

**NSW Biodiversity Conservation Trust**

[www.bct.nsw.gov.au](http://www.bct.nsw.gov.au)



# Fixed Price Offer conservation agreements

Landholder Guide

March 2024



## Acknowledgement of Country

The NSW Biodiversity Conservation Trust acknowledges the Traditional Custodians of NSW and recognises their ongoing connection to land, waters, biodiversity, and culture. Aboriginal cultural values are connected to Country and are found in waterways, mountains, wetlands, floodplains, hills, sandhills, rock outcrops and within the biodiversity of these geological features. These cultural values are often present on privately-owned land and are associated with ongoing cultural practices and learning. We pay our respects to Elders past, present, and future and commit to genuinely collaborate and partner with Aboriginal people in private land conservation.

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For published updates, visit [www.bct.nsw.gov.au/fixed-price-offer](http://www.bct.nsw.gov.au/fixed-price-offer)

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# Introduction

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## The NSW Biodiversity Conservation Trust

The NSW Biodiversity Conservation Trust 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.

The NSW Biodiversity Conservation Trust manages more than 2300 conservation agreements with private landholders, who are responsible for protecting more than 2.3 million hectares, or about 2.8 per cent of the state's overall land.

These conservation agreements are part of the total conservation estate of NSW, which includes indigenous protected areas, private land conservation and national parks and reserves.

The NSW Biodiversity Conservation Trust invests to support private land conservation, through a range of mechanisms including direct offers, such as this one. Through these offers, eligible landholders earn annual payments and receive support to manage sites on their property for their conservation value and biodiversity.



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## How to participate in a fixed price offer

As a private landowner, you can participate in this fixed price offer and apply for an annual management payment to protect important habitat and species on your land.

### Submitting an EOI and application:

1	Consider your eligibility as a participant in this offer.
2	Submit an online expression of interest (EOI) to indicate you have an eligible conservation area on your property ready to be assessed for a fixed price offer. For Fixed Price Offer Batch 9, the offer opens on 1 March 2024. EOIs can be submitted online at <a href="http://www.bct.nsw.gov.au/fixed-price-offers">www.bct.nsw.gov.au/fixed-price-offers</a> .
3	Where your EOI is reviewed and prioritised by the NSW Biodiversity Conservation Trust for a site assessment, you will work with our field staff and ecologists to: <ul style="list-style-type: none"><li>• identify the environmental values of your site and apply a Biodiversity Value Score (BVS)<sup>1</sup>;</li><li>• nominate a potential conservation area on your land;</li><li>• agree on the land management actions to protect and manage native vegetation on your land; and,</li><li>• prepare a conservation management plan for the proposed conservation area.</li></ul>
4	Prepare a fixed price offer application, using a supplied template. This application will include: <ul style="list-style-type: none"><li>• a conservation management plan for your proposed conservation area.</li><li>• a draft fixed price<sup>2</sup>, calculated using the Local Government Area-specific schedule of offers available at <a href="http://www.bct.nsw.gov.au/fixed-price-offers">www.bct.nsw.gov.au/fixed-price-offers</a>).</li><li>• any request for additional essential conservation infrastructure funding.</li></ul>
5	Submit your application prior to the closing date detailed in the letter inviting you to apply <sup>3</sup> . Applications are held within a secure location until after the nominated closing date for the fixed price offer. The closing date is in 2025 and published at <a href="http://www.bct.nsw.gov.au/fixed-price-offers">www.bct.nsw.gov.au/fixed-price-offers</a> .
6	All applications will be assessed after the nominated closing date of the fixed price offer. If your application is successful, you will be offered an in-perpetuity conservation agreement, with annual payments, in accordance with your application (indexed annually in line with inflation).
7	If you accept the offer, your conservation agreement will be registered on the title of your land, via the NSW Land Registry Services.

To understand how the NSW Biodiversity Trust assessment metric works, please see the *Landholder Guide: Assessment Metric* in Appendix A.

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<sup>1</sup> Refer to the chapter titled: **The fixed price offer process** or Appendix A for more details

<sup>2</sup> To make your application more competitive, you have the option to nominate an annual payment below the fixed price calculated for your site. This nominated annual payment should be considered against your capacity and willingness to deliver the agreed management plan.

<sup>3</sup> The NSW Biodiversity Conservation Trust reserves the right to consider an application received after the closing date where the integrity and competitiveness of the process is not compromised.

# Fixed price offer conservation agreements

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## How does a fixed price offer work?

A fixed price offer focuses on protecting the highest priority NSW landscapes and are offered within subregions that are the least protected<sup>4</sup>.

Within these areas the NSW Biodiversity Conservation Trust is looking to work with private property owners 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)<sup>5</sup>, 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.

This fixed price offer<sup>6</sup> aims to:

- secure conservation and management of moderate to good condition native vegetation, particularly threatened ecological communities.
- protect good examples of poorly conserved ecosystems subject to significant pressure and threat.
- promote long-term outcomes for landholders and the environment.
- provide a cost-effective, transparent, and efficient program to deliver government investment in conservation outcomes.

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<sup>4</sup> Fixed price offers are not offered in priority subregions that have met 'representativeness' targets within Australia's National Reserve System.

<sup>5</sup> DIWA: [www.environment.gov.au/water/wetlands/australian-wetlands-database/directory-important-wetlands](http://www.environment.gov.au/water/wetlands/australian-wetlands-database/directory-important-wetlands)

<sup>6</sup> Fixed Price Offer Batch 9.

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## Am I eligible for a fixed price offer?



an Owner of the land you are proposing to enter into a conservation agreement over, as defined by the *Biodiversity Conservation Act (NSW) 2016*; AND,



an Australian citizen, registered for tax purposes in Australia and holding an Australian bank account, or an Australian registered company, registered for tax purposes in Australia, registered for GST and holding an Australian bank account; AND,



fit and proper persons to enter into and fulfil your obligations under a conservation agreement with the NSW Biodiversity Conservation Trust; AND,



willing to enter a long-term (in-perpetuity) conservation agreement with the NSW Biodiversity Conservation Trust.

