Act 2016 (NSW); and
- an Australian citizen⁶, registered for tax purposes in Australia and holding an Australian bank account, OR
- an Australian registered company, registered for tax purposes in Australia and for GST, and holding an Australian bank account, and
- 'fit and proper persons' to enter into a conservation agreement with the NSW Biodiversity Conservation Trust, and
- willing to enter into an in-perpetuity conservation agreement with the NSW Biodiversity Conservation Trust

Note, the BCT reserves the right to limit the number of successful applications per unique legal entity, having regard to factors such as diversity of investment, the objectives of the CBC offer and progress towards building a comprehensive, adequate, and representative protected area system.

Conservation area eligibility

The CBC offer has the following eligibility criteria for proposed conservation areas:

- it must be located within the CBC offer area boundary (**Map 1 above**)
- it must contain:
 - a minimum 20 hectares of native vegetation, OR
 - an important wetland⁷ (no minimum size however must meet additional criteria).
 - The proposed conservation area's native vegetation must be in moderate to good condition.

Up to 10% of the total area proposed may constitute vegetation in poor condition.

Important Wetlands

To be eligible for the CBC offer as an important wetland, the proposed conservation area must include:

⁵ 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 Land Management Act 2016* 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 Land Management Act 2016*, 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.

⁶ Australian citizens residing outside of Australia are eligible, provided they are registered for tax purposes in Australia and hold an Australian bank account.

- water-dependent ecosystems formally recognised under international agreements (Ramsar), OR
- water-dependent ecosystems within the Directory of Important Wetlands in Australia (DIWA), OR
- water-dependent ecosystems that are consistent with a threatened ecological community determination in either NSW or Commonwealth legislation.

There is no minimum size requirement for these wetlands within the CBC offer, however the wetland must be in moderate to good condition (using available benchmarks for vegetation classes) and be of sufficient size and configuration to promote long term viability, as determined by the BCT.

The BCT recognises some culturally recognised wetlands may not be included in those documented under the criteria detailed above and will work with Aboriginal landholders and Traditional Owners to identify and include them in a proposed conservation area under the CBC offer where appropriate.

Up to 10% of the total area proposed may constitute vegetation in poor condition.

All proposed conservation areas

For proposed conservation areas that straddle the CBC offer boundary, the minimum size and condition requirement must be met by land that is within the CBC offer area. The BCT reserves the right to limit the area of land that is permitted outside the CBC offer area and/or modify the assessment of land outside the CBC offer area. The BCT further reserves the right to prioritise proposed conservation areas for assessment based on the area proposed within the CBC offer area.

If your proposed conservation area is eligible and prioritised for on-site assessment, BCT staff will work with you to identify if your proposed conservation area meets the minimum size and contains moderate to good condition native vegetation with reference to adopted benchmarks⁸. It will also confirm whether the proposed conservation area meets the habitat requirements, contains threatened ecological communities, and / or important wetland habitat. The application evaluation stage will confirm whether the proposed conservation area contains sufficient moderate to good condition vegetation to be eligible, with regard to adopted benchmarks and proposed management actions⁹.

The identification of a conservation area on the property is ultimately a matter for you, and your participation in the CBC offer is entirely voluntary. The BCT reserves the right to refuse applications where the BCT determines that the shape and arrangement of the patches will compromise biodiversity benefits and / or not support a viable area of native vegetation.

For proposed conservation areas that progress in the CBC offer process, the on-site assessment will result in the proposed conservation area being assigned a Biodiversity Value Score. This score is explained below under 'Assessment of Applications'.

Proposed conservation areas that are Crown leasehold land will be required to meet the Crown Lands policy with respect to biodiversity conservation agreements. See [biodiversity conservation agreements on crown land](#) information on the Industry NSW website. The consent of Crown Lands will be required for any conservation agreement with the BCT.

⁸ <https://www.environment.nsw.gov.au/topics/animals-and-plants/native-vegetation/vegetation-condition-benchmarks>; Landholders with sites that clearly do not meet minimum size or vegetation condition requirements may be informed at this point that they will not proceed further in the process.

⁹ The BCT reserves the right to limit the total area of poor condition native vegetation or consider sites with greater than 10% native vegetation in poor condition to be eligible at its absolute discretion.

