

NSW Biodiversity Conservation Trust

www.bct.nsw.gov.au



Liverpool Plains Cracking Clay Conservation Tender

Landholder Guide

June 2024



Acknowledgement of Country

The New South Wales Biodiversity Conservation Trust (BCT) acknowledges the Traditional Custodians - the original peoples and inhabitants of all lands across NSW - in all that we do. We pay sincere respect to Ancestors and Elders, past, present, and future, acknowledge the diversity of Traditional Custodian groups across NSW and respect the free, prior and informed consent rights of each group to make decisions in accordance with their lore, culture and customs.

Since time immemorial, Traditional Custodians have always identified landscapes and environments, with which they have a cultural affiliation, as the Country where they belong. This longstanding affiliation and belonging to Country has always been central to Traditional Custodian lores, cultures, customs and obligations and practices for taking care of Country. A cultural imperative linked to lore and rules of behaviour has always been, and always will be to take care of the Country to ensure people live in balance and harmony with the land and environment.

Traditional Custodians have always known and continue to strongly advocate that if we the people do not take care of the land and environment, the land and environment will not take care of us.

Our acknowledgement is supported by a genuine desire to empower Aboriginal staff, landholders and communities and a commitment to foster two-way learning and trusted partnerships that support our work together.

Together, we can and will bring ancient ways of knowing conservation into modern days of doing in a concerted effort to restore balance and harmony with the land and environment for the shared benefit and future sustainability of all Australian people.

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Introduction

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 2,300 conservation agreements with private landholders, who are responsible for protecting more than 2.1 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.



How to participate in a conservation tender

As a private landowner, you can participate in this conservation tender and bid for an annual management payment to protect important habitat and species on your land.

Submitting an EOI and bid:

1	Assess your eligibility as a participant in this offer, and for the conservation area, or site, you are proposing.
2	<p>Submit an online expression of interest (EOI) to indicate you have an eligible conservation area on your property ready to be assessed.</p> <p>EOIs can be submitted online at www.bct.nsw.gov.au/current-conservation-tenders. Alternatively, phone 1300 992 688 to request a form or assistance to express interest in the tender.</p>
3	<p>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:</p> <ul style="list-style-type: none">• identify the environmental values of your site and apply a Biodiversity Value Score (BVS)¹;• nominate a potential conservation area on your land;• agree on the land management actions to protect and manage native vegetation on your land; and,• prepare a conservation management plan for the proposed conservation area.
4	<p>Prepare a conservation tender bid, using a supplied template. This bid will include:</p> <ul style="list-style-type: none">• a conservation management plan for your proposed conservation area.• any request for additional essential conservation infrastructure funding.
5	<p>Submit your bid prior to the closing date detailed in the letter inviting you to apply². Bids are held within a secure location until after the nominated closing date for the conservation tender.</p> <p>For the Liverpool Plains Cracking Clay conservation tender, the bid period opens on 14 February 2025. The closing date is 2 March 2025 and published at bct.nsw.gov.au/clays</p>
6	<p>All bids will be assessed after the nominated closing date of the conservation tender.</p> <p>If your bid is successful, you will be offered an in-perpetuity conservation agreement or a fixed term conservation agreement of minimum 15 years, with annual payments, in accordance with your bid (indexed annually in line with inflation).</p>
7	<p>If you accept the offer, your conservation agreement will be registered on the title of your land, via the NSW Land Registry Services.</p>

¹ Refer to the chapter titled: The conservation tender offer process

² 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.

Conservation tender overview

How does a conservation tender work?

A conservation tender (reverse auction) focuses on the protection and management of conservation priorities identified by the NSW Biodiversity Conservation Investment Strategy (BCIS) and other NSW Government investment priorities for biodiversity conservation.

Through conservation tenders the NSW Biodiversity Conservation Trust is looking to work with private property owners to protect and manage 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)³, 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.

Liverpool Plains Cracking Clay conservation tender

The Liverpool Plains Cracking Clay conservation tender focuses on conserving remnant patches of moderate to good condition native vegetation on vertosol soils within the Liverpool Plains and Gunnedah Shire LGAs. There is a particular focus on natural grasslands and weeping myall woodlands threatened ecological communities (TECs) as well as regionally significant wetland sedgeland. Other types of native vegetation, such as floodplain and grassy woodlands TECs and other regionally significant wetlands, may be eligible.