The fixed price offer has different eligibility criteria for two areas: Central and Eastern NSW, and Western NSW (defined by the boundary of the Western Lands Division of NSW).

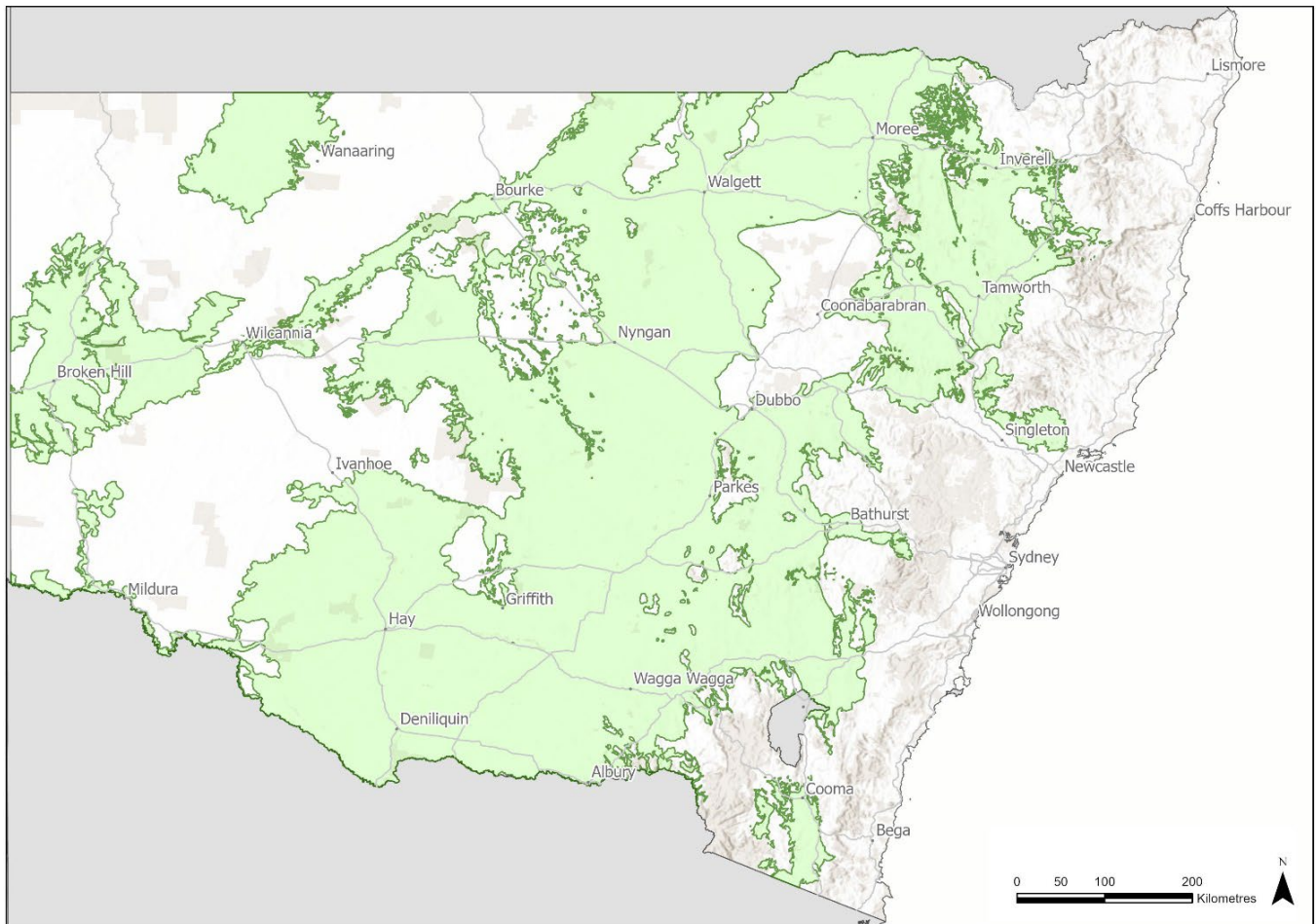
*For all participant and site eligibility requirements, refer to the chapter titled, **Full eligibility**.*

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## Where will the conservation agreements be located?

Conservation areas established with a fixed price offer agreement are located within NSW Biodiversity Conservation Trust regions covering the NSW Central West, Murray Riverina, Northern Inland, South East, Sydney-Hunter and Western areas.

To determine whether your property is within the fixed price offer area, visit [www.bct.nsw.gov.au/fixed-price-offers](http://www.bct.nsw.gov.au/fixed-price-offers) to see an interactive map.



**Map 1:** A representative map of the Fixed Price Offer Batch 9 area.



# Fixed price offer timeline

Fixed price offers are a standing offer open to expressions of interest (EOIs) year-round.

Interested landholders are invited to express their interest in an initial assessment of a proposed conservation agreement site and can do so at any time.

Expressions of Interest (EOIs) will be prioritised annually from 1 March, with high-ranking eligible sites offered a site assessment. For the highest-ranking eligible sites, the NSW Biodiversity Conservation Trust will work with landholders to prepare a conservation management plan to enable them to apply for the fixed price offer.

The below timeline is indicative of the activity to progress this fixed price offer. You will receive advice and support from NSW Biodiversity Conservation Trust field staff and ecologists throughout this process and be notified where there are adjustments to this timeline.

	2024	J	F	M	A	M	J	J	A	S	O	N	D
EOI period													
	2025												
EOI period													
Site assessments													
Site plans agreed													
Application period													
Applications evaluated													
Applications approved													
Agreements set													
	2026												
Agreements set													
First annual payment													

**Table 1:** A representative timeline for Fixed Price Offer Batch 9.

## Submit your expression of interest



Visit [www.bct.nsw.gov.au/fixed-price-offers](http://www.bct.nsw.gov.au/fixed-price-offers) to submit an online expression of interest.