Public owned and managed land¹⁰, Public protected areas¹¹ and Travelling Stock Reserves (TSRs) are not eligible for the CBC offer.

The BCT will consider, at its discretion, the eligibility of publicly owned and / or managed land that is subject to a process that may see transfer of ownership to an eligible Aboriginal landholding organisation. There may be additional requirements for these to progress through the CBC offer process such as provision of any necessary consents from current landholders to enable on-site assessments and information indicating the process for transfer will be resolved in a reasonable timeframe.

Aboriginal landholding organisations with sites located within Indigenous Protected Areas are eligible to participate in the CBC offer pending consent from the registered Native Title Body Corporate/Native Title holders and in accordance with Traditional Owners objectives.

In the case of Aboriginal ownership transfers, if the expression of interest form was not submitted with the involvement of Aboriginal stakeholders who may have ownership transferred, the BCT will require that the expression of interest form is supported by the Aboriginal stakeholders at or prior to the on-site assessment. Relevant parties should note, the BCT will not enter into an agreement on land subject of an ongoing process regarding ownership until the relevant process is finalised. Landholders who have a proposed conservation area that may meet these discretionary criteria should contact the BCT prior to submitting a contact form or EOI. Examples where this policy may apply include land subject to a Native Title Claim under the Commonwealth *Native Title Act 1993* or an Aboriginal Land Rights Claim under the *Aboriginal Land Rights Act 1983* where the Native Title status of the proposed conservation area is determined, or in the process of being determined.

Applications are to be made by a unique legal entity with legal rights to enter into the conservation agreement with the BCT (generally a person, persons, or a company).

Multiple applications for the same land area will not be permitted. The BCT will accept one application per Plan of Management.

Landholders (including Partnerships, Companies and Trusts) should refer to the BCT's Landholder guide on taxation issues available on the [BCT website](#) for eligibility, administrative requirements and documentation the BCT needs to confirm ownership capacity.

What is good condition vegetation?

Good condition native vegetation can be described as forest or woodland that contains large old growth trees with hollows, regenerating saplings, an intact ground layer containing native shrubs and abundant logs, and an area that has not been cleared, cultivated, or otherwise degraded. In average seasons there will be a high diversity of native grasses and forbs. Good condition natural grasslands will have the same features but without the woody components described above.

It may be difficult for you to know if the native vegetation that you propose to protect is eligible. If your EOI is high ranking based on desktop assessment, the BCT will assess the condition of your proposed conservation area with reference to adopted benchmarks. Final assessment of vegetation

¹⁰ Publicly owned and managed lands mean land owned and managed by state, federal and local government authorities, bodies, departments, statutory corporations, state owned corporations and other similar entities, and for land owned by such entities.

¹¹ For example, land reserved under Part 4 or Part 4A of the *National Parks and Wildlife Act 1974*, and flora reserves or special management zones within the meaning of the *Forestry Act 2012*.

condition will occur after the application has been submitted and can be influenced by management actions that the landholder proposes to undertake within the conservation area to improve vegetation condition.

What are good condition wetlands?

Wetlands in good condition can be described as unmodified (from their original area and form) with little or no change in the water regime or salinity from its natural state and, wetland vegetation is healthy with all the expected life forms present and a lack of weeds. Land use intensity around the wetland will be low with an absence of activities causing run-off that could result in an increased nutrient concentration in the wetland, such as grazing or fertiliser application. There will generally be a large zone of wide and continuous native vegetation surrounding the wetland and the soils within the wetland and those surrounding it will have no, or very little disturbance.

Wetlands and their surrounding native vegetation that have been significantly modified are unlikely to be assessed as being in moderate to good condition.

It may be difficult for you to know if the wetland that you propose to protect is eligible. If your EOI is high ranking based on desktop assessment, the BCT will assess the condition of your proposed conservation area with reference to adopted benchmarks. Final assessment of condition will occur after the application has been submitted and can be influenced by management actions that are proposed to be undertaken within the conservation area to improve wetland and vegetation condition.

Existing agreements and obligations

Landholders who have proposed conservation areas with existing conservation agreements or similar obligations may be eligible to apply, depending on the type and duration of the agreement or obligation.