This conservation tender aims to:

- secure conservation and management of moderate to good condition native vegetation, particularly threatened ecological communities on vertosol soils⁴ (cracking clays).
- protect good examples of poorly conserved ecosystems subject to significant pressure and threat.

³ DIWA: www.environment.gov.au/water/wetlands/australian-wetlands-database/directory-important-wetlands

⁴ Vertosol soils will be defined by BCT vertosol soil mapping and a rapid soil field assessment/validation as part of the site assessment of an EOI.

- promote long-term outcomes for landholders and the environment.
- provide a cost-effective, transparent, and efficient program to deliver government investment in conservation outcomes.

Am I eligible for this conservation tender?

To submit an EOI and bid for a conservation agreement through this offer you must be:

- 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, 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; and,
- willing to enter an in-perpetuity conservation agreement or a fixed term conservation agreement of minimum 15 years with the NSW Biodiversity Conservation Trust.

Eligible conservation sites prioritised for assessment by BCT field staff and ecologists include those:

- within the proposed tender area⁷ (see Map 1.).
- containing at least:
 - one single patch of ≥ 5 ha of a targeted community; natural grasslands, or weeping myall woodlands, or wetland sedge lands on vertosol soils (see Appendix B, Group 1); or
 - one single patch of ≥ 10 ha of other eligible native vegetation on vertosol soils (see Appendix 1 Group 2); and
- areas of Group 1 and Group 2 native vegetation on vertosol soils must be in moderate to good condition and meet the Plant Community Type descriptions or associated TEC determinations (see Appendix B);

⁵ Under the *Biodiversity Conservation Act 2016* an Owner of the land includes:

- every person who, either at law or in equity
 - is entitled to the land for any estate of freehold in possession, or
 - 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
 - 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
- a person who leases land under the *Crown Land Management Act 2016*, and
- 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.

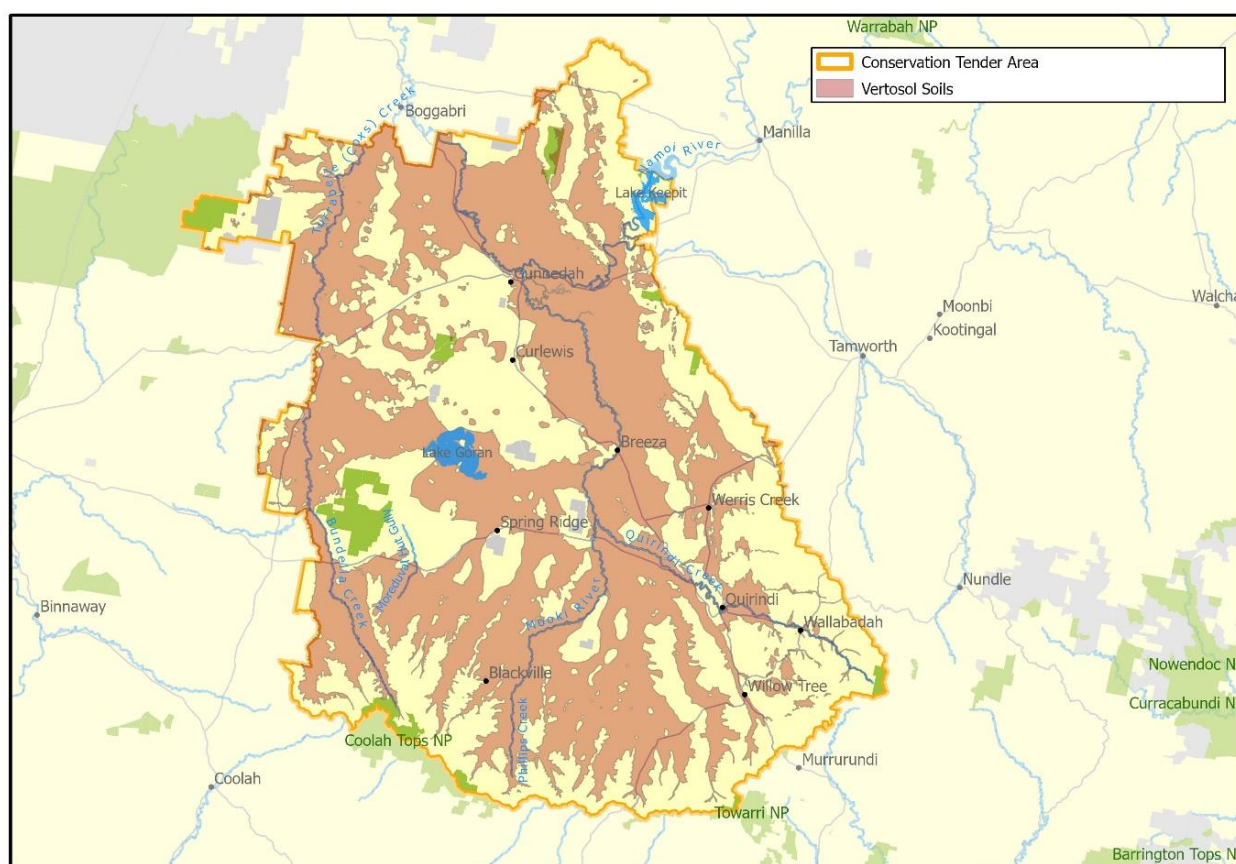
⁷ Where a proposed site crosses a tender boundary, the minimum size and condition requirement must be met for land within the tender area. The BCT reserves the right to limit the area of land permitted outside a tender area and/or modify the assessment of land outside that area. The BCT further reserves the right to prioritise proposed sites for assessment that are wholly within the tender area.