Phone 1300 992 688 to request assistance to express your interest in the fixed price offer.

# Full eligibility

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## Participant eligibility

To submit an expression of interest for a fixed price offer you must be:

- an Owner of the land<sup>7</sup>, as defined by the *Biodiversity Conservation Act 2016 (NSW)*; and,
- an Australian citizen<sup>8</sup>, registered for tax purposes in Australia and holding an Australian bank account, or an Australian registered company, registered for tax purposes in Australia, registered 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 (BCT); and,
- willing to enter into an in-perpetuity conservation agreement with the NSW Biodiversity Conservation Trust.

## Participant responsibilities

In applying for a fixed price offer:

- you must be a unique legal entity with legal rights to enter into the conservation agreement with the NSW Biodiversity Conservation Trust (a person, persons, or a company).
- you must ensure the entity listed on title is consistent for all parcels that form the proposed conservation area. Where parcels have different ownership structures on title, a separate expression of interest, and application, is required<sup>9</sup>. Multiple applications for the same land area will not be permitted. The NSW Biodiversity Conservation Trust will accept one application for each conservation management plan.
- you must provide a 'fit and proper persons' declaration. The NSW Biodiversity Conservation Trust, in its discretion, will consider whether the applicant is a fit and proper person. Where the NSW Biodiversity Conservation Trust forms an opinion, the applicant is not a fit and proper person to enter into a conservation agreement, it will exclude the application from further consideration.

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<sup>7</sup> Under the *Biodiversity Conservation Act 2016* an Owner of the 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
  - (j) 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.

<sup>8</sup> Australian citizens residing outside of Australia are eligible, provided they are registered for tax purposes in Australia and hold an Australian bank account.

<sup>9</sup> The NSW Biodiversity Conservation Trust may consider an exception to this rule where the legal entity owns properties that are adjoining, and one management plan and registered conservation agreement is proposed for the adjoining properties. This is subject to the site eligibility criteria (e.g. minimum size and condition) being met on each property and the NSW Biodiversity Conservation Trust assessing that the proposed configuration of the conservation area across multiple adjoining properties is compatible with the objectives of the fixed price offer, and other logistical and administrative considerations.

- you should refer to the NSW Biodiversity Conservation Trust’s *Landholder Guide on Taxation Issues*<sup>10</sup> for eligibility, administrative requirements, and documentation to confirm ownership capacity (including if you are a sole traders, partnership, company, or trust).
- you must be prepared to enter an in-perpetuity agreement with the NSW Biodiversity Conservation Trust.

The NSW Biodiversity Conservation Trust reserves the right to limit the number of successful applications, per unique legal entity, with regard to factors such as diversity of investment, offer objectives, and progress towards building a comprehensive, adequate, and representative (CAR) protected area system.

## Conflicts of interest

Landholders will be required to declare any conflicts of interest when they submit an application.

Persons who have associations considered by the NSW Biodiversity Conservation Trust to represent a conflict of interest that is unable to be managed, will not be eligible to participate in this offer.

If a landholder believes they may have a conflict of interest, it should be discussed with a NSW Biodiversity Conservation Trust staff member 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 NSW Biodiversity Conservation Trust offer, including their potential entry into and obligations under a conservation agreement with the BCT under the *Biodiversity Conservation Act 2016 (NSW)*.

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.

NSW Biodiversity Conservation Trust 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 a NSW Biodiversity Conservation Trust fixed price offer, are not eligible to participate in that offer. Any expression of interest received from such a party will not progress further in the process.

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<sup>10</sup> [www.bct.nsw.gov.au/info/other-bct-resources](http://www.bct.nsw.gov.au/info/other-bct-resources)

## Fair and honest business dealings

The NSW Biodiversity Conservation Trust *Statement of Business Ethics*<sup>11</sup> details how the NSW Biodiversity Conservation Trust 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.

Participants are reminded this fixed price offer is a competitive process and the NSW Biodiversity Conservation Trust will not accept any collusive practice.

Where evidence of participants engaging in non-competitive behaviour is provided, or detected during offer evaluation, the NSW Biodiversity Conservation Trust reserves the right to rule those applications ineligible if the equity, integrity, or competitiveness of the offer has been compromised.



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<sup>11</sup> [www.bct.nsw.gov.au/what-we-do](http://www.bct.nsw.gov.au/what-we-do)



## Fixed price offers in Western NSW

The fixed price offer - Western NSW - has the following site eligibility criteria:

- The site must be located within the fixed price offer area boundary (see Map 3.)