Generally, if management activities are required or are already funded under an existing agreement, then the BCT will not provide further funding for those activities.

To find out more about the eligibility and treatment of proposed conservation areas with existing agreements or similar obligations please refer to the existing obligations and agreements table available on the other resources tab of [BCT website](#) or contact the BCT.

The BCT reserves the right to limit the number of proposed conservation areas with existing in-perpetuity agreements that are prioritised for on-site assessments to 25% of the total number of on-site assessments undertaken through the CBC offer. Landholders will be informed after the expression of interest period closes if they have been prioritised for and on-site assessment.

The BCT will further reserve the right to limit the total number of successful applicants with existing in-perpetuity agreements to ensure most of the available funding is targeted towards new agreements.

Those landholders who are not eligible to participate in the CBC offer are encouraged to contact the BCT to discuss other options that may be available.

Submitting an expression of interest for an on-site assessment

The first step to secure participation in the CBC offer is to submit a contact form and then work with BCT staff to submit an expression of interest (EOI) for an on-site assessment. Refer to the contact form available from the [BCT website](#), or contact the BCT on **1300 992 688**.

The BCT will undertake a desktop assessment to ensure that your proposed conservation area is located within the CBC offer area and meets the minimum size requirements. Depending on the number received the BCT may prioritise EOIs with the highest-ranked being offered an on-site assessment. If you made an expression of interest over the phone, are eligible and prioritised for an on-site assessment, a BCT field officer will bring a record of your EOI to the on-site visit, and you will be asked to confirm the details.

A separate expression of interest is required for each property¹². The BCT may consider an exception to this rule where the legal entity owns properties that are adjoining, and one plan of management and registered conservation agreement is proposed for the adjoining properties. This is subject to the conservation area eligibility criteria (e.g. minimum size and condition) being met on each property and the BCT assessing that the proposed configuration of the conservation area across multiple adjoining properties is compatible with the objectives of the CBC offer, and other logistical and administrative considerations. The BCT reserves the right to limit on-site assessments for properties owned by the same legal entity.

A separate expression of interest is required for each property that is owned by different entities.

If your proposed conservation area is ineligible to participate in the CBC offer, the BCT will contact you to discuss alternate options that you may wish to consider, including amending the proposed area or if another offer is more suitable for your property.

Registration of an EOI does not mean that you are required to submit an application, however it ensures that your proposed conservation area will be assessed for eligibility.

What happens if my EOI is not prioritised for an on-site assessment?

If your EOI is not prioritised for an on-site assessment, you may have the option to have your EOI considered in future Cultural Biodiversity Conservation offers.

The BCT may consider your EOI for an on-site assessment in offers subject to your proposed conservation area meeting the eligibility criteria in place for that offer. If your EOI is not prioritised for a site assessment, you can contact BCT regional staff to discuss this option and / or other BCT opportunities which may be more suited to your property (e.g. Conservation Partners Program).

¹² BCT defines a property according to the description provided by the Valuer General for the purposes of land taxation and council rates and is identified by a single Property Number.

The on-site visit and assessment

The following activities occur during the on-site visit and assessment:

- Where an EOI has been lodged by phone, you will be asked to confirm the details captured on the EOI form and each owner must sign the EOI form.
- The BCT will assess the proposed conservation area against the BCT's eligibility criteria.
- You have an opportunity to ask any questions to ensure you understand the CBC offer and what is being offered.

You and the BCT staff will commence discussions to develop a conservation management plan (Plan of Management) and identify suitable conservation management actions and the cultural activities you wish to undertake within your proposed conservation area. An agreed conservation management plan is required to enable you to participate in the CBC offer. This will require you to:

- Identify and / confirm what part of the property you are proposing to manage for conservation (the proposed conservation area).
- Identify what types of conservation and traditional land management actions and / or cultural activities you are prepared to do (for example, weed and feral animal control, cultural burning, planting, developing a cultural monitoring plan).
- discuss other matters such as consultation and consent requirements, existing agreements and obligations, potential conflicts of interest and other information we may require to develop a conservation agreement (such as mortgagee consent).

The BCT has a range of useful resources for landholders which can be found on the other resources tab of the [BCT website](#).