For all participant and site eligibility requirements, refer to the section ‘Full eligibility’.

Where will the conservation agreements be located?

The conservation tender area is located within the Gunnedah Shire and Liverpool Plains Shire LGA’s within the ancestral territory of the Kamilaroi people and covers an area of 1,007,494 ha. A map is provided below.

To determine whether your property is within the tender area, visit www.bct.nsw.gov.au and search for the Liverpool Plains Cracking Clay conservation tender page to see an interactive map.



Map 1: A representative map of the Liverpool Plains Cracking Clay conservation tender area.

Conservation tender timeline


The BCT will call for EOIs to participate in the Liverpool Plains Cracking Clay conservation tender on 22nd July 2024, and close EOIs at 11:59pm on 16th August 2024.


The below is indicative of the timeline of activity to progress this tender. You will receive advice and support from BCT 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												
Site assessments												
Site plans agreed												
2025												
Site plans agreed												
Bid period												
Bids evaluated												
Bids approved												
Landholders Notified												
Agreements signed												
First annual payment												

Table 1: A representative timeline for Liverpool Plains Cracking Clay conservation tender.

Submit your expression of interest

- 

Visit [bct.nsw.gov.au](#) to submit an online expression of interest.
- 

Phone 1300 992 688 to request assistance to express your interest in the Liverpool Plains Cracking Clay conservation tender.

Full eligibility

Participant eligibility

To submit an expression of interest for conservation tender you must be:

- an Owner of the land⁹, as defined by the *Biodiversity Conservation Act 2016 (NSW)*; and,
- an Australian citizen¹⁰, 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 or a fixed term conservation agreement of minimum 15 years with the NSW Biodiversity Conservation Trust.

Participant responsibilities

In submitting a bid for this conservation tender:

- 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 bid, is required¹¹. Multiple bids for the same land area will not be

⁹ Under the *Biodiversity Conservation Act 2016* an Owner of the land includes:

- (d) every person who, either at law or in equity
 - (k) is entitled to the land for any estate of freehold in possession, or
 - (l) 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
- (e) a person who leases land under the *Crown Land Management Act 2016*, and
- (f) 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.

¹⁰ Australian citizens residing outside of Australia are eligible, provided they are registered for tax purposes in Australia and hold an Australian bank account.

¹¹ 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 conservation tender, and other logistical and administrative considerations.

permitted. The NSW Biodiversity Conservation Trust will accept one bid 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 bidder is a fit and proper person. Where the NSW Biodiversity Conservation Trust forms an opinion, the bidder is not a fit and proper person to enter into a conservation agreement, it will exclude the bid from further consideration.
- you should refer to the NSW Biodiversity Conservation Trust’s *Landholder Guide on Taxation Issues*¹² 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 a fixed-term (minimum 15 years) or 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 a bid.

