



Application form for a conservation agreement as a condition of consent

Submission of an application form is required if you are seeking a Biodiversity Conservation Trust (BCT) Conservation Agreement in accordance with the 'Guidelines for use of conservation agreements as development consent conditions' (the guidelines), first published on 8 August 2019. The Biodiversity Conservation Trust provides this service on a fee for service basis in limited circumstances, as outlined in the guidelines.

Note: This form of agreement does not generate biodiversity credits. If you are interested in a Biodiversity Stewardship Agreement (BSA) to generate biodiversity credits, you will need to fill in a BSA Expression of Interest Form available at www.bct.nsw.gov.au

What type of conservation agreement are you establishing? (Please tick one)

- Conservation Agreement to satisfy Council conditions of consent (that is consistent with the guidelines)
- Conservation Agreement for Major Projects (only available for projects approved prior to October 2014 as per the guidelines)

What fee category is applicable to the application? (Please tick one – see page 15 of the guidelines)

- Fee category 1 (single residential dwellings and public landholders)
- Fee category 2 (all other development)

Lodging your application

To lodge an application this form must be completed and returned with all attachments to the BCT at info@bct.nsw.gov.au with the subject line 'Conservation agreement as condition of consent'.

If the files are too large, then a data exchange site can be arranged by contacting the BCT.

If you need help completing this form, please contact the BCT on 1300 361 967 or info@bct.nsw.gov.au.

Landholder and property details

Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Ms	<input type="checkbox"/> Miss	<input type="checkbox"/> Mrs	<input type="checkbox"/> Dr
Last name					
First name					
Company					
ABN/ACN					
Property Address					
Suburb/Town					
State		Postcode			
Postal Address (if different to above)					
Suburb/Town					
State		Postcode			

Local Government Area			
Property Number (as shown on Notice of Valuation)			
Property size (ha)			
Land title information All Lot/DP numbers to be included in the agreement (as shown on Council rates)			
Have you spoken to a BCT staff member about your application? If so, please provide the name of the staff member.			
Contact for application enquiries or notifications			
Name			
Phone		Mobile	
Fax		Email	

Proposed agreement area details

Note: This section is optional. Please fill in information where possible to assist the BCT to process your application

Size of your proposed Agreement Area (Ha)			
Vegetation type(s) describe vegetation in the Conservation Area Please provide the Plant Community Type descriptions if possible. Example: Rough-barked Apple - Yellow Box grass/ shrub footslope open forest, Brigalow Belt South Bioregion			
Description of the vegetation condition Example: Age, remnant or regrowth, vegetation layers present (shrubs, grass and trees), weediness and general health			
Threatened flora and fauna or species of interest recorded in the area			
What is the current land use on the proposed agreement area? Example: 'occasional grazing' or 'only passive uses'			

Please indicate if any of the following exist on the property:

- Conservation Agreement under the *Biodiversity Conservation Act 2016* Yes No
- Trust Agreement under the *Nature Conservation Trust Act 2001* Yes No
- Registered Property Agreement under the *Native Vegetation Conservation Act 1997* Yes No
- A Property Vegetation Plan (PVP), offset or set-aside requirement Yes No
- Carbon agreement or a private native forestry agreement Yes No
- Do you have other covenants, caveats, agreements or restrictions on title Yes No

If you have answered yes to any of the above, please provide name of the agreement/requirement and the reference number:

Eligibility criteria and standards

Please indicate if the proposed agreement relates to the following type of development (consistent with eligibility requirements on pages 4-5 of the ‘Guidelines for use of conservation agreements as development consent conditions’:

- Local development – consent conditions issued on or before 8 August 2019¹ Yes No
- Local development – consent conditions issued after 8 August 2019 Yes No
- Planning proposal Yes No
- Major Projects – consent conditions issued prior to October 2014² Yes No

Please indicate if the proposed agreement area meets the minimum requirements listed on page 11 of the ‘Guidelines for use of conservation agreements as development consent conditions’:

- Proposed area at least 5 hectares in size Yes No
- Proposed area meets at least one biodiversity value Yes No
- Proposed area meets all configuration requirements Yes No
- Proposed area meets all condition requirements Yes No

If you have answered no to any of the above, please provide justification for why the proposed area should be considered by the BCT for a conservation agreement:

¹ Publication date of the ‘Guidelines for use of conservation agreements as development consent conditions’.

² Date that the NSW Biodiversity Offsets Policy for Major Projects was introduced

Attachments

Please complete the fit and proper person declaration at Attachment A and provide the following documentation (tick to indicate that they have been provided).

- Survey Map or GPS referenced boundary map of the proposed agreement area to clearly identify the Conservation Agreement site and its features.
- A copy of the Development Consent or Conditions of Approval

Note: Following the initial assessment of eligibility for a Conservation Agreement, further information will be requested by the BCT including:

- Detailed site descriptions
- Relevant spatial information and datasets
- Detailed management plans
- Monitoring plans, points and data

Signatures

I am applying to establish a BCT Conservation Agreement on my property and understand that submitting this application does not carry any rights or obligations and does not guarantee approval of an agreement.

The information provided is complete and correct to the best of my knowledge.

Signatures of the landholder(s)*:

Signature		Signature	
Name		Name	
Position		Position	
Date		Date	

Signature		Signature	
Name		Name	
Position		Position	
Date		Date	

* Signature(s) of all the legal owners of the property are required. If the landowner is an organisation this form must be signed by a minimum of two representatives.

Attachment A – Fit and Proper Person Declaration

The NSW BCT may decline an offer if any owner of the site is, in the NSW BCT's discretion, considered to not be a fit and proper person to enter into and fulfil the obligations imposed by a Conservation Agreement. Each landholder of the land must respond to the following questions.

Landholder Name:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	Has the landholder or an Associated Manager of the landowner contravened any Relevant Legislation*, or held a licence or other authority that has been suspended or revoked under any Relevant Legislation?
<input type="checkbox"/> Yes <input type="checkbox"/> No	If the landholder is an Associated Manager of another person, has the other person contravened any Relevant Legislation *, or held a licence or other authority that has been suspended or revoked under any Relevant Legislation *?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Has the landowner or an Associated Manager of the landowner, in the previous 10 years, been convicted in New South Wales or elsewhere of an offence involving fraud or dishonesty?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Has the landowner or an Associated Manager of the landowner, during the previous 3 years, been an undischarged bankrupt or applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded with creditors or made an assignment of remuneration for their benefit?
<input type="checkbox"/> Yes <input type="checkbox"/> No	If a body corporate, is the landowner the subject of a winding up order, or has the landowner had a controller or administrator appointed during the previous 3 years?
<input type="checkbox"/> Yes <input type="checkbox"/> No	If an individual, is the landowner or has the landowner been the director or person concerned in the management of a body corporate that is the subject of a winding up order or for which a controller or administrator has been appointed during the previous 3 years?

Relevant Legislation means the following Acts, or parts of Acts, and any regulations, agreements, authorities or other instruments entered into, granted or made under those Acts or parts (whether or not still in force):

- the Biodiversity Conservation Act 2016;
- Part 5A of the Local Land Services Act 2013;
- Parts 7 and 7A of the Fisheries Management Act 1994;
- the Environmental Planning and Assessment Act 1979;
- an Act or part of an Act administered by the Minister for the Environment;
- a repealed Act that corresponds to an above-mentioned Act
- an Act of the Commonwealth, another State or Territory that corresponds to an above-mentioned Act.