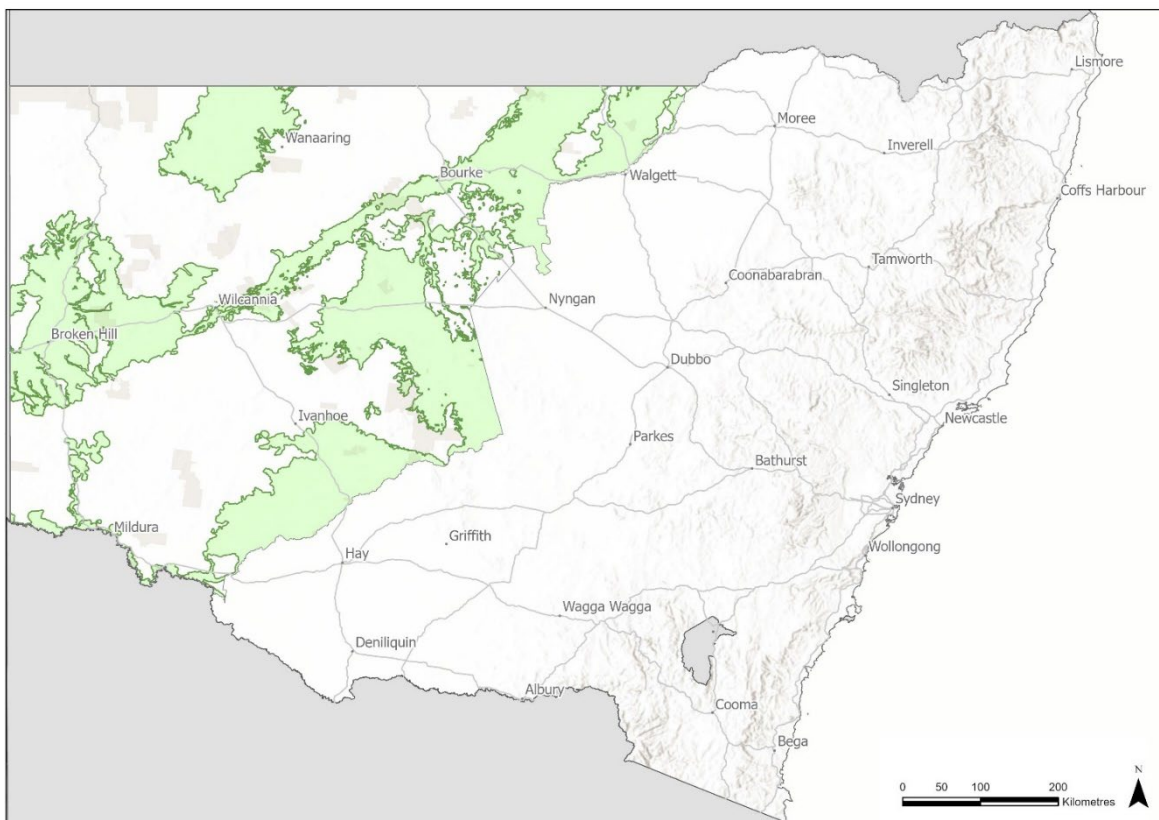
The proposed site must contain:

- a minimum 500 hectares native vegetation that supports threatened species habitat, OR
- a minimum of 20 hectares of Threatened Ecological Community, OR
- an important wetland (no minimum size however, it must meet additional criteria).

The site's native vegetation must be in moderate to good condition.

Sites may include multiple patches of vegetation to meet the minimum size requirement of 500 hectares of native vegetation, however each patch must be a minimum of 50 hectares.

If the site does not meet the minimum size requirement for native vegetation but contains a Threatened Ecological Community, the minimum patch size must be 20 hectares. The patch may include different adjoining Threatened Ecological Communities if the patch is a total of 20 hectares. Any additional patches of Threatened Ecological Community may be proposed, and each additional patch must also be a minimum of 20 hectares.



**Map 3:** A representative map of the fixed price offer area in Western NSW.

## Assessing site size and location

Where a proposed site crosses the fixed price offer boundary, the minimum size and condition requirement must be met for land within the fixed price offer area.

For sites that straddle the boundary between Western and Central NSW Land Divisions, the minimum 50-hectare size requirement for Central and Eastern NSW must be met, unless they comprise a Threatened Ecological Community and/or an important wetland, which are subject to size criteria.

For sites within the eligible boundary, and close to Western and Central NSW Land Division boundaries, a delegate from the relevant NSW Biodiversity Conservation Trust region may seek to visit the site to assess the minimum size requirement that must be met.

The NSW Biodiversity Conservation Trust reserves the right to limit the area of land permitted outside the fixed price offer area and/or modify the assessment of land outside that area. The NSW Biodiversity Conservation Trust further reserves the right to prioritise proposed sites for assessment that are wholly within the fixed price offer area.

## Assessing ‘good condition’ vegetation and wetlands

Sites deemed eligible through the expression of interest will be assessed for moderate to good condition vegetation against consistent benchmarks<sup>12</sup>.

Assessment will confirm whether a site contains sufficient moderate to good condition vegetation to progress against adopted benchmarks and proposed management actions.

Up to 10 per cent of the total area proposed may constitute vegetation in poor condition. The NSW Biodiversity Conservation Trust reserves the right to limit the total area of native vegetation in poor condition. The NSW Biodiversity Conservation Trust further reserves the right to consider sites with greater than 10 per cent native vegetation in poor condition as eligible at its absolute discretion.

### How do I know if I have vegetation in ‘good condition’?

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 a site 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 whether the native vegetation you propose to protect is eligible. A desktop review will rank your proposed agreement site against assessment metrics for this offer, and the NSW Biodiversity Conservation Trust may ask to visit your property to further reference adopted benchmarks and assess the condition of the site.

Final assessment of the vegetation condition will occur after the application has been submitted. The assessment can be influenced by the management actions you propose to improve vegetation condition within the proposed conservation area.

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<sup>12</sup> [www.environment.nsw.gov.au/topics/animals-and-plants/native-vegetation/vegetation-condition-benchmarks](http://www.environment.nsw.gov.au/topics/animals-and-plants/native-vegetation/vegetation-condition-benchmarks)

## How do I know if I have wetlands in ‘good condition’?

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, where wetland vegetation is healthy, with all expected life forms present, and there is 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 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 of moderate to good condition.

It may be difficult for you to know whether the wetland you propose to protect is eligible. A desktop review will rank your proposed agreement site against assessment metrics for this offer, and the NSW Biodiversity Conservation Trust may ask to visit your property to further reference adopted benchmarks and assess the condition of the site.

Final assessment of wetland vegetation condition will occur after the application has been submitted. The assessment can be influenced by the management actions you propose to improve the condition of wetlands within the proposed conservation area.

## Identifying a conservation site on a single property

While the NSW Biodiversity Conservation Trust can help you to explore your options, identifying a conservation site on your property is a matter for you.

Participation in the fixed price offer is voluntary and the site/s you put forward are at your discretion and based on your own reading and application of the eligibility criteria and any other information you attain from information events or communication material related to the offer.