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 conservation tender.

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.

¹² www.bct.nsw.gov.au/info/other-bct-resources

- 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 conservation tender, are not eligible to participate in that tender. Any expression of interest received from such a party will not progress further in the process.

Fair and honest business dealings

The NSW Biodiversity Conservation Trust *Statement of Business Ethics*¹³ details how the NSW Biodiversity Conservation Trust 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.

Participants are reminded this conservation tender 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 bid evaluation, the NSW Biodiversity Conservation Trust reserves the right to rule those bids ineligible if the equity, integrity, or competitiveness of the conservation tender has been compromised.

Site eligibility

Eligible conservation sites prioritised for assessment by BCT field staff and ecologists include those:

- within the proposed conservation tender area (see Map 1).
- containing at least:
 - one single patch of ≥ 5 ha of a targeted community; natural grasslands, or weeping myall woodlands, or wetland sedge lands on vertosol soils (see Appendix B, Group 1).
Or
 - one single patch of ≥ 10 ha of other eligible native vegetation on vertosol soils (see Appendix 1 Group 2); and
- areas of Group 1 and Group 2 native vegetation on vertosol soils must be in moderate to good condition and meet the Plant Community Type descriptions or associated TEC determinations (see Appendix B).

¹³ NSW BCT Statement of Business Ethics - <https://www.bct.nsw.gov.au/what-we-do>

The proposed conservation area (CA) may contain additional patches of Group 1 and Group 2 vegetation, additional to the minimum criteria identified above, only where these patches are in moderate to good condition and meet the minimum required patch size. Group 1 and Group 2 vegetation will be confirmed via a BCT site assessment.

While there is no limit on the inclusion of non-eligible vegetation the BCT prefers investing in conservation areas with a greater ratio of eligible vegetation as compared to non-eligible vegetation. Once eligibility criteria have been satisfied non-eligible native vegetation may be included but must be in moderate to good condition.

Assessing site size and location

Where a proposed site crosses the conservation tender boundary, the minimum size and condition requirement must be met for land within the eligible area.

The NSW Biodiversity Conservation Trust reserves the right to limit the area of land permitted outside the conservation tender 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 conservation tender 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 benchmarks¹⁴.

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.

¹⁴ www.environment.nsw.gov.au/topics/animals-and-plants/native-vegetation/vegetation-condition-benchmarks

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.

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

Identifying a conservation site on your property is a matter for you.

Participation in the conservation tender 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 tender.

Identifying conservation sites on multiple properties

A separate expression of interest and bid is required for each individual eligible property¹⁵.

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 conservation tender.
- any other logistical and administrative considerations.

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 tender 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 participate, 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 conservation tender.

The NSW Biodiversity Conservation Trust may also limit the number of successful bidders 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*

¹⁵ 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.

*Agreements*¹⁶ document. Alternatively, contact the NSW Biodiversity Conservation Trust to discuss your circumstances in the context of this conservation tender.

Sites on Crown leasehold land

Crown leasehold land sites will be required to meet the Crown Lands policy¹⁷ with respect to biodiversity conservation agreements and any additional steps undertaken by BCT to confirm eligibility based on the individual lease type and lease conditions. 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 conservation tender.

All leasehold land

For all leasehold land, additional due diligence steps will be undertaken by BCT to confirm eligibility based on the individual lease type, purpose and conditions.

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

To meet objectives of the NSW Biodiversity Conservation Trust's *Aboriginal Empowerment Strategy*²⁰, the eligibility of publicly owned and managed land subject to a process that may see a transfer of ownership to Aboriginal 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 conservation tender 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.

¹⁶ www.bct.nsw.gov.au/info/other-bct-resources

¹⁷ <https://www.crownland.nsw.gov.au/resources/rules-policies-guidelines>

²⁰ The NSW Biodiversity Conservation Trust recognises there are a variety of terms used to define indigenous peoples and culture. For the purposes of our *Aboriginal Empowerment Strategy*, 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 referenced in this strategy. Relevant to this point is the fact that the United Nations (UN) use the language of indigenous in its administration, policies and instruments, such as the Declaration of the Rights of Indigenous Peoples (DRIP).

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.

