



Australian Government

THE TASMANIAN COMMUNITY FOREST AGREEMENT

FOREST CONSERVATION FUND



Fact Sheet 3: Tender Application

Your Forest Conservation Fund (FCF) tender application is the application you submit to the FCF Service Provider during the tender round. You submit an application because you want to protect and maintain or improve your forest as part of the FCF by entering into a conservation agreement.

For your tender application you will need to consider:

- which part of your forested land you want to protect to maintain or improve the condition of the forest.
- the approach you intend to adopt to protect your forest, details of which will be included in the conservation agreement.
- the length of the conservation agreement, (how long you want to agree to protect the forest as part of the FCF).
- the financial consideration you propose for protecting your forest through a conservation agreement on your land.

What information do I include in my tender application?

Once the site assessment has been completed by the Conservation Adviser, they will help you develop your tender application.

The main components of your tender application will be:

- a map detailing the area to be protected.
- an assessment of the conservation values (this is provided by the Conservation Adviser at no cost to you).
- the management activities you offer to undertake to protect the conservation values.
- the duration of the conservation agreement you want to place on the land.
- the financial consideration proposed to protect and maintain or improve the forest.
- a draft of the Conservation Covenant that you agree to sign with the Tasmanian Government if your application is accepted.
- a draft of the Nature Conservation Plan you agree to sign with the Tasmanian Government if your application is accepted.

How do I know what financial consideration to nominate in my tender application?

The financial consideration you nominate and how you determine this price is entirely up to you. The financial consideration is not a fee for service but a financial consideration for you agreeing to protect and maintain or improve the nominated forest.

In deciding what financial consideration you will ask for, you may want to consider the costs to you of the forest conservation activities you plan to undertake in accordance with the conservation agreement, and any reduction in income as a result of entering into the agreement.

You should also consider:

- your broader short and long term plans for the forest on your land.
- your business and personal goals, and any factors that are important to you; and
- how much you are prepared to contribute personally to the protection, maintenance and/or improvement of the nominated forest.

The FCF Conservation Adviser will not be able to advise you on what financial consideration to request in your tender application.

You need to be realistic about what it will cost to conserve your forested land, but you also need to consider where your tender application may be placed compared to other FCF tender applications for similar forests. Successful tender application will be chosen using an assessment methodology that ranks bids based on the value of your forest to the FCF and the financial consideration requested. The value of your forest will be determined by a number of factors including: the condition of the forest you offer to protect; the impact of weeds, grazing and root rot disease on the forest; the rarity of the type of forest; the conservation value of the forest after you have made any improvements you propose; and the length of the conservation agreement.

What is a conservation agreement?

“Conservation agreement” is a general term used to include the Conservation Covenant and the Nature Conservation Plan, which are linked documents that cannot be entered into separately in the FCF. A Conservation Covenant is a legal instrument that sets out specific agreements relating to managing an area for conservation purposes.

The landowner and the Conservation Adviser, with support from the FCF Service Provider, will help develop these documents before you submit your application. The Tasmanian Government Department of Primary Industries and Water (DPIW) will execute these documents (i.e. put them in place legally) once you have signed your financial agreement (refer to heading ‘*What is a Financial Agreement?*’).

The main components of a Conservation Covenant and Nature Conservation Plan are:

- a map of the area agreed for protection.
- agreed approach to conservation management.
- details of the obligations of both the landowner and the Government.

Within limits, some management activities that form part of a conservation agreement can be reviewed in the future by landowners and officers from DPIW. There may also be opportunities to amend management activities in circumstances where conservation values of the forest will be maintained or improved by a different approach.

What is a Conservation Covenant?

A Conservation Covenant is a legal instrument registered with the Tasmanian Land Titles Office and attached to the land title. The purpose of the covenant is to protect the natural values of the land over which it applies. Tasmanian Conservation Covenants are agreed under the *Tasmanian Nature Conservation Act 2002*. A Conservation Covenant may be over part or all of the property and may be in perpetuity or for a fixed term.

Finalising a Conservation Covenant under the *Nature Conservation Act 2002* (after the financial agreement is signed), may take some time to complete.

What is a Nature Conservation Plan?

A Nature Conservation Plan describes the activities that may be carried out on the land to manage the forest for conservation purposes, and must be read in conjunction with the Conservation Covenant. The Nature Conservation Plan only applies to the current signatory and is not attached to the land title.

There are a number of options for you to consider in developing the Nature Conservation Plan but the Conservation Adviser will make the process clear and easy for you.

What is the Financial Agreement?

The financial agreement is a contract signed between you and the Australian Government if your FCF tender proposal is approved by the Australian Minister for the Environment and Water Resources.

The financial agreement identifies your responsibilities and the Australian Government's responsibilities and includes a payment schedule. The ways in which you propose to protect and maintain or improve the values of the nominated forest will be summarised in the financial agreement and more details about what you propose will be in a draft Conservation Covenant and Nature Conservation Plan that accompany your application. These draft documents will not be legal documents at this stage but they are the agreements you will be committing to sign if your proposal is successful. These documents will be developed in consultation between you and the Conservation Adviser and you will have adequate time to consider them before submitting your bid. No further negotiation about the contents of the Conservation Covenant or Nature Conservation Plan will be allowed after the financial agreement is signed, unless there are information errors that have to be corrected.

