

*Sustain. Invest. Protect.*

A new approach to  
land management and  
conservation in NSW

## Private Land Conservation

The draft Biodiversity Conservation (BC) Regulation, tools and products, provide further detail on the arrangements for private land conservation agreements and the Biodiversity Conservation Trust under the *Biodiversity Conservation Act 2016*.

### Unprecedented government investment

The NSW Government has committed \$240 million over five years to support conservation on private land and \$70 million in each following year, subject to performance review.

### A streamlined approach

A more streamlined and strategic approach to private land conservation establishes three types of voluntary private land conservation agreements:

- » Biodiversity stewardship agreements (BSAs) that provide permanent protection and management of biodiversity and allow for the creation of biodiversity credits
- » Conservation agreements (CAs) which are permanent or time-bound agreements and may be eligible for stewardship payments
- » Wildlife refuge agreements (WRAs) which 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 Biodiversity Conservation Trust

The draft BC Regulation provides information on what the Biodiversity Conservation Trust (the Trust) must include in its business plan and annual reporting, including relevant goals, investment plans, and data management. These provisions will help ensure the Trust is accountable to the government and the community for the performance of its functions.

### Biodiversity Conservation Investment Strategy

A Biodiversity Conservation Investment Strategy (BCIS) will guide the Trust in delivering the Government's investment in private land conservation. It will set out proposed objectives, priority investment areas and investment principles. The BCIS will work with the national parks system to build a protected area network across public and private land. The BCIS will also complement other major NSW Government priorities and investment, such as the *Saving our Species* program and the NSW Koala Strategy.

The BCIS is currently in development and will be publicly exhibited, for comment, before it is made by the Minister for the Environment.

## Financial incentives

Financial concessions and incentives (e.g. exemptions from land tax, and local council rate relief) will support landholders to participate in private land conservation activities. These incentives are in addition to other benefits the landholder may receive through government funding or from the creation of credits. Current arrangements will be carried over, with some minor adjustments. This will be progressed through legislative changes.

## Existing private land conservation agreements

It is intended that the new framework will provide for existing Biobanking agreements to continue, and to be managed in the same way as BSAs under the *Biodiversity Conservation Act 2016 (BC Act)*.

Other arrangements, such as conservation agreements and wildlife refuges under the *National Parks and Wildlife Act 1974*, will remain in place and continue to be governed by the Act they were made under.

These savings and transitional arrangements will be implemented through legislative changes.

Landholders who have an existing voluntary private land conservation agreement may be eligible to upgrade to an agreement under the BC Act if they wish.

The Trust will work with Landholders to determine what type of agreements are suitable for upgrading. This flexibility is important as each landholder's circumstances will differ.

## Land that can become a BSA site

The draft BC Regulation continues to exclude certain land from being designated as a BSA site, for example if the land use is inconsistent with conservation.

A new provision under the draft BC Regulation will allow offset obligations created outside of the new Biodiversity Offsets Scheme to be met by voluntarily entering into a BSA and immediately retiring biodiversity credits that are generated. This type of arrangement may occur where a development consent issued before the BC Act commences requires a proponent to secure an area of their land in perpetuity as an offset. Before retiring the credits the proponent must pay into the Stewardship Payments Fund to cover the in-perpetuity management costs for the site.

The draft BC Regulation includes provisions to reimburse establishment costs and other amounts in some cases where an agreement is varied or terminated due to a mining or petroleum authority granted on the site.

## Variations to BSAs

The draft BC Regulation streamlines the process for making minor variations to a BSA that support more efficient land management. The draft BC Regulation also establishes a new process to manage an established BSA when its ownership becomes split between multiple people. In this case, the Environment Minister can vary the agreement and specify the division of payments and management actions between all owners after following a notification and consultation process.

## More information

Additional detail on the exhibited products, tools and Regulations are provided in the supplementary information and stakeholders may wish to consider these when making a submission.

## Have your say

We want to hear from you about the private land conservation proposals set out in the draft BC Regulation. You can have your say online at <http://landmanagement.nsw.gov.au/haveyoursay/> or send your written submission to: Land Management and Biodiversity Conservation Reforms Office of Environment and Heritage PO Box A290 Sydney South NSW 1232. **Submissions close on 21 June.**