



Biodiversity Conservation Trust

BSA Information Session

November 2021

Biodiversity Conservation Trust

BSA Information Sessions



Biodiversity
Conservation
Trust

Purpose: To build understanding of the steps involved in establishing a biodiversity stewardship agreement (BSA) and key stakeholders involved in the process.

This includes landholders, their trusted advisors, key professionals and entities required to provide information or consent.

The information session will:

- Provide information to assist landholders identify if a BSA is an opportunity for their land
- Explain the benefits and risks of establishing a BSA
- Explain the steps to establishing a BSA
- Explain which stakeholders are involved and in what way
- The on-going management and obligations associated with a BSA
- Identify and address barriers to participation





What does the BCT do?

The strategic goals of the Biodiversity Conservation Trust are to:

- Encourage landowners to enter agreements to conserve biodiversity and support productive landscapes
- Deliver a strategic biodiversity offsetting service
- Support our landholders to conserve biodiversity on their land
- Promote public knowledge, appreciations and understanding of the value of biodiversity conservation
- Invest in our people to build an engaged, professional, customer-oriented high-performing organisation, focused on achieving the BCT's purpose

What is the Biodiversity Offsets Scheme (BOS) ?

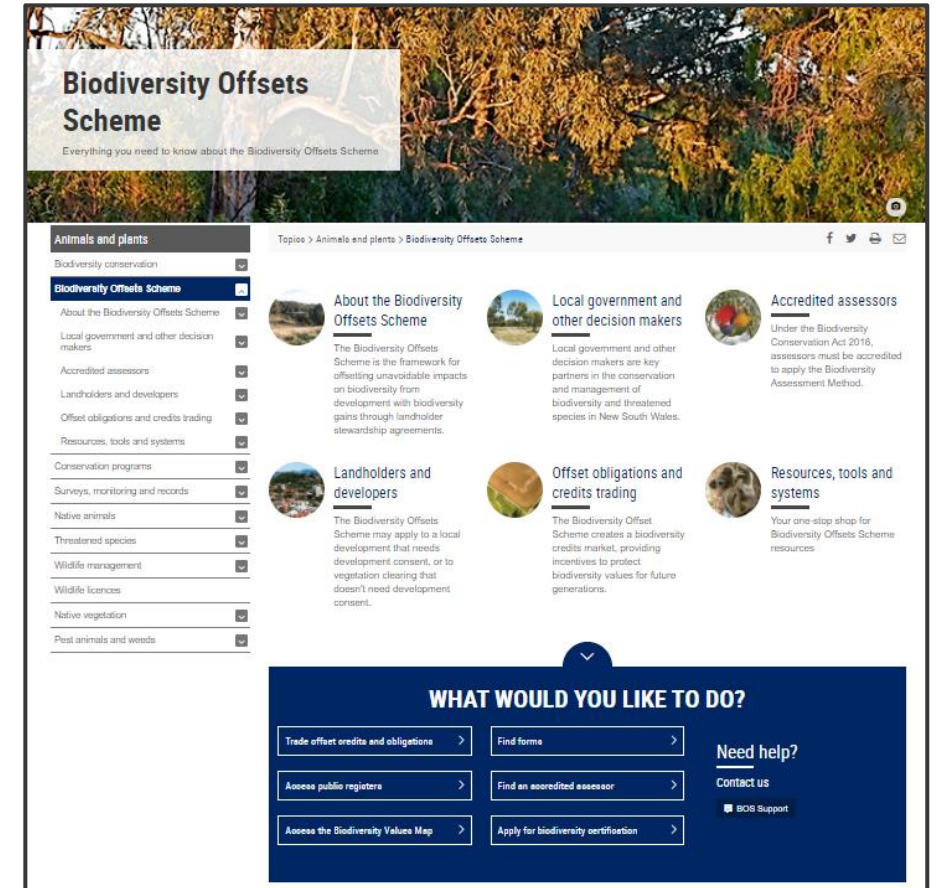
About the Biodiversity Offsets Scheme

The Biodiversity Offsets Scheme (BOS) was established under the *Biodiversity Conservation Act 2016*.

The Biodiversity Offsets Scheme is the framework for offsetting unavoidable impacts on biodiversity from development with biodiversity gains through landholder stewardship agreements.

Comprehensive resources on the NSW Biodiversity Offset Scheme available online:

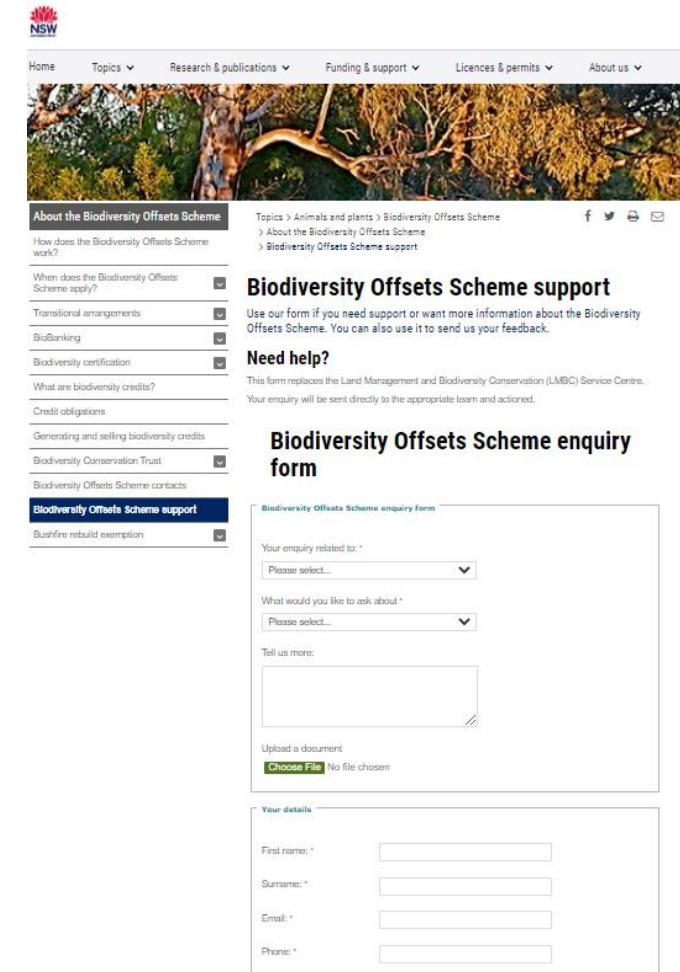
<https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme>



The screenshot displays the 'Biodiversity Offsets Scheme' website. At the top, a banner reads 'Biodiversity Offsets Scheme' with the tagline 'Everything you need to know about the Biodiversity Offsets Scheme'. Below this is a navigation menu for 'Animals and plants' with a sub-menu for 'Biodiversity Offsets Scheme'. The main content area features several informational cards: 'About the Biodiversity Offsets Scheme', 'Local government and other decision makers', 'Accredited assessors', 'Landholders and developers', 'Offset obligations and credits trading', and 'Resources, tools and systems'. A dark blue section at the bottom titled 'WHAT WOULD YOU LIKE TO DO?' contains buttons for 'Trade offset credits and obligations', 'Find forms', 'Access public registers', 'Find an accredited assessor', 'Access the Biodiversity Value Map', and 'Apply for biodiversity certification'. A 'Need help? CONTACT US' link and 'BOS Support' icon are also present.