BCT staff will undertake an ecological assessment of the proposed conservation area to develop a Biodiversity Value Score (BVS). A BVS is required to participate in the CBC offer (for more information about the BVS refer to 'Assessment of Applications' below).

Developing your draft conservation management plan

The BCT will work with you to develop an agreed draft conservation management plan which you will be able to use to help you to submit an application for the CBC offer. This agreed-to plan will form the basis of your conservation agreement should you be successful.

The BCT has planned an extended timeframe for this CBC offer to enable you to undertake the necessary consultation and negotiation within your governance structures and community, along with Traditional Owners and, consent bodies as required to enable you to enter a funded conservation agreement with the BCT. Throughout this time the BCT is available to provide technical support and, ecological and agreement expertise to assist you as you require.

The BCT may bring forward the application date for those participants who are 'early ready' to proceed to application stage at its discretion where the integrity and competitiveness of the CBC offer is not compromised.

Submitting an application

The unique draft conservation management plan and application form will be sent to eligible participants by the BCT during the 'application stage'. The application form will show your proposed annual conservation management payments (based on the fixed price applicable to your proposed conservation area) will be provided in today's dollars.

After you receive your draft conservation management plan, you will be given time within which you can request final amendments. To make your application more competitive, you will have the option to nominate an annual payment below the fixed price payment calculated by the BCT for your proposed conservation area, in line with your capacity and willingness to deliver the agreed Plan of Management. The BCT will consider these requests on their merits and reserve the right to refuse such requests. The BCT will not agree to a lower fixed price payment if this results in a payment schedule that would clearly not support implementation of the conservation management plan. In such cases the annual conservation management payments will revert to the calculated fixed price offer for that proposed conservation area.

To understand how fixed price payments are calculated, please see the 'Landholder Guide: Schedule of fixed price offers' in Attachment 2 to this guide.

BCT staff will offer as much support as possible to landholders interested in making an application. However, you should consider seeking expert independent financial and/or legal advice as appropriate to your circumstances.

Cultural activities - traditional land management actions

Landholders who participate in the CBC offer have the option to include direct costs for cultural activities, including:

- cultural burning
- planting considering Aboriginal cultural values (including propagation and planting of culturally significant species)
- a cultural monitoring plan.

The BCT will contribute a fixed payment towards the costs associated with the agreed cultural activities. These costs will be in addition to the fixed price payment schedule for the proposed agreement.

If seeking direct costs for these cultural activities, you will be asked to:

- confirm you have discussed the proposal with BCT staff, demonstrate the request is culturally significant and, how it is consistent with the conservation management plan agreed for the proposed conservation area.
- consider the *Fire as a management tool* guidelines available on the '[Guidelines on land management for conservation](#)' page of the [BCT website](#)

The BCT will consider requests on their merits, including demonstrated need and proportionality to the total value of the conservation agreement, and reserves the right to refuse such requests or to limit the total funds provided per request for cultural activities.

Please note, the BCT offers a range of typical management actions such as fencing, weed and pest control, erosion control and waterpoint management which can be included as part of your management plan to benefit the cultural values in your proposed conservation area.

Essential conservation infrastructure

Landholders who participate in the CBC offer have the option to include direct costs for essential conservation infrastructure - 'essential conservation fencing' and/or 'essential waterpoint management' in their application. In limited circumstances BCT staff may recommend existing access tracks within a proposed conservation area require repairs and / or upgrading to enable safe access for the purposes of undertaking conservation management, agreement assurance and monitoring activities.

These costs will be in addition to the fixed price payment schedule for the agreement.

'Essential conservation fencing' includes new fencing and fencing repairs. You may request a contribution from the BCT to conservation fencing costs in accordance with BCT cost benchmarks¹³.

'Essential waterpoint management' includes the decommissioning (or repurposing) of artificial waterpoints essential to aid the control of unmanaged grazing by feral herbivores (primarily goats) within your proposed conservation area.

'Essential conservation area access track upgrading' includes works to repair and / or upgrade existing vehicular tracks to a conservation area enabling safe access for undertaking conservation management actions and monitoring of conservation agreement areas for agreement assurance and ecological monitoring purposes.