The conservation tender process

1. Submit your expression of interest

Your first step to participating in this conservation tender is to assess your eligibility (see the chapter titled **Full eligibility**) and, if you believe you have an eligible conservation site, express your interest in having the site assessed.

Expressions of interest (EOIs) open to participants for a set period²¹.

An EOI does not commit you to submitting a bid 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 conservation tender. 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.

2. 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 conservation tender eligibility criteria and develop a Biodiversity Value Score (BVS). A site will require a BVS to make a bid and participate in the conservation tender.
- 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 bid and participate in the tender.

A conservation management plan will require you to:

²¹ The BCT reserves the right to extend the EOI period or close the EOI period early based on extenuating circumstances including if sufficient EOIs are received. Any changes to the EOI period will be communicated on the NSW Biodiversity Conservation Trust website and other media as suitable.

- 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 you on how to deliver these conservation management actions. Visit 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.

3. Preparing a bid

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 conservation tender bid and is submitted along with it.

Costing your conservation management activity

The amount you bid is entirely up to you and should reflect the annual payments you wish to receive for undertaking the actions outlined in an agreed conservation management plan over the term of the proposed agreement.

Bids will be assessed and ranked based on value-for-money. The amount you bid will influence how competitive your bid is respective to other bidders within the same region.

Your proposed conservation area, available resources and abilities will be different to those of others submitting bids in this conservation tender. In costing the activity you and BCT staff have discussed to include in a conservation management plan, consider:

- labour costs, including hired or your own:
- material costs for undertaking conservation management actions, for example fencing materials, equipment or chemicals for pest and weed control, or plants for re-vegetation, if applicable
- the cost of equipment required to undertake management actions
- the cost of seeking specialist advice from contractors, advisors, personal financial advisors, accountants or product suppliers
- the costs associated with stock exclusion, such as alternate water sources
- any loss in income due to changes in the income-producing aspects of the conservation area. For example, a loss of timber production, grazing, or other development opportunity
- the time and costs associated in administering a conservation agreement. For example, reporting.

Landholders may also choose to consider the benefits to be gained from changes in managing their native vegetation and reflect the return to them by way of a reduced bid price.

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.

4. Submit your bid

The NSW Biodiversity Conservation Trust encourages you to prepare your bid 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 a bid, for probity reasons, they are not able to advise you on costing your bid or suggest a price likely to be successful. You should consider seeking expert financial and/or legal advice as appropriate to your circumstances.

To submit a bid, you will need:

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

In preparing your bid, fill out the bid template and nominate the payments you require, in today's dollars, to realise your agreed-to conservation management plan. For successful bids, 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 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 bid



Email tenders@bct.nsw.gov.au



NSW Biodiversity Conservation Trust
Liverpool Plains Cracking Clay conservation tender
Private Locked Bag 5023,
Parramatta NSW 2124.

All bids must be received by 11:59pm on the closing date of the bid submission period. If mailing a bid, you should ensure sufficient time is allowed for the bid package to be received prior to the closing date.

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

Facsimile submissions will not be accepted.

How is my bid evaluated?

All bids are required to be received by the tender closing date. This will be detailed on the conservation tender webpage and provided to you in your bid submission package.

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

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

Bids will be compared by the evaluation panel using an Assessment Metric²² that applies a consistent numerical index of biodiversity benefit, called the Biodiversity Value Score (BVS).

The Biodiversity Value Score (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 Biodiversity Value Score (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.

²² www.bct.nsw.gov.au/info/assessment-compliance-and-monitoring

To rank sites on a value-for-money basis, the NSW Biodiversity Conservation Trust calculates a Biodiversity Value Index (BVI) for each bid, 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 bids are submitted.

How to make your application competitive

Your Biodiversity Value Score (BVS), see previous, represents the ‘value’ for conservation that will be produced if you are successful in bidding for, and entering, a conservation agreement.

You can influence the success of your bid 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 bid price 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 bid 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 conservation tenders, the Trust consults a probity advisor, and an independent probity adviser supervises the ranking of assessed bids. The ranking is reviewed and approved by the NSW Biodiversity Conservation Trust Board.

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

5. Notification of results

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

Where a bid is successful, you will be invited to sign a conservation agreement with an agreed management plan and proposed payment schedule.