What is the Biodiversity Offsets Scheme (BOS) ?

- Developer impacts on biodiversity can be offset by the purchase and/or retirement of biodiversity credits or payment to the Biodiversity Conservation Fund.
- Use the biodiversity offsets scheme enquiry form if you have a question about any aspect of the NSW Biodiversity Offsets Scheme
- <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about-the-biodiversity-offsets-scheme/biodiversity-offsets-scheme-support>



The screenshot shows the NSW Biodiversity Offsets Scheme support page. The page features a navigation menu with links for Home, Topics, Research & publications, Funding & support, Licences & permits, and About us. A large image of a tree is at the top. The main content area is titled "About the Biodiversity Offsets Scheme" and includes a list of topics such as "How does the Biodiversity Offsets Scheme work?", "When does the Biodiversity Offsets Scheme apply?", "Transitional arrangements", "BioBanking", "Biodiversity certification", "What are biodiversity credits?", "Credit obligations", "Generating and selling biodiversity credits", "Biodiversity Conservation Trust", "Biodiversity Offsets Scheme contacts", "Biodiversity Offsets Scheme support", and "Bushfire rebuild exemption". The "Biodiversity Offsets Scheme support" section is highlighted. Below this, there is a "Need help?" section and a "Biodiversity Offsets Scheme enquiry form". The enquiry form includes fields for "Your enquiry related to:", "What would you like to ask about:", "Tell us more:", "Upload a document", and "Your details" (First name, Surname, Email, Phone).

Conservation & Stewardship Agreement - differences

Conservation Agreements

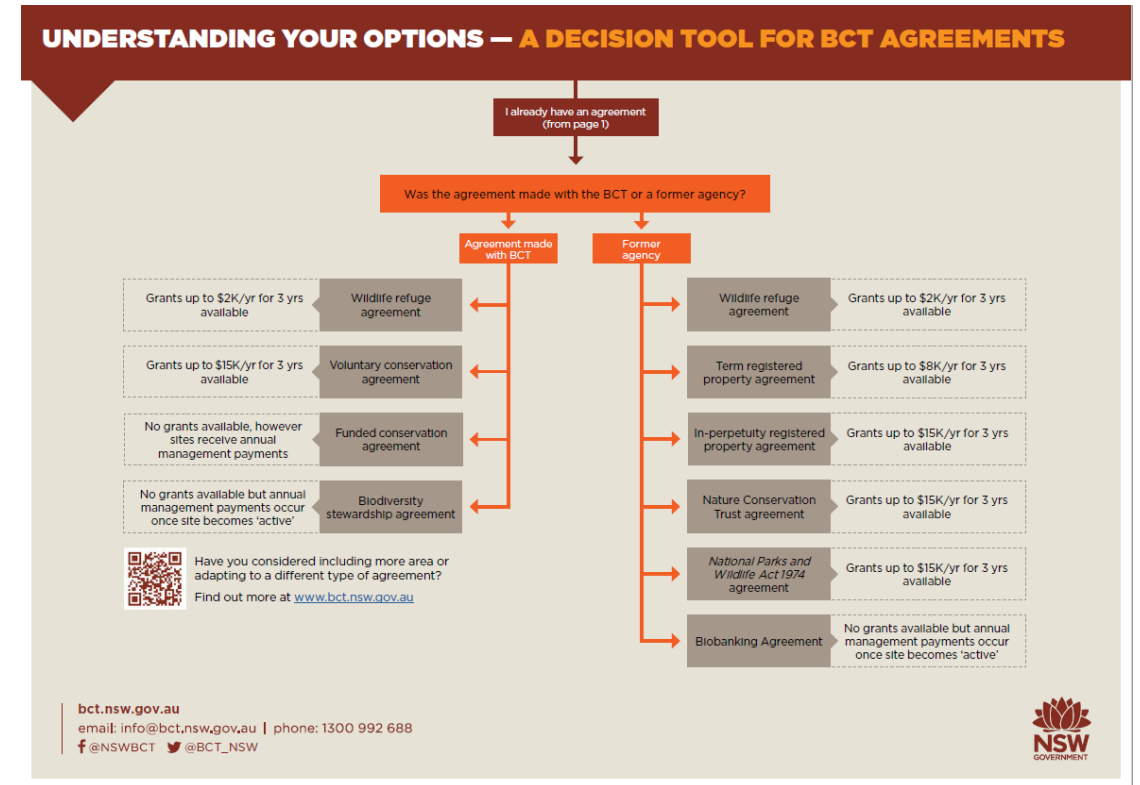
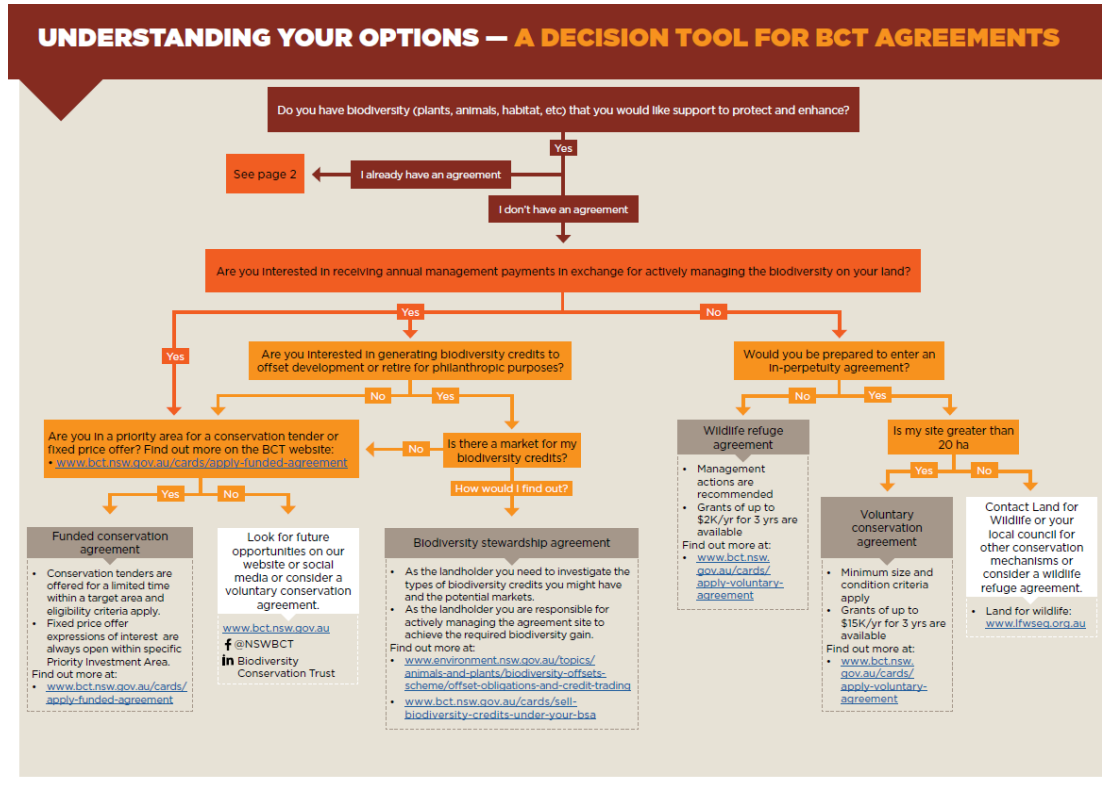
- Voluntary – can be termed or in perpetuity
- Funded – through a tender or fixed price offer
- Offset as condition of consent
- Can be extinguished to enter into a BSA