If seeking direct costs for essential conservation infrastructure, you will be asked to:

- confirm you have discussed the proposal with BCT staff, demonstrate the request is essential and how it is consistent with the conservation management plan developed for the proposed conservation area.
- complete infrastructure works within the first 5 years of the agreement period.
- undertake the conservation fencing in accordance with BCT essential conservation fencing guidelines available on the '*Guidelines on land management for conservation*' page of the [BCT website](#)
- provide evidence of costs associated with artificial waterpoint management in the form of at least one (1) quote for works to be undertaken. The BCT will contribute up to 50% of the costs associated with the agreed management action/s for essential waterpoint management.
- provide evidence of costs associated with conservation area access track upgrading in the form of at least one (1) quote for works to be undertaken. This will only be available for works within a conservation area, must be undertaken by suitably licenced and qualified persons and, on the recommendation of BCT staff.

The BCT will consider requests on their merits, including demonstrated need and proportionality to the total value of the conservation agreement, and reserves the right to refuse such requests or to limit the total funds provided per request for essential conservation infrastructure. Where a participant's request for essential conservation infrastructure costs is agreed to by the BCT, these costs will be paid within the first year unless otherwise stated within the conservation agreement.

Ongoing maintenance and repairs will be your responsibility and insurance coverage of any conservation infrastructure by you is recommended.

¹³ For cost benchmarks, refer to the '*BCT cost benchmarks*' section of the *BCT essential conservation fencing guidelines* available on the [BCT website](#).

Higher Initial Payments

Participants in the CBC offer may request higher initial payments for fencing or primary control works ('knock down' works for primary weed control or water point management or erosion control), in accordance with the following guideline:

- Higher initial payment must be no more than the initial 5 years of the payment schedule (years 1 to 5 inclusive). For example, if the payment schedule is \$2,000 per annum, the request may be up to \$10,000 in higher initial payments.
- Where the higher initial payment is requested for fencing work (whether new or repair to existing fencing), these works must be complete within the first 12 months of the Agreement.
- Where the initial higher payment is for primary control ('knock down' weed control works or water point management or erosion control) works, the initial higher payments may be spread over years 1 to 3 inclusive.
- To be eligible, participants must demonstrate why the request is essential to implement the agreed conservation management actions and discuss your proposal with BCT staff.

The BCT will consider these requests on their merits and reserve the right to refuse such requests.

The BCT will not agree to higher initial payments if this results in a payment schedule for later years that would clearly not support implementation of the conservation management plan and actions.

If the request is granted, the BCT will commensurately reduce the annual payments for the years immediately following the higher initial payment years up to, and including, year 15 so that the total present value (of the conservation agreement) remains consistent with the CBC offer applicable to that proposed conservation area. The payments will revert to the indexed fixed price payment from year 16 of the agreement onwards.

Landholders may exercise the option of higher initial payments where they have also requested contribution to direct costs for essential conservation infrastructure and cultural activities.

Participant responsibilities

Before submitting an application (after you've received an agreed conservation management plan), you need to be satisfied that the proposed conservation management payments are financially and practically viable for you to enter into a conservation agreement and undertake the management actions and cultural activities in the conservation management plan.

You will be required to submit your application prior to the closing date detailed in the letter inviting you to apply¹⁴.

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

Your application must be accompanied by a 'fit and proper person' declaration, and a 'conflict of interest' declaration. The BCT, in its discretion, will consider whether the applicant is a fit and proper person, and how any conflicts of interest will be managed. Where the BCT forms an opinion that the applicant is not a fit and proper person or a conflict cannot be managed, the BCT will exclude the application from further consideration. If a landholder believes they may have a conflict of interest it should be discussed with the BCT staff during the initial on-site visit.

¹⁴ The BCT reserves the right to consider an application received after the closing date where the integrity and competitiveness of the process is not compromised.

Landholders will be required to declare any conflicts of interest when submitting a bid.

Persons who have associations considered by BCT to represent a conflict of interest unable to be managed will not be eligible to participate in this tender.

If a landholder believes they may have a conflict of interest, it should be discussed with BCT staff during the initial site visit.