Once the financial agreement is signed, an initial payment will be made. The second payment will be made on successful execution of the Conservation Covenant and the Nature Conservation Plan.

What are the terms and duration of a Conservation Covenant and Nature Conservation Plan?

The FCF acknowledges that landowners should be able to tailor the Conservation Covenant and Nature Conservation Plan to their property management activities. The FCF also recognises that forest values can be protected through a variety of legal approaches.

In addition to deciding on your property management goals under the Nature Conservation Plan, you will also need to decide the term of the Conservation Covenant. The FCF will fund a range of durations of Conservation Covenants including fixed term agreements where the duration of the term is no less than 12 years.

What are management activities?

The conservation agreement you enter into to protect your forest will include certain management activities to maintain the condition of your forest. You will also have the option of choosing to undertake additional control of weeds, grazing and root rot disease that will result in the condition of your forest improving. The Conservation Adviser will be able to provide advice on how you can improve the condition of your forest.

How will I know what management activities to undertake?

A Conservation Adviser will visit your property to undertake a site assessment (refer to Fact Sheet 2). Once this is complete they can discuss which management activities protect the forest and may be suitable for your property and business needs.

The Conservation Adviser will provide advice on the conservation status of your property and ways in which it may be maintained or enhanced, such as weeding, fencing and/or grazing of stock at certain times of the year. You are encouraged to discuss your own ideas with the Conservation Adviser at this stage.

Can I change the management activities over time?

Yes, with the agreement of the Tasmanian Minister, or his delegate. Opportunities will be available to review management activities with officers from Department of Primary Industries and Water (DPIW). Any reviews or amendments of the management activities will need to maintain or improve the conservation values of the forest communities concerned. As part of the FCF, DPIW will provide ongoing monitoring and management support for the life of your Conservation Covenant. You can contact DPIW for a reassessment and approval of changes for the management activities. However, once your tender application has been accepted the FCF will be unable to pay any additional consideration.

What happens once a fixed term Conservation Covenant ceases?

Once the covenant lapses, you will not be required to undertake any particular management activities. You will be able to manage your land, in accordance with the usual laws and planning restrictions. You may choose to negotiate a new covenant with DPIW.

When and where do I submit my tender application?

The FCF Service Provider will announce that the tender round is open through various media.

The tender round will be open for several months. The closing date will be included in the advertisements. Tender applications will need to be submitted before the nominated closing date. However, to ensure that all participants have equal opportunities, you will be asked to submit your application within a fixed time of reaching agreement with the Conservation Adviser about what will be included in the application.

When complete, you will need to submit your tender application to the FCF Service Provider. Contact details will be provided in the tender documents.

How do the tender applications get assessed?

An independent panel will assess FCF tender applications using an objective assessment methodology. A Probity Adviser will oversee this process to ensure transparency and fairness. The tender applications are assessed against criteria that were developed to meet the objectives of the FCF. These criteria include:

- **Significance:** The significance describes the priority of particular forest communities to the FCF, primarily the conservation status of the forest communities and the presence of old growth forest.
- **Service:** This measures the current condition of the forest and the risk to the forest, balanced against the conservation management activities that would protect or improve the condition of the forests included in your FCF tender application.
- **Security:** The duration of the protection by the Conservation Covenant offered in your tender application.

These criteria are combined into a Conservation Value Index score.

Tender applications will be assessed for value for money based on the Conservation Value Index score.

While cost will be a factor in assessing tender applications, the cheapest tender application will not necessarily be the most desirable. The conservation values and proposed management activities will also be taken into account.

Following this assessment, a list of recommended tender applications will be forwarded to the Australian Government Minister for the Environment and Water Resources for approval.

How will I find out if my tender application is successful?

If your tender application is successful, you will be notified by mail. You will initially be sent a financial agreement to sign with the Australian Government Department of the Environment and Water Resources and then be asked to sign the covenant and the Nature Conservation Plan with DPIW that you prepared with the assistance of the Conservation Advisor.

The time taken to complete this process will depend on demand and the complexity of the Conservation Covenant and Nature Conservation Plans.

What will the paperwork for the financial agreement include?

The financial agreement will be a letter of offer plus terms and conditions, and contain a date of commencement and termination, obligations of the landowner and the Australian Government and a map of your site. It will list the agreed issues such as the natural values of the land that is being protected, the activities you agree to undertake, what can't be done on the land (restrictions) and the consideration you will receive.

Can I revise the tender application I submit to the FCF if I am successful?

Once your tender application is approved by the Australian Government Minister for the Environment and Water Resources, no further negotiation will be possible. Your application is assessed based on the information you have provided. Once executed, the Conservation Covenant and Nature Conservation Plan will be signed by the Tasmanian Minister for Primary Industries and Water and registered on your title.

What happens if my tender application is not accepted?

If your tender application is not accepted, the FCF Service Provider will notify you and suggest other programmes that may assist you in managing your forested land.

At this stage, it has not been determined whether there will be more than one round of tenders for the FCF so please consider your tender application carefully and the management options you want to include in this process.