Stewardship (and Biobank) Agreements

- Biodiversity credits generated from the site
- In-perpetuity
- Funds from the sale of credits (or payment by agreement holder) go towards implementing management actions



Agreement Types – BCT website



Accredited Assessors

- Find an accredited assessor who can assist you to get involved in the NSW Biodiversity Offset Scheme by applying the biodiversity assessment method.
- <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/accredited-assessors>

The screenshot shows the NSW Biodiversity Offsets Scheme website. The page title is "Accredited assessors". The main content area includes a navigation menu on the left with options like "About the Biodiversity Offsets Scheme", "Local government and other decision makers", "Accredited assessors", "Applying for assessor accreditation", "Renewing accreditation", "Assessor resources", "Biodiversity Assessment Method 2020", "Biodiversity experts", "Assessor quality assurance and feedback", "Landholders and developers", "Offset obligations and credits trading", and "Resources, tools and systems". The main text explains that assessors must be accredited under the Biodiversity Conservation Act 2016 and provides information on the accreditation process. A sidebar on the right offers "Biodiversity Offsets Scheme support" and "Need help?". A "Find out more" section lists links for finding assessors, applying for accreditation, renewing accreditation, assessor resources, the assessment method, quality assurance, and questions and answers. A "When do you need an accredited assessor?" section explains the triggers for accreditation. At the bottom, there is a "Find an accredited assessor" section with a button to "Access the register".

Is there a market for my credits?

The screenshot shows the NSW Biodiversity Offsets Scheme website. The page title is "Offset obligations and credits trading". The main content area includes a sub-header "Offset obligations and credits trading" and a paragraph: "The Biodiversity Offset Scheme creates a biodiversity credits market, providing incentives to protect biodiversity values for future generations." Below this, it states: "Buying and retiring biodiversity credits can offset a biodiversity obligation applying to a development or vegetation clearing." A "Find out more:" section lists several links: "Generating offsets obligations", "Offset rules", "Credit trading - buying, selling and retiring BOS credits", "Payment to the Biodiversity Conservation Fund", "Total Fund Deposit", "Spot Market Price Index", "Applying for an assessment of reasonable equivalence if you have BioBanking obligations or credits", "Public Registers", "Brokers", and "Generating credits and protecting land". A sidebar on the left contains a menu with items like "About the Biodiversity Offsets Scheme", "Local government and other decision makers", "Accredited assessors", "Landholders and developers", "Offset obligations and credits trading", "Assessment of reasonable equivalence", "Biodiversity Offsets Scheme public registers", "Offsets scheme brokers", "Offset credits transactions", "Offset rules", "Offsets payment calculator", "Total fund deposit and discount rate", and "Resources, tools and systems". A "Biodiversity Offsets Scheme support" box is also visible on the right side of the page.

<https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/offset-obligations-and-credit-trading>

What is a BSA?

A BSA is a legal agreement between the legal owner of the land and the Minister administering the BC Act, to establish a biodiversity stewardship site for the purpose of generating biodiversity credits under the Biodiversity Offsets Scheme (BOS).

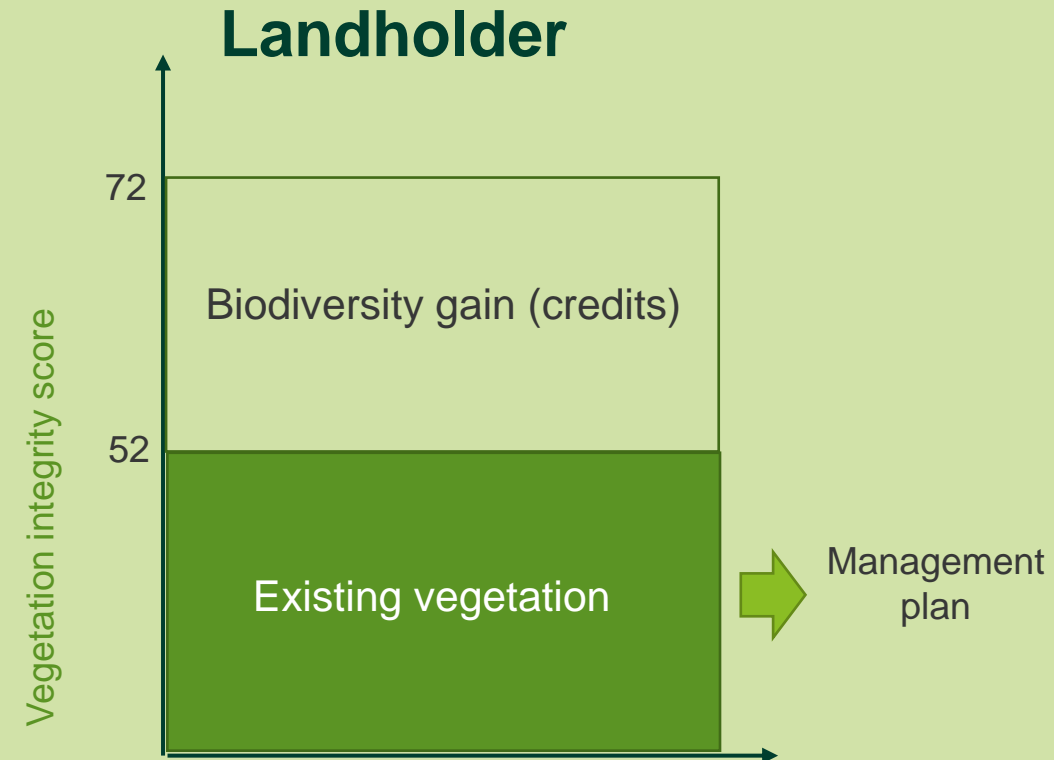
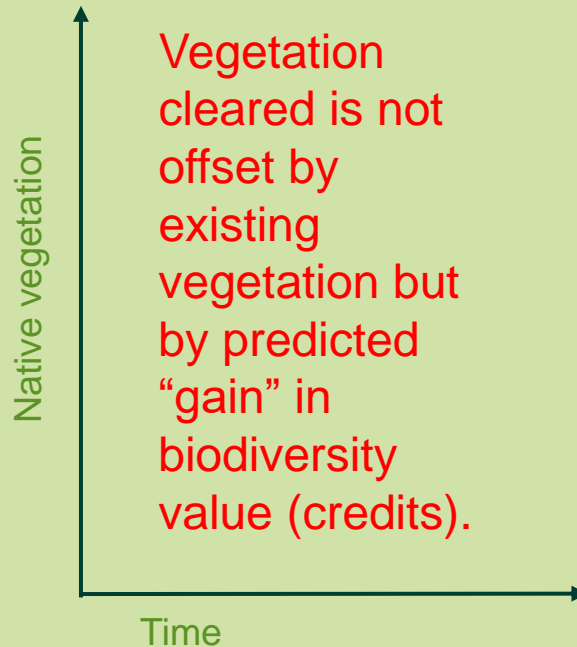
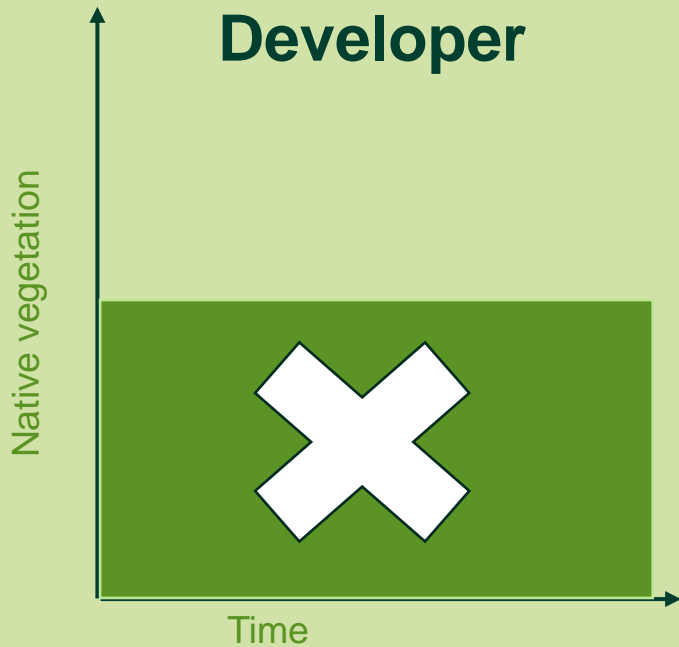
A BSA is registered on the title of the land in-perpetuity