Where a bid is unsuccessful, it does not necessarily mean your site is not important for conservation. You will be given feedback on how your bid compared to successful bids 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 bidders.

Conservation tender conditions

It is not intended that this conservation tender, or a bid in response to it, commits, obligates or otherwise creates a legal relationship in respect of entering into an agreement with a landholder.

However, any bid lodged by a landholder will constitute an irrevocable offer by the landholder. A landholder may withdraw their bid, 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 bid to inform the offer evaluation process.

The NSW Biodiversity Conservation Trust is not bound to accept any bid and, reserves the right to make a direct offer to a bidder following the bid evaluation in line with program objectives and available investment allocation.

The NSW Biodiversity Conservation Trust reserves the right to reject bids 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 bids that would commit a significant amount of available investment leading to inequity for other bidders 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 a bid.

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

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

Important additional information for eligible landholders

1. Appendix A: Landholder Guide: Assessment Metric.
2. [What we do / How we work](#), including the *Statement of Business Ethics*²³.
3. [Other NSW Biodiversity Conservation Trust resources](#), including *Landholder Guide on Taxation Issues*²⁴ and *Existing Obligations and Agreements*²⁵ factsheet.
4. [Assessment, compliance, and monitoring](#), including the *Aboriginal Places and Objects on Private Property*²⁶ factsheet and *NSW Biodiversity Conservation Trust Assessment Metric*²⁷

²³ www.bct.nsw.gov.au/sites/default/files/2020-04/BCT%20Statement%20of%20business%20ethics.pdf

²⁴ www.bct.nsw.gov.au/sites/default/files/2020-09/BCT%20Landholder%20guide%20on%20taxation%20issues%20-%20Sep%202020.pdf

²⁵ www.bct.nsw.gov.au/sites/default/files/2019-10/Existing%20obligations%20CMP.pdf

²⁶ www.bct.nsw.gov.au/sites/default/files/2022-07/Aboriginal%20places%20and%20objects%20on%20private%20property%20-%20Factsheet.pdf%20final.pdf

²⁷ www.bct.nsw.gov.au/sites/default/files/2020-09/BCT%20Assessment%20Metric%20Web%20Version%20September%202020.pdf

Appendix A: Assessment Metric

The NSW Biodiversity Conservation Trust has developed an Assessment Metric²⁸ 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:** in some conservation tenders, landholders have the option to select conservation agreements that are term (minimum of 15 years) through to in-perpetuity. The BVS gives greatest weight to in-perpetuity agreements and greater weight to longer-term agreements relative to shorter-term agreements.

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:

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

²⁸ www.bct.nsw.gov.au/info/assessment-compliance-and-monitoring

Appendix B: Eligibility for targeted vegetation on vertosol soils

Table 1. Eligible Liverpool Plains Cracking Clay tender vegetation on vertosol soils

Threatened Ecological Community (TEC)	Plant Community Type (PCT)	Group
Native Vegetation on cracking clay soils of the Liverpool Plains (EPBCA) ²⁹	PCT 102 - Liverpool Plains grassland mainly on basaltic black earth soils, Brigalow Belt South Bioregion	Group 1
Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Peneplain, Murray- Darling Depression, Riverina and NSW South Western Slopes bioregions (EPBCA) ³⁰	PCT 27 - Weeping Myall open woodland of the Darling Riverine Plains Bioregion and Brigalow Belt South Bioregion	Group 1
Regionally Significant Vegetation as determined by BCT (not directly associated with a TEC)	PCT 53 - Shallow freshwater wetland sedgeland in depressions on floodplains on inland alluvial plains and floodplains	Group 1
White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland (Box-Gum Woodland) (EPBCA) ³¹	PCT 281 - Rough-Barked Apple - red gum - Yellow Box woodland on alluvial clay to loam soils on valley flats in the northern NSW South Western Slopes Bioregion and Brigalow Belt South Bioregion	Group 2
	PCT 433 - White Box grassy woodland to open woodland on basalt flats and rises in the Liverpool Plains sub-region, BBS Bioregion	Group 2
	PCT 437 - Yellow Box grassy woodland on lower hillslopes and valley flats in the southern NSW Brigalow Belt South Bioregion	Group 2

²⁹Threatened Species Scientific Committee (2009). Commonwealth Listing Advice on Natural grasslands on basalt and fine-textured alluvial plains of northern New South Wales and southern Queensland. Department of the Environment, Water, Heritage and the Arts. Available from: <http://www.environment.gov.au/biodiversity/threatened/communities/pubs/88-listing-advice.pdf>. In effect under the EPBC Act from 07-Jan-2009.