## Expressing interest and submitting applications for multiple properties

A separate expression of interest and application is required for each individual eligible property<sup>13</sup>.

The NSW Biodiversity Conservation Trust may consider an exception where the legal entity owns adjoining properties, and a single management plan and registered conservation agreement is proposed for the adjoining properties.

This is subject to:

- the minimum size, and conservation asset eligibility criteria (such as the condition or confirmation of a particular habitat) being met on each property; and,
- the NSW Biodiversity Conservation Trust finding, after assessing sites, the proposed configuration of the conservation area across the adjoining properties is compatible with the objectives of the offer.
- any other logistical and administrative considerations.

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<sup>13</sup> The NSW Biodiversity Conservation Trust defines a property according to the description provided by the Valuer General for the purposes of land taxation and council rates. A property is identified by a single Property Number.



In the case of multiple properties owned by a single legal entity being granted an exemption to submit a single expression of interest, the NSW Biodiversity Conservation Trust reserves the right to limit the number of assessments offered, prioritising a nominated conservation area over individual properties, to maximise offer efficiency and diversification of participation.

## Sites with existing agreements and obligations

Landholders who have sites with an existing agreement or obligation, may be eligible to apply, depending on the type and duration of the current agreement or obligation.

The NSW Biodiversity Conservation Trust may limit the number of site assessments for existing in-perpetuity agreements to 25 per cent of the total sites to be assessed by this offer.

The NSW Biodiversity Conservation Trust may also limit the number of successful applicants with existing in-perpetuity agreements to ensure investment and funding attracts new conservation agreements.

If conservation management activities are already funded under an existing agreement, the NSW Biodiversity Conservation Trust will not provide further funding for those activities.

To find out more about the eligibility and treatment of sites with existing agreements or similar obligations please refer to the NSW Biodiversity Conservation Trust's *Existing Obligations and Agreements*<sup>14</sup> document. Alternatively, contact the NSW Biodiversity Conservation Trust to discuss your circumstances in the context of this offer.

## Sites on Crown leasehold land

Crown leasehold land sites will be required to meet the Crown Lands policy<sup>15</sup> with respect to biodiversity conservation agreements. The consent of Crown Lands will be required for any conservation agreement with the NSW Biodiversity Conservation Trust.

## Public protected areas and public-owned and managed land

Public protected areas, Travelling Stock Reserves (TSR) and public-owned and managed land are not eligible to participate in this offer.

Active<sup>16</sup> Travelling Stock Reserves (TSRs)<sup>17</sup> and TSRs that are Stock Watering Places (SWPs) in the Western Land Division of NSW are not eligible under this offer.

In the case of TSRs in the Western Lands Division of NSW that overlay a Western lands lease and are no longer used for travelling stock, emergency management or biosecurity, the NSW Biodiversity Conservation Trust reserves the right to consider the inclusion of such land where, in the NSW Biodiversity Conservation Trust's assessment, it is compatible with the objectives of the offer, and other logistical and administrative considerations.

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<sup>14</sup> [www.bct.nsw.gov.au/info/other-bct-resources](http://www.bct.nsw.gov.au/info/other-bct-resources)

<sup>15</sup> [www.industry.nsw.gov.au/\\_data/assets/pdf\\_file/0005/290750/IND-O-261-Biodiversity-conservation-agreements-on-Crown-land.pdf](http://www.industry.nsw.gov.au/_data/assets/pdf_file/0005/290750/IND-O-261-Biodiversity-conservation-agreements-on-Crown-land.pdf)

<sup>16</sup> TSRs that continue to be used for travelling stock, emergency management or biosecurity purposes as part of the TSR network.

<sup>17</sup> [www.crownland.nsw.gov.au/about-us/crown-lands-explained/travelling-stock-reserves](http://www.crownland.nsw.gov.au/about-us/crown-lands-explained/travelling-stock-reserves)

Sites will be required to meet Crown Lands policy with respect to TSR dealings, and eligibility will be subject to Crown Lands revocation or removal of lease conditions that establish and maintain a TSR.

## Public-owned and managed sites in a state of transfer to Aboriginal landholders

The eligibility of publicly owned and managed land subject to a process that may see a transfer of ownership to Aboriginal<sup>18</sup> landholders, will be considered, at the Trust's discretion.

Additional eligibility criteria may apply to these sites, such as consent from current landholders to permit site assessments and participation in the fixed price offer process, and information indicating the process for transfer is well progressed and due to be resolved in a reasonable timeframe.

If the expression of interest was not submitted by the Aboriginal stakeholders to whom ownership may transfer, the NSW Biodiversity Conservation Trust will require the expression of interest to be entered into and supported by the Aboriginal stakeholders at, or prior to, site assessment.

Relevant parties should note, the NSW Biodiversity Conservation Trust will not enter into an agreement on land subject to an ongoing process regarding ownership until such time that the relevant process is finalised.

Landholders who have a site that may meet these discretionary criteria should contact the NSW Biodiversity Conservation Trust prior to submitting an expression of interest.

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 site is determined, or in the process of being determined.

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<sup>18</sup> The NSW Biodiversity Conservation Trust recognises there are a variety of terms used to define indigenous peoples and culture. For the purposes of our work across our programs, we use the terms Traditional Custodian, Aboriginal or indigenous people. There may be, by necessity, a need to use other terms because they are contained in the writings of other documents pertaining to 'ownership' relevant to this offer.

# The fixed price offer process

## 1. Consider your eligibility

Your first step to participating in a fixed price offer is to consider your eligibility using the information contained in this Guide (see the chapter titled **Full eligibility**) and on the NSW Biodiversity Conservation Trust website at [www.bct.nsw.gov.au/fixed-price-offers](http://www.bct.nsw.gov.au/fixed-price-offers).

## 2. Submit your expression of interest

If you believe you have an eligible conservation site, express your interest in having the site assessed.