These credits are then available to the market for purchase by developers, landholders or the BCT to offset the impacts of development or clearing.

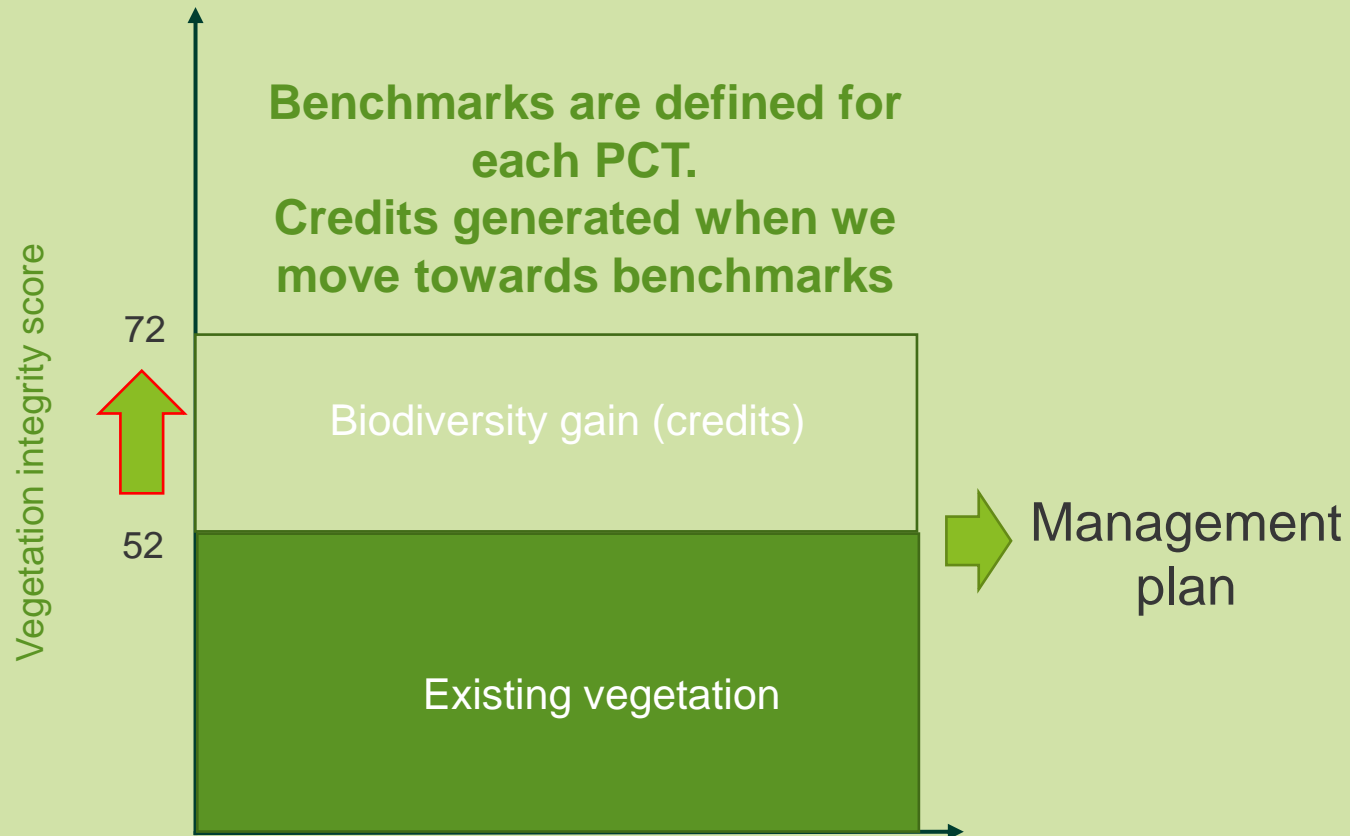


Biodiversity Gain offsetting Biodiversity Loss

- ➔ Avoid
- ➔ Minimise
- ➔ Offset



Landholder Site



Management Plan

- Fire Management
- Grazing management
- Native Vegetation management
- Threatened sp. Habitat management
- Hydrology management
- Management of human disturbance
- Integrated feral pest control
- Integrated weed management
- Control of High Threat exotic Plants

Cost = Part A or TFD (Total Fund Deposit)

BSA Landholder Guide (page 8)

