

Biodiversity Stewardship Agreement application form

An application for a Biodiversity Stewardship Agreement must be made by the landowner and meet the requirements of the *Biodiversity Conservation Act 2016* (Division 2, Part 5).



How to submit this application form

A completed application form must be printed and then signed by all landowners. A scanned copy of the form should