Expressions of interest (EOI) are open to participants year-round<sup>19</sup>.

An EOI does not commit you to making an application for a conservation agreement, nor does it carry any other rights or obligations. The EOI is an opportunity to have your potential conservation area reviewed against the eligibility criteria and assessed, if found eligible.

EOIs are ranked by the NSW Biodiversity Conservation Trust for the biodiversity values being sought by the fixed price offer. The highest-ranking sites are prioritised for an assessment.

If your proposed conservation area is prioritised, a NSW Biodiversity Conservation Trust staff member will work with you to confirm the site size and vegetation of your proposed conservation area.

Those sites that do not meet minimum size or vegetation condition requirements may be informed at this point they will not proceed further in the process.

## 3. Prepare for a site assessment

The following will take place when NSW Biodiversity Conservation Trust staff work with you to assess your proposed conservation area/s:

- You may be asked to confirm details captured on your expression of interest.
- We will assess the proposed conservation site against the fixed price offer eligibility and develop a Biodiversity Value Score (BVS). A site will require a BVS to make an application and participate in the offer.
- You will work with us to develop a conservation management plan and identify management actions. The conservation management plan you develop will be required for you to make your application and participate in the offer.

A conservation management plan will require you to:

- identify what part of the property you are proposing to manage under the conservation agreement with the NSW Biodiversity Conservation Trust.
- identify what types of conservation management actions you are willing to do. These can include activity such as weed and pest control. We have a range of online tools and resources to guide

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<sup>19</sup> The BCT reserves the right to close the EOI period early if enough EOIs are received.

you on how to deliver these conservation management actions. Visit [www.bct.nsw.gov.au/resources](http://www.bct.nsw.gov.au/resources) to explore the actions your plan can consider.

- discuss other matters such as existing agreements, potential conflicts of interest and other information we may require for inclusion in a conservation agreement. For example, mortgagee consent.

## 4. Prepare your application

Once your proposed conservation area has been assessed and you have discussed the conservation management actions you may take with NSW Biodiversity Conservation Trust staff, you will be sent a draft conservation management plan, with a limited review period to request amendments.

This plan forms the basis of your fixed price offer application and is submitted along with it.

A schedule showing your proposed annual conservation management payments in today's dollars will also be provided. This annual payment schedule is calculated based on a schedule of rates available at [www.bct.nsw.gov.au/fixed-price-offers](http://www.bct.nsw.gov.au/fixed-price-offers).

### What if I want to vary the offer available to me?

You may choose to nominate an annual payment below the fixed price payment calculated for your proposed conservation agreement site to consider future impacts and benefits you wish to consider.

Future impacts or benefits may include:

- increased land values or aesthetic values of the property.
- reduced risk or costs for future management.
- personal enjoyment and satisfaction from having made a positive contribution toward securing a diminishing conservation asset.

Any decision you make to nominate a lower value must be presented against your capacity and willingness to deliver an agreed-to conservation management plan and will be considered on their merits.

The NSW Biodiversity Conservation Trust reserves the right to refuse such requests and will not agree to a lower fixed price payment if it risks implementation of your conservation management plan.

In such cases the annual conservation management payments will revert to the calculated fixed price offer for your site, with an expectation the conservation management actions agreed to proceed as planned.

To understand how fixed price offers are calculated, please see the *Landholder Guide: schedule of fixed price offers* in Appendix B.

### Will payments support me to establish the conservation agreement?

To help you establish your conservation site and action the initial management actions, you may request forward payments for essential conservation fencing or primary control works such as 'knock down' works for primary weed control, essential water point management or erosion control.

If agreed to by the NSW Biodiversity Conservation Trust, the forward payment will be awarded as a 'higher initial payment'. A higher initial payment will be no more than the initial five 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 essential conservation fencing work, these works must be completed within the first 12 months of the agreement.
- where the higher initial payment is for primary control, such as 'knock down' weed control works, essential water point management or erosion control, the initial higher payments may be spread over years one to three, inclusive.

To be successful in a request for a higher initial payment you must have discussed your proposal with a NSW Biodiversity Conservation Trust staff member and demonstrate in your fixed price offer application why the request is essential to implement the agreed conservation management actions.

The NSW Biodiversity Conservation Trust will consider the request on its merits and reserve the right to refuse such requests.

If the request is granted, the NSW Biodiversity Conservation Trust will reduce annual payments for the years immediately following the higher initial payment years up to, and including, year 15 so the total present value in today's dollars of the conservation agreement remains consistent with the fixed price offer applicable to the site.

The payments will revert to the indexed fixed price offer from year 16 of the agreement, onwards.

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

The NSW Biodiversity Conservation Trust will not agree to higher initial payments if it results in a payment schedule for later years that could not support implementation of a conservation management plan and actions.

### **Can I request the costs of essential conservation infrastructure?**

By participating in a fixed price offer, you have the option to include direct costs for essential conservation infrastructure in your application.

These costs could be to establish 'essential conservation fencing' and/or 'essential waterpoint management', and in limited circumstances NSW Biodiversity Conservation Trust staff may recommend repairs to existing access tracks to enable safe access to undertake 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 NSW Biodiversity Conservation Trust for conservation fencing costs in accordance with cost benchmarks<sup>20</sup>.

'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.

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<sup>20</sup> [www.bct.nsw.gov.au/resources/managing-your-land/human-impacts-infrastructure](http://www.bct.nsw.gov.au/resources/managing-your-land/human-impacts-infrastructure)

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

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

- confirm you have discussed the proposal with a NSW Biodiversity Conservation Trust staff member.
- demonstrate the request is essential and how it is consistent with the NSW Biodiversity Conservation Trust management plan developed for the site.
- complete infrastructure works within the first five (5) years of the agreement period.
- undertake the conservation fencing in accordance with NSW Biodiversity Conservation Trust 'essential conservation fencing' guidelines<sup>21</sup>
- provide evidence of costs associated with artificial waterpoint management in the form of three (3) quotes for works to be undertaken. The NSW Biodiversity Conservation Trust will contribute up to 50 per cent of the costs associated with the agreed management actions for 'essential waterpoint management'.
- provide evidence of the costs associated with upgrading access tracks to the conservation site, in the form of three (3) quotes. Please note that works within a conservation area, must be undertaken by suitably licensed and qualified persons. The NSW Biodiversity Conservation Trust can make recommendations on licensed and qualified persons in your area.