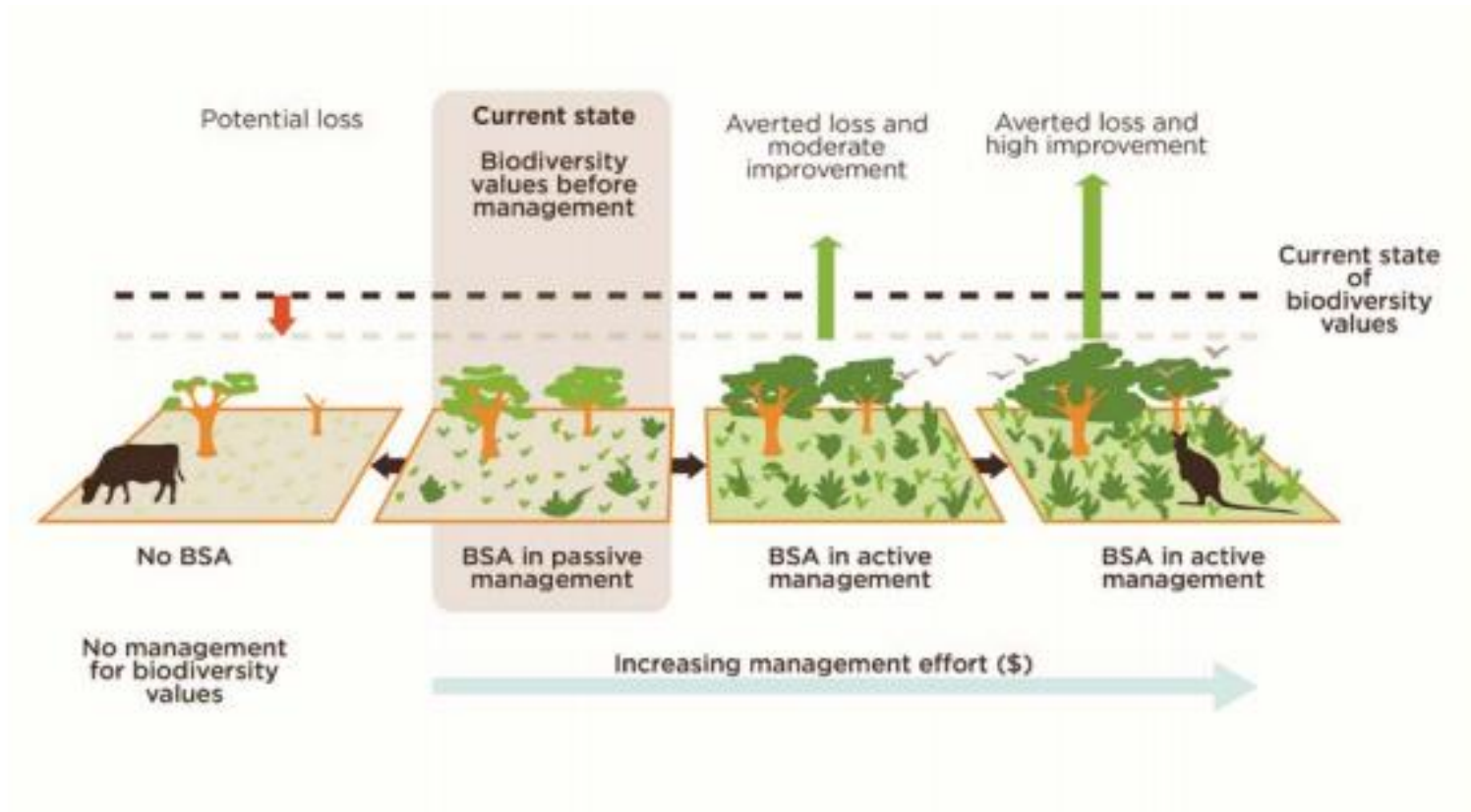


Figure 2: Biodiversity credits are generated for the avoidance of potential loss to biodiversity (that would likely occur in the absence of management) and the expected improvement in biodiversity values with increasing management.

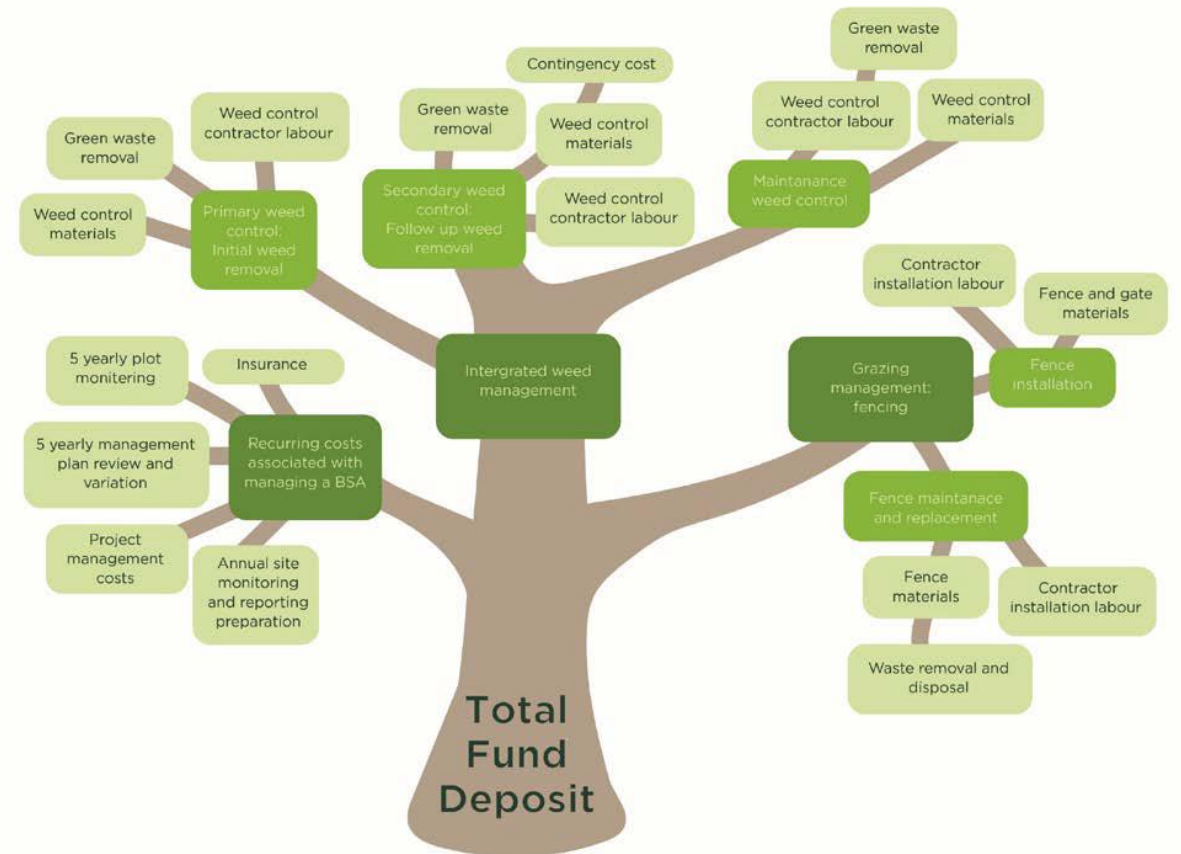
Total Fund Deposit

- The cost (present value) of implementing the management actions required to achieve the biodiversity gain.