A conflict of interest is an actual, potential or reasonably-perceived conflict between a person's private interests and their involvement in a BCT conservation tender, including their potential entry into and obligations under a conservation agreement with the BCT under the Biodiversity Conservation Act 2016.

An "interest" that may be relevant includes:

- shareholdings, trusts or nominee companies, property holdings.
- interests and positions in corporations, partnerships, businesses, trade unions, or professional, business or community associations and organisations.
- memberships of Boards or Committees.
- membership or association with voluntary organisations.
- family or other relationships formed through work, education, or engagement with the local community, including sporting, social, cultural, or voluntary activities.

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 CBC offer, are not eligible to participate. Any EOI received from such parties will not progress further in the process.

How to submit your application

Applications must be in writing using the standard template.

Facsimiled submissions will not be accepted.

Applications should be sent by email to cbc@bct.nsw.gov.au

Alternatively, you can post your application to the BCT at **Private Locked Bag 5023, PARRAMATTA NSW 2124**. You should ensure that where an application is mailed, sufficient time is allowed for the application to be received prior to the closing date. If an application is mailed prior to the closing date but is not received at the locked bag until after the deadline, it will be deemed late and may not be accepted.

Please note, applications that do not include a fully completed response may be excluded from the CBC offer without further consideration at the BCT's discretion.

Assessment of applications

Applications will be held within a secure location until after the nominated closing date for the CBC offer and will then be assessed by a BCT assessment panel. The BCT reserves the right to consider an application received after the closing date where the integrity and competitiveness of the process is not compromised.

The BCT has developed an Assessment Metric to calculate a Biodiversity Value Score which represents the conservation value from the management of a proposed conservation area. To understand how the Assessment Metric works, please see the 'Landholder Guide: Assessment Metric' in Attachment 1 to this guide.

Notification of results

Both successful and unsuccessful applicants will be notified by the BCT when the application evaluation process is completed.

For successful applicants, you will be invited to sign a conservation agreement which include your agreed management plan and your proposed payment schedule. The agreement will provide for future years payments to be increased in line with the Australian consumer price index (CPI). The BCT will calculate the present value (PV) of the full payment schedule to evaluate the amount to be invested by the BCT to cover all future annual payments.

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.

Conditions of the Cultural Biodiversity Conservation offer

It is not intended that the issue of a conservation management plan, or an application in response to it, commits, obligates, or otherwise creates a legal relationship in respect of entering into an agreement with a landholder. However, any application lodged by a landholder will constitute an irrevocable offer by the landholder. A landholder may withdraw their application by notification in writing to the BCT prior to entry into a conservation agreement.

The BCT is not bound to accept any application. The BCT reserves the right to:

- seek clarification or additional information from landholders about any information included in the application.
- make a counter-offer to a participant's application (including, but not limited to, reducing the size of the conservation area and/or annual payment, or staging implementation) in line with program objectives and available investment allocation.
- not accept applications that would commit a significant amount of available investment.
- limit the total area of poor condition native vegetation within the proposed conservation area.
- not accept applications which set out management payments that would clearly not support implementation of the conservation management plan and actions.

The BCT is not responsible for costs incurred by a landholder in participating in the CBC offer or preparing and submitting an application. Acceptance of an application will be subject to the landholder entering an in-perpetuity conservation agreement with the BCT.

Further information

Call us on **1300 992 688**. Visit our website www.bct.nsw.gov.au

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

What we do / How we work (including the BCT *Statement of Business Ethics*)
[How we work | BCT](#)

Other BCT resources (including *landholder guide on taxation issues* and *Existing obligations and agreements* factsheet)
[Other BCT resources | BCT](#)

Assessment, compliance, and monitoring (including the *Aboriginal places and objects on private property* factsheet and *BCT Assessment metric*)
[Assessment, compliance, and monitoring | BCT](#)

If your organisation is also interested in exploring carbon opportunities the Net Zero Land team support new plantings that can help restore Country through the Carbon on Country initiative. Visit www.energy.nsw.gov.au/carbononcountry for more information.

Important additional information for eligible landholders

Attachment 1: Landholder Guide: Assessment Metric

Attachment 2: Landholder Guide: BCT schedule of fixed price offers

Attachment 1: Landholder Guide: Assessment Metric

The BCT has developed an Assessment Metric to determine best value for money conservation areas in Conservation Management Program mechanisms and offers. The Assessment Metric assists the cost effectiveness of BCT's investment in private land conservation.