The NSW Biodiversity Conservation Trust 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 for essential conservation infrastructure.

Where a request for essential conservation infrastructure costs is agreed to by the NSW Biodiversity Conservation Trust, these costs will be paid within the first year, unless otherwise stated in the conservation agreement.

Applications will be assessed and ranked based on value-for-money, and inclusion of essential conservation infrastructure requests can impact how competitive your application is respective to other applicants.

Ongoing maintenance and repairs will be your responsibility, and the NSW Biodiversity Conservation Trust recommends you consider insuring your conservation infrastructure, such as fencing.

## 5. Submit your application

The NSW Biodiversity Conservation Trust encourages you to prepare your application in a way that ensures you can meet your obligations under the proposed conservation agreement.

Please note, while NSW Biodiversity Conservation Trust staff will offer as much support as possible to landholders interested in making an application, for probity reasons, they are not able to advise you on costing your application. You should consider seeking expert financial and/or legal advice as appropriate to your circumstances.

To submit an application, you will need:

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<sup>21</sup> [www.bct.nsw.gov.au/resources/managing-your-land/human-impacts-infrastructure](http://www.bct.nsw.gov.au/resources/managing-your-land/human-impacts-infrastructure)

- an agreed conservation management plan, in the format set by the NSW Biodiversity Conservation Trust.
- a supplied fixed price offer application template.

In preparing your application, fill out the application template, and if nominating an annual payment yourself or requesting costs for essential conservation infrastructure, include the payments you require, in today's dollars.

For successful applications, the agreement will provide for future payments to be indexed (increased) in line with inflation and calculate the present value (PV) of the full payment schedule to forecast the amount to be set aside for all future annual payments.

All conservation agreements will be the subject of ongoing conservation management payments for the in-perpetuity agreement term.

All agreements with the NSW Biodiversity Conservation Trust will include a provision for periodic review every five years. In limited circumstances, the NSW Biodiversity Conservation Trust 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.

### How to submit your application



Email [fixedrate@bct.nsw.gov.au](mailto:fixedrate@bct.nsw.gov.au)



NSW Biodiversity Conservation Trust  
Fixed Price Offer Batch 9  
Private Locked Bag 5023,  
Parramatta NSW 2124.

All applications must be received by 11:59pm on the closing date of the application submission period, advertised at [www.bct.nsw.gov.au/fixed-price-offers](http://www.bct.nsw.gov.au/fixed-price-offers).

If mailing an application, you should ensure sufficient time is allowed for the application package to be received prior to the closing date.

Please note, it is the NSW Biodiversity Conservation Trust's decision to exclude incomplete applications from the offer without further consideration.

Facsimile submissions will not be accepted.

## 6. Your application is evaluated

All applications are required to be received by the offer closing date, published at [www.bct.nsw.gov.au/fixed-price-offers](http://www.bct.nsw.gov.au/fixed-price-offers).

Applications received in advance of the closing date are held in a secure location until after the application closing date, and until all applications can be reviewed together by the assessment panel.

The NSW Biodiversity Conservation Trust reserves the right to consider any application received after the closing date where the integrity and competitiveness of the fixed price offer process is not compromised.

Applications will be compared by the evaluation panel using an Assessment Metric<sup>22</sup> that applies a consistent numerical index of biodiversity benefit, called the Biodiversity Value Score (BVS).

The BVS enables an objective assessment of the biodiversity value of managing a conservation area and has been developed to apply the NSW Government's investment priorities for private land conservation.

The BVS measures four components:

1. Conservation value – comprising the site conservation value and the landscape conservation value.
2. Duration – the long-term security benefit of the proposed site.
3. Risk – the risk of clearing vegetation based on its position in the landscape.
4. Area – the size of the proposed site that is above threshold ecological condition.

To rank sites on a value-for-money basis, the NSW Biodiversity Conservation Trust calculates a Biodiversity Value Index (BVI) for each fixed price offer, dividing the BVS by the total present value of the proposed management payments for the conservation management of the site.

The BVI will only be calculated after applications are submitted. You can find out more information about the assessment metric in Appendix A.

### **How to make your application competitive**

Your BVS represents the 'value' for conservation that will be produced if you are successful in applying for, and entering, a conservation agreement.

You can influence the success of your application by agreeing to undertake the highest level of conservation management actions acceptable to you. The area, condition and type of vegetation included in the conservation area also influences the final BVS.

Your final application price – that is, your annual payment plus any costs for essential conservation infrastructure – should reflect your idea of the balance between the benefits of managing the site and the costs of any change in management.

You need to be realistic and able to meet your obligations under the agreement.

Where your application is successful, you will be accountable for completing management actions identified in your conservation agreement, and conservation areas will be monitored to ensure the expected outcomes are being achieved.

### **Fair assessment of applications**

The NSW Biodiversity Conservation Trust has implemented an assessment process to ensure all landholders are dealt with fairly.

In developing all fixed price offers, the NSW Biodiversity Conservation Trust consults a probity advisor, and an independent probity adviser supervises the ranking of assessed applications. The ranking is reviewed and approved by the NSW Biodiversity Conservation Trust Board.

Probity advice is sought, as required, throughout the fixed price offer process and a deidentified probity report on each offer is provided to the Board.