Eg \$800,000


Total value of credits generated = \$1.5 million

- When credits are sold, TFD must be paid to the BCT eg \$1 million of credits sold
 - \$800,000 to BCT
 - \$200,000 retained by landholder
- Once TFD paid to 100%, annual management payments commence and site begins active management.



Steps in a BSA (see BSA infographic on website)

BIODIVERSITY STEWARDSHIP AGREEMENTS



Understanding the process of setting up a biodiversity stewardship agreement (BSA)

STEP 1. EXPLORE


Start a conversation
Your first step is to contact the Biodiversity Conservation Trust to find out more about our programs and whether a BSA is right for you and your property. Before contacting us, read through the [BSA Landholder Guide](#) on our website and prepare your questions in advance. We'll discuss your options and answer any questions. Consider submitting an [expression of interest](#).

Carry out a feasibility assessment (optional)
This is a quick and cost-effective assessment of your property by a suitably qualified person before committing to a full biodiversity assessment. They'll estimate the biodiversity credits your property might generate.

Develop a business case (optional)
A suitably qualified person can give you a detailed assessment to help you determine how viable your land is for a BSA and whether there is likely to be a market for your biodiversity credits.

STEP 2. APPLY

Site assessment
If your site is suitable for a BSA, you'll need to engage a suitably qualified person to apply the biodiversity assessment method. This person, referred to as an accredited assessor calculates the number and type of biodiversity credits that can be generated at your site. They'll work with you to develop a management plan and can oversee the involvement of other suitably qualified professionals to identify management costs, the sum of which will make up the total fund deposit.




Submit your application
You then submit your BSA application and associated documents via the Biodiversity Offsets and Agreements Management System (BOAMS) and pay your fee.

BSA application review
We'll confirm your application is complete and meets eligibility requirements. If incomplete, we'll put your application on hold until we have all the necessary documents.

Site visit
We'll arrange a site visit by one of our staff to validate the number and type of biodiversity credits, the proposed management plan and the calculated management costs.

Make any required amendments to your application
We'll work with you and your accredited assessor to finalise the BSA.

bct.nsw.gov.au
email: info@bct.nsw.gov.au | phone: 1300 992 688
f @NSWBCT t @BCT_NSW



BIODIVERSITY STEWARDSHIP AGREEMENTS

STEP 3. ESTABLISH

Accept, sign and register
Once the application is approved, we'll draft the agreement and send it to you for signing. We'll then sign the agreement and arrange for it to be registered at NSW Land Registry Services. This adds details to the title of your land. Once the agreement is registered, biodiversity credits are issued to you.

STEP 4. MANAGE

Management actions
Once the BSA commences, you are responsible for completing the agreed actions to manage your land.

Biodiversity credits sold and total fund deposit paid
It's important that you are able to sell your credits. Once enough credits are sold to cover the cost of the total fund deposit, your site becomes active and annual management payments commence. The proceeds of any further credit sales are retained by the credit owner.

Annual management payments and reporting
Annual management payments are made to you according to the agreed schedule in your BSA. You'll need to complete and submit a report each year showing how you are meeting your obligations under the agreement. The BCT will conduct an annual site audit to review progress and provide support.

IMPORTANT CONCEPTS

Biodiversity credits
Biodiversity credits are generated when you establish a BSA. There are two groups of biodiversity credits: species credits and ecosystem credits. Biodiversity credits represent the expected improvement (gain) in biodiversity that will result from protecting and managing your biodiversity stewardship site. The number and category of biodiversity credits generated by a BSA vary depending on the type and condition of the vegetation, threatened species present and how your land will be managed to improve its biodiversity.


Total fund deposit
Your total fund deposit (TFD) is the present value of all your biodiversity stewardship site management actions and recurring costs as outlined in your management plan. It is the amount you will need to pay into the Biodiversity Stewardship Payments Fund, using the money received through the sale and retirement of your credits before you receive your first annual management payment. Alternatively, you may choose to pay your TFD up front and commence active management immediately.

Accredited assessor
An accredited assessor is a suitably qualified person who is accredited to apply the biodiversity assessment method.

FIND OUT MORE

- Go online to access comprehensive resources on the [NSW Biodiversity Offset Scheme](#).
- Use the [biodiversity offsets scheme enquiry form](#) if you have a question about any aspect of the NSW Biodiversity Offsets Scheme.
- Find an [accredited assessor](#) who can assist you to get involved in the NSW Biodiversity Offset Scheme by applying the biodiversity assessment method.

bct.nsw.gov.au
email: info@bct.nsw.gov.au | phone: 1300 992 688
f @NSWBCT t @BCT_NSW



Step 1: Explore

- Read the appropriate material:
 - **BCT BSA Landholder Guide**
 - **BSA Infographic**
 - **Guide to Submitting a BSA**
 - **Engaging an Accredited Assessor**
- Further useful information for you the landholder (see website)
 - **Feasibility**
 - **Business Case**
- Start a conversation

What are the benefits of a BSA for me and my family?

- Financial (permanent)
- Biodiversity gain
- Leaving a legacy and contributing to a protected area network



What are the risks and obligations of a BSA?

- In perpetuity = permanent obligations
- Management actions and reporting
- Purchase land when site is in passive management (potentially negotiate that TFD be paid if site not active); original landholder continues to hold the credits unless negotiated otherwise
- Passive (no payments but obligations to maintain and submit reports) vs active

Is my site eligible to enter into a BSA? –understand titles and additionality (see Supporting Documents Guide).

What is the role of an accredited assessor (AA) and where do I find one?

What are the estimated timeframes for preparing a BSA application?

- Talk to AA

What type of biodiversity credits could be generated from the proposed BSA site? Is there a market for these types of credits?

<https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/offset-obligations-and-credit-trading>

Additionality

(BSA supporting doc guide p20)



- Land with existing conservation obligations may be eligible for a BSA. However, the number of credits generated are reduced depending on the management actions that the landholder is already obliged to perform under the existing obligation.
- Percentage reductions for existing conservation obligations are outlined in Table 10 and Table 11 of the Biodiversity Assessment Method.
- Existing conservation obligations can be listed as encumbrances on the second schedule the Certificate of Title.
- Existing conservation obligations include:
 - Property Vegetation Plans
 - s77A Crown Lands Act 1989 restriction
 - Existing Conservation Agreements,
 - Nature Conservation Trust Agreements and Wildlife Refuges
 - Other relevant dealings which impose or restrict the use of the land to protect the environment, natural resources or other relevant values
 - Plans of management
 - Indigenous Protected Areas

Engaging an Accredited Assessor

- An ecological consultant,
- Accredited to apply the biodiversity assessment method (BAM),
- Charge a fee.