³⁰ Threatened Species Scientific Committee (2009). Commonwealth Listing Advice on Weeping Myall Woodlands. Department of the Environment, Water, Heritage and the Arts. Available from: <http://www.environment.gov.au/biodiversity/threatened/communities/pubs/98-listing-advice.pdf>. In effect under the EPBC Act from 07-Jan-2009.

³¹ Threatened Species Scientific Committee (2006). *Commonwealth Listing Advice on White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland*. Available from: <http://www.environment.gov.au/biodiversity/threatened/communities/box-gum.html>. In effect under the EPBC Act from 18-May-2006.

	PCT 516 - Grey Box grassy woodland or open forest of the Nandewar Bioregion and New England Tableland Bioregion	Group 2
	PCT 599 - Blakely's Red Gum - Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South Bioregion and Nandewar Bioregion	Group 2
Poplar Box Grassy Woodland on Alluvial Soils (EPBCA) ³²	PCT 101 - Poplar Box - Yellow Box - Western Grey Box grassy woodland on cracking clay soils mainly in the Liverpool Plains, Brigalow Belt South Bioregion	Group 2
Fuzzy Box Woodland on Alluvial Soils of the South – Western Slopes, Darling Riverine Plains and Brigalow Belt South Bioregions (NSW) ³³	PCT 202 - Fuzzy Box woodland on colluvium and alluvial flats in the Brigalow Belt South Bioregion (including Pilliga) and Nandewar Bioregion	Group 2
Inland Grey Box (<i>Eucalyptus microcarpa</i>) Woodland in the Riverina, NSW South Western Slopes, Cobar Penepine, Nandewar and Brigalow Belt Bioregions (EPBCA) ³⁴	PCT 101 - Poplar Box - Yellow Box - Western Grey Box grassy woodland on cracking clay soils mainly in the Liverpool Plains, Brigalow Belt South Bioregion	Group 2
Regionally Significant Vegetation (not clearly associated with a TEC)	PCT 204 - Water Couch marsh grassland wetland of frequently flooded inland watercourses	Group 2
	PCT 247 - Lignum shrubland wetland on regularly flooded alluvial depressions in the Brigalow Belt South Bioregion and Darling Riverine Plains Bioregion	Group 2
	PCT 55 - Belah woodland on alluvial plains and low rises in the central NSW wheatbelt to Pilliga and Liverpool Plains	Group 2

The proposed conservation area (CA) may contain additional patches of Group 1 and Group 2 vegetation, additional to the minimum criteria, only where these patches are in moderate to good

³² Department of the Environment and Energy (2019). *Conservation Advice (including listing advice) for the Poplar Box Grassy Woodland on Alluvial Plains*. Canberra: Department of the Environment and Energy. Available from: <http://www.environment.gov.au/biodiversity/threatened/communities/pubs/141pb-conservation-advice.pdf>. In effect under the EPBC Act from 04-Jul-2019.

³³ NSW Scientific Committee Determination: Fuzzy Box Woodland on alluvial soils of the South Western Slopes, Darling Riverine Plains and Brigalow Belt South Bioregions - Determination to make a minor amendment to Part 3 of Schedule 1 of the Threatened Species Conservation Act (Dec 2011).

³⁴ Threatened Species Scientific Committee (2010). *Commonwealth Listing Advice on Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia*. Department of the Environment, Water, Heritage and the Arts. Canberra, ACT: Department of the Environment, Water, Heritage and the Arts. Available from: <http://www.environment.gov.au/biodiversity/threatened/communities/pubs/86-listing-advice.pdf>. In effect under the EPBC Act from 01-Apr-2010.

condition and meet the minimum required patch size. Group 1 and Group 2 vegetation will be confirmed via a BCT site assessment.

The BCT reserves the right to accept non-contiguous areas of vegetation within a conservation area where the minimum size and condition criteria are met for at least one of the areas, and the configuration of the proposed areas is considered by the BCT to support long term resilience and viability of the site.