The Assessment Metric ranks best value for money via the generation of a Biodiversity Value Score for each proposed conservation area, which is then divided by the price for conservation management of the proposed conservation area, to generate a Biodiversity Value Index.

Biodiversity Value Score

The **Biodiversity Value Score** (or **BVS**) represents the biodiversity value achieved from conservation management of a proposed conservation area and is made up of four components:

- **Conservation values** are assessed and measured: This involves a field officer assessing the current ecological condition and the predicted future condition of the proposed conservation area based on proposed management actions; the type of environmental values on the property such as threatened ecological communities; and the value of the proposed conservation area based on its contribution to nature conservation in the landscape.
- **Risks** of conservation values being lost or impacted in the future is assessed, having regard to the land and soil capability class of the proposed conservation area¹⁵.
- **Area** (hectares) of the proposed conservation area to be protected by the conservation agreement is measured.
- **Term** is measured equally in the CBC offer as all conservation agreements are in-perpetuity.

Biodiversity Value Index

Once a BVS is generated, the Assessment Metric then calculates a **Biodiversity Value Index (BVI)** for each proposed conservation area. This is done by dividing the BVS by the price for the conservation management of the proposed conservation area:

$$\text{Biodiversity Value Index (BVI)} = \frac{\text{Biodiversity Value Score (BVS)}}{\text{Fixed price payment}}$$

Eligible landholders will be provided an option to include direct costs for essential fencing infrastructure and cultural activities in their application. These costs will be in addition to the fixed price payment schedule for the agreement. In those cases where clear justification is made and agreed to by the BCT, the BVI will be calculated as such:

$$\text{Biodiversity Value Index (BVI)} = \frac{\text{Biodiversity Value Score (BVS)}}{\text{Fixed price payment} + \text{costs for conservation infrastructure and Cultural activities}}$$

The BCT Assessment Metric has been reviewed by the CSIRO.

For more information please refer to the *BCT Assessment Metric* document available on the Assessment, compliance and monitoring tab of the [BCT website](#).

¹⁵ Sites with eligible existing in-perpetuity agreements will be subject to a reduced Risk score.

Attachment 2: Landholder Guide: BCT schedule of fixed price offers

The BCT has calculated a fixed price for land and soil capability classes within each eligible Local Government Area (LGA) in NSW.

The BCT commissions land valuation research to identify average market values for land in each local government area.

Three values are identified for each eligible LGA:

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

The BCT determines a price to serve as a reasonable contribution to conservation management costs based on the land valuations and the land capability classes.

The schedule of fixed price offers is published on the [BCT website](#).

The schedule includes fixed price offers for eligible local government areas in Central and Eastern NSW, and for eligible local government areas located wholly or partly within Western NSW.

- Where an agreement area extends over two (or more) LGA boundaries with variation in fixed price payment rates, the BCT will apply the higher relevant fixed price payment rate/s (\$/hectare/year) per land and soil capability class.
- Where an agreement area adjoins an LGA with higher fixed price payment rates, the BCT will adopt a mid-point approach between the values for each land and soil capability class.

The schedule has been approved by the BCT Board. The BCT Board may consider changing the schedule in the future based on a range of factors, including implementation outcomes and other market information.

Eligible landholders will receive a draft conservation management plan and application form with an indicative annual conservation management payment (\$/hectare/year) based on the published schedule.

Eligible Landholders will have the option to:

- include direct costs for essential conservation infrastructure in their application in accordance with BCT benchmarks; and/or
- include a request for costs for cultural activities in their application; and/or
- nominate an annual payment below the fixed price payment calculated by the BCT for the proposed conservation area.

The BCT reserves the right to consider these requests on their merits and reserves the right to refuse such requests. The BCT may make a counter-offer to participants (including, but not limited to, reducing the size of the conservation area and/or annual payment, or staging implementation) in line with program objectives and available investment allocation.

Successful landholders will be offered conservation management payments (\$/hectare/year) increased in line with the Australian consumer price index for the ongoing management of their conservation area for biodiversity and cultural outcomes.