Undertake or oversee the following application components:

- vegetation and threatened species assessments in accordance with the BAM
- a biodiversity stewardship site assessment report (BSSAR)
- correct calculation of the credits generated at the site using the BAM calculator (BAM-C)
- production of maps that accurately indicate the site boundary, credit generating areas and management zones
- costing management actions and completing the total fund deposit (TFD)
- submission of an eligible application including all supporting documents.



Engaging an accredited assessor

An accredited assessor is a suitably qualified professional who can help you understand the suitability of your site for a biodiversity stewardship agreement (BSA) and who will either prepare or oversee the various requirements of a BSA application. They charge a fee for service.

The responsibility of the accredited assessor is to ensure that the BSA application is prepared in accordance with the biodiversity assessment methodology (BAM). They may undertake or oversee the following application components:

- vegetation and threatened species assessments in accordance with the BAM
- a biodiversity stewardship site assessment report (BSSAR)
- correct calculation of the credits generated at the site using the BAM calculator (BAM-C)
- production of maps that accurately indicate the site boundary, credit-generating areas and management zones
- costing management actions and completing the total fund deposit (TFD)
- submission of an eligible application including all supporting documents.

How to find an accredited assessor

- Engaging an accredited assessor is like contracting any private consultant. You should consider it a business arrangement and undertake the usual checks and balances.
- Speak to people in your local area who are involved in the Biodiversity Offsets Scheme to find out which accredited assessors or ecological consultants have previous local experience. You could talk to larger state-wide consultancies or smaller local businesses. Ask the assessor what locations they've worked in, if they've previously submitted BSA applications to the BCT and if they'd be comfortable to provide contact details for landholders who've engaged them previously (see www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/accredited-assessors).

What are you engaging the accredited assessor to do?

- Consider engaging an accredited assessor to prepare a [feasibility assessment](#) or BSA [business case](#) as an initial step to assess your site's suitability and whether it is likely to be financially viable as a BSA. For example, is there demand for the type of biodiversity credits that will be created? Is the value of the biodiversity credits greater than the likely management costs?
- Decide whether you want an accredited assessor to prepare a full BSA application or whether you are prepared to complete some steps yourself. The assistance of other suitably qualified professionals may be required. A BSA application comprises a BSSAR, management costings and various supporting documents as outlined in the Guide to Submitting a BSA (available at www.bct.nsw.gov.au/general-resources). Preparing your BSA application is a significant undertaking and should be planned and resourced carefully. Submitting an incomplete application will mean your application goes on hold until all outstanding documents are submitted together at one time. See Section 4.5 of the BSA landholder guide for more information.
- Speak to your accredited assessor about the potential presence of threatened species, and whether creating credits for these species is likely to be financially beneficial. It's best to do this before committing to pay for threatened species surveys.

- Be aware that there may be additional assessment costs for you if the financial arrangement you have with your accredited assessor only covers the preparation and submission of the BSA application. Following a review of the application, the BCT will provide written feedback to the landowner and accredited assessor on the application's completeness and whether the Biodiversity Assessment Method (BAM) has been appropriately applied. Further work may be required to be undertaken by the accredited assessor to address issues raised in the BCT's feedback. The BCT strongly recommends the accredited assessor attends the BAM review site visit and allocates time to respond appropriately to BCT feedback and to making any required amendments.

Additional information

- Ensure that you and your land are eligible for the establishment of a BSA prior to engaging an accredited assessor to prepare a BSSAR. This is a significant financial commitment. See Section 4.1 of the BSA landholder guide for more information.
- The BCT will include the landholder and accredited assessor in all communications during the application review process unless otherwise instructed.
- Ensure that the accredited assessor provides you with a copy of all documentation used to prepare the BSSAR once your finalised application is approved. These documents, which will include vegetation survey data and threatened species survey results, could be useful if you, or future landholders decide to expand the existing stewardship site.

- Use the [biodiversity offsets scheme enquiry form](#) if you have a question about any aspect of the NSW Biodiversity Offsets Scheme.
- Go online to access comprehensive resources on the [NSW Biodiversity Offset Scheme](#).
- Find an [accredited assessor](#) who can assist you to get involved in the NSW Biodiversity Offset Scheme by applying the biodiversity assessment method.

Please note:

- A BSA application must be prepared in accordance with BAM 2020, Operational Manuals 1 and 3 and any relevant BCT guidelines (see BCT website), relevant Department of Planning, Industry and Environment (DPIE) threatened species survey guidelines and BAM assessor updates (see accredited assessor resources on the [DPIE website](#)).
- This document should be read in consultation with the Guide to Submitting a BSA (available at www.bct.nsw.gov.au/general-resources).
- The accredited assessor should refer to all BCT guidance and use the most up to date templates available on the BCT website.
- Accredited assessors have access to BOAMS as part of their accreditation.
- Accredited assessors are accredited under the Biodiversity Offsets Scheme to apply the BAM. Tasks such as the preparation of business cases, feasibility assessments and the costing of management actions are beyond the scope of the BAM accreditation.
- Accredited assessors are bound by a code of conduct and DPIE has a complaints handling process in relation to the conduct of accredited assessors.

Step 2: Apply for a BSA



About biodiversity stewardship agreements

Biodiversity stewardship agreements (BSAs) are in-perpetuity agreements covering a specific site on your property. They are registered on your property's title with obligations for current and future landholders. Biodiversity credits, derived from the biodiversity and threatened species habitat present on your site, are generated. You can sell your biodiversity credits to any interested party. Biodiversity credits sold to developers are used to offset the impacts of approved development elsewhere.

Once sufficient credits are sold, landholders receive ongoing annual management payments in return for carrying out agreed annual management actions. A BSA may be an option for you if you:

- have native vegetation or threatened species habitat that is being cleared elsewhere
- wish to receive an alternative income stream that comes from managing your land for conservation purposes.

A biodiversity stewardship site is an agreed area of your land from which biodiversity credits are generated. This land will be bound by the terms of the BSA which clearly defines the area and management obligations of the biodiversity stewardship site.

