PRIVATE LAND CONSERVATION

Key features of the new legislation

A new Biodiversity Conservation Trust will deliver an unprecedented government investment of $240 million over 5 years in private land conservation.

An additional $70 million in ongoing funding will also be available in future years subject to performance review.

The Trust will be guided by a Biodiversity Conservation Investment Strategy, which will identify priority investment areas and principles for investment.

The Trust will support and encourage landholders to enter into agreements to conserve and protect biodiversity on private land, safeguarding and reconnecting key remnant vegetation.

Funding for private land conservation

The NSW Government has committed $240 million over five years to invest in private land conservation (PLC), and $70 million in ongoing funding subject to performance reviews.

A new Biodiversity Conservation Trust will deliver this investment on behalf of government by working with landholders to establish private land conservation agreements. A Biodiversity Conservation Investment Strategy made by the Minister for the Environment will guide the Trust. The strategy will contain principles that will help in identifying priority investment areas and investment in those areas, including a state-wide map.

Improved oversight

Stakeholders were supportive of the establishment of the Biodiversity Conservation Trust and welcomed investment in private land conservation, provided there are adequate checks and balances.

The new legislation includes a strengthened governance framework for the Biodiversity Conservation Trust to guide and support the Trust to fulfil its substantial responsibilities under the biodiversity offsets scheme and private land conservation program. The Biodiversity Conservation Trust will be subject to the direction of the Minister for the Environment and the Minister will approve the Trust’s business plan. Directions will be published to ensure transparency.

The changes establish a more appropriate level of ministerial oversight for the scope and scale of the Trust’s activities and the significant public funds it will manage.

The Trust will publish information about its approach to biodiversity offsets and private land conservation and outcomes achieved through its business plan, annual reporting and other communications.

A new framework for conservation agreements

The Biodiversity Conservation Bill also establishes a new framework for private land conservation that rationalises the existing seven different types of conservation arrangements into three tiers of voluntary private land conservation agreements:

- **Biodiversity stewardship agreements**, also known as Tier 1 agreements, will provide for permanent protection and management of biodiversity and allow for the creation of biodiversity credits.
- **Conservation agreements**, or Tier 2 agreements, are permanent or time-bound agreements that will be eligible for stewardship payments.
- **Wildlife refuge agreements**, or Tier 3 agreements, are an entry level option for landholders who want to protect the biodiversity on their property but do not wish to enter into a permanent agreement.

The new framework will remove duplication, improve incentives and reduce barriers for landholders to enter into long-term land conservation. Stakeholders were generally supportive of the framework, although some raised concerns about how existing agreements will be treated under the new arrangements.

Existing agreements, including conservation agreements under the National Parks and Wildlife Act 1974, trust agreements under the Nature Conservation Trust Act 2001 and BioBanking agreements under the Threatened Species Conservation Act 1995, will be carried over and remain in place. This means that properties protected under a permanent conservation agreement will continue to be protected in perpetuity.
Consultation will continue
The arrangements for converting or upgrading an existing agreement to an equivalent agreement under the Biodiversity Conservation Act will be set out in the Regulation, which will be subject to further public consultation. Any conversion will be at the request of the landholder.