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<sup>22</sup> [www.bct.nsw.gov.au/info/assessment-compliance-and-monitoring](http://www.bct.nsw.gov.au/info/assessment-compliance-and-monitoring)



## 7. Notification of results and accepting an offer

Both successful and unsuccessful applicants will be notified by the NSW Biodiversity Conservation Trust when the process is complete.

Where an application is successful, you will be invited to sign a conservation agreement with an agreed management plan and proposed payment schedule. The NSW Biodiversity Conservation Trust will send you a signing package which will include the conservation agreement and details on the documentation we require for completion (for example, consents from interested parties on the land title, bank details etc). The offer will be valid for a period of six months from your receipt of the conservation agreement to sign unless an alternative period is agreed. Once signed and returned the NSW Biodiversity Conservation Trust will register your conservation agreement with NSW Land Registry Services and you will receive your first annual payment.

Where an application is unsuccessful, it does not necessarily mean your site is not important for conservation. You will be given feedback on how your application compared to successful applications and offered information about other programs and future private land conservation opportunities.

The NSW Biodiversity Conservation Trust commits to not publicly disclose data for unsuccessful applicants.

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## Fixed price offer conditions

It is not intended that this fixed price offer, 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 NSW Biodiversity Conservation Trust prior to entering into a conservation agreement.

The NSW Biodiversity Conservation Trust reserves the right to seek clarification or additional information from landholders about any information included in their application to inform the offer evaluation process.

The NSW Biodiversity Conservation Trust is not bound to accept any application and, reserves the right to make a counteroffer to an applicant following the offer evaluation (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.

The NSW Biodiversity Conservation Trust reserves the right to reject applications which set out management payments that would clearly not support implementation of the management plan and actions.

The NSW Biodiversity Conservation Trust reserves the right to reject applications that would commit a significant amount of available investment leading to inequity for other applicants and/or compromise program objectives.

The NSW Biodiversity Conservation Trust is not responsible for costs incurred by a landholder in participating in this offer, or through preparing and submitting an application.

Acceptance of an application will be subject to the landholder entering a conservation agreement with the NSW Biodiversity Conservation Trust.

Landholders can opt to withdraw an application at any time before a conservation agreement is signed.

## Important additional information for eligible landholders

1. Appendix A: Landholder Guide: Assessment Metric.
2. Appendix B: Landholder Guide: Schedule of fixed price offers.
3. [What we do / How we work](#), including the *Statement of Business Ethics*.
4. [Other NSW Biodiversity Conservation Trust resources](#), including *Landholder Guide on Taxation Issues and Existing Obligations and Agreements* factsheet.
5. [Assessment, compliance, and monitoring](#), including the *Aboriginal Places and Objects on Private Property* factsheet and *NSW Biodiversity Conservation Trust Assessment Metric*

# Appendix A: Landholder Guide: Schedule of fixed price offers.

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

It does this by commissioning land valuation research to identify average market values for land in each LGA and calculating a price to serve as a reasonable contribution to conservation management costs based on land valuations and land capability classes.

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 resulting schedule of fixed price offers<sup>23</sup> is published at [www.bct.nsw.gov.au/fixed-price-offers](http://www.bct.nsw.gov.au/fixed-price-offers).

The schedule includes fixed price offers for eligible LGAs in Central and Eastern NSW, and eligible LGAs 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 higher fixed price payment rate/s (\$/hectare/year) per land capability class is applied.

Where an agreement area adjoins an LGA with higher fixed price payment rates, a mid-point approach between the values for each land and soil capability class is adopted.

Eligible landholders receive a draft conservation management plan and fixed price offer application form with an indicative annual conservation management payment (\$/hectare/year) based on the schedule available when a landholder's expression of interest is batched for assessment, on 1 March, annually.

Eligible landholders will have options to:

- include direct costs for essential conservation fencing in their fixed price offer application in accordance with NSW Biodiversity Conservation Trust benchmarks; and/or
- nominate an annual payment below the fixed price payment calculated by the NSW Biodiversity Conservation Trust for the site.

The NSW Biodiversity Conservation Trust reserves the right to consider these requests on their merits and reserves the right to refuse such requests.

A counteroffer may be made 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 sites will be offered conservation management payments (\$/hectare/year) indexed (increased) in line with inflation according to the Consumer Price Index (CPI).

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<sup>23</sup> The schedule is approved by the NSW Biodiversity Conservation Trust Board. The Board may consider changing future schedules based on a range of factors, including implementation outcomes and other market information.

# Appendix B: Assessment Metric

The NSW Biodiversity Conservation Trust has developed an Assessment Metric<sup>24</sup> to determine best value for money sites in Conservation Management Program tenders, fixed price offers, conservation co-investment projects and Revolving Fund acquisitions.

This metric has been reviewed by the CSIRO and supports cost effectiveness of NSW Biodiversity Conservation Trust investment in private land conservation.

The metric ranks best value for money sites by generating a Biodiversity Value Score for each site. This is divided by the price to manage conservation at the site to generate a Biodiversity Value Index.

## Biodiversity Value Score

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

1. **Conservation values are assessed and measured:** This involves assessing the ecological condition of the site and the predicted future condition of the site based on proposed management actions; the type of environmental values on the property such as threatened ecological communities; and the value of the site based on its contribution to nature conservation in the landscape.
2. **Risk:** Risks of conservation values being lost or impacted in the future is assessed, having regard to the land and soil capability class of the site.
3. **Area:** The area of the proposed site to be protected by the conservation agreement is measured.
4. **Term:** All fixed price offer agreements are in-perpetuity and are measured equally for this.

## Biodiversity Value Index

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

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

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

$$\text{Biodiversity Value Index (BVI)} = \frac{\text{Biodiversity Value Score (BVS)}}{\text{Fixed Price} + \text{Essential Conservation Infrastructure costs}}$$

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<sup>24</sup> [www.bct.nsw.gov.au/info/assessment-compliance-and-monitoring](http://www.bct.nsw.gov.au/info/assessment-compliance-and-monitoring)