This guide will outline the steps in the BSA application process and things you will need to consider in the four key stages of creating a BSA:

1. Explore
2. Apply
3. Establish
4. Manage.

Key acronyms explained on page 8.

bct.nsw.gov.au
email: info@bct.nsw.gov.au | phone: 1300 992 688
f @NSWBCT t @BCT_NSW



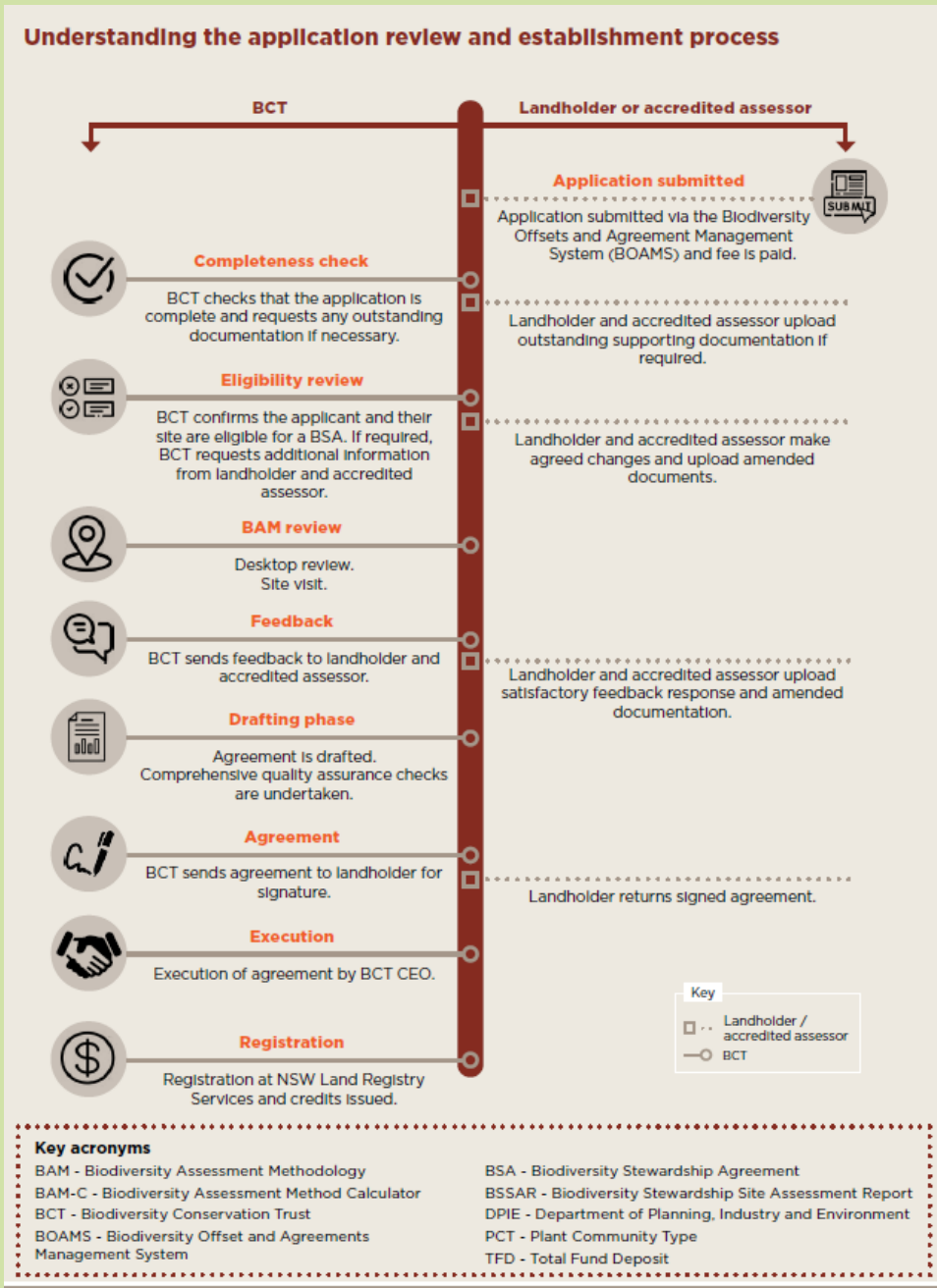
Biodiversity stewardship agreement Landholder guide



Biodiversity
Conservation
Trust

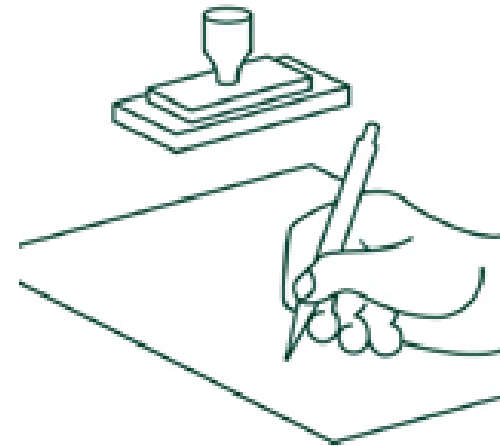
May 2021

Flowchart BSA application review process



Step 3: Establish a BSA

- Parties sign the agreement
 - Signing package
 - Final Agreement and signing guidance
 - Estimated market value of biodiversity credits
 - Abstract
 - Nominated Bank Account form
 - 13 NP (required for NSW Land Registry Service)
 - Public register consent form
- Execution: signed by Chief Executive Officer of the BCT
- Registration at NSW Land Registry Service



Step 4: Manage a BSA

Passive management:

- Starts from the 'agreement date' (date agreement signed by the BCT CEO).
- Passive management actions have little or no cost and aim to maintain existing condition of the site such as not removing fallen logs or clearing vegetation

Active management:

- Commences once TFD has been satisfied through the sale or retirement of your biodiversity credits and landholder has received first annual management payment (AMP).
- The management actions are designed to achieve the required biodiversity gain at the site.
- Some management actions are mandatory for every biodiversity stewardship site such as controlling weeds and managing human disturbance.
- Other management actions will be unique to the specific biodiversity values and management issues at your site.

Annual Reporting and annual site audits – ongoing obligations





Offsets are legally binding

Offsets relate to a legally binding mechanism, not a voluntary one. Each case will differ in nature and the encumbrance on the property may or may not affect the eligibility of the site for a BSA.

Examples of offsets could include:

- Listings placed on the title of the property through a Public Positive Covenant, such as the preparation and implementation of a Vegetation Management Plan for the property.
- Requirement under a Voluntary Planning Agreement to protect, conserve and/or enhance biodiversity in any area of the project site as compensation for impacts on biodiversity elsewhere on the project site.
- Requirements under a 10.7 (2) planning certificate (such as a tree preservation order) or listed under 10.7 (5) as a requirement to manage biodiversity on the proposed
- A current order issued through delegation under a relevant Act that directly or indirectly impacts the proposed BSA area.

This information may be contained on the title of the property, recorded on the property file (ECM/TRIM etc), or contained within any consent or VPA that is relevant to the property.



Stakeholders involved in the process

- Local Land Services
- Local Government
- Financial institutions
- Accountants, Solicitors and Conveyancers
- Trusted advisors – Landcare, Valuers, Real Estate Agents
- Accredited Assessors/Ecological consultants
- Landholders

Landcare assistance

- Support for agreement holders – we can put them in touch with you
- Regional network opportunities
- Local knowledge sharing
- Knowledge of BCT programs & opportunities for landholders



BSA Products

- BSA Landholder Guide: comprehensive and in depth
- BCT Landholder Guide on Taxation Issues
- BSA Application Supporting documents guide
- BSA Infographic
- Guide to submitting a BSA
- Engaging an Accredited assessor
- Guidelines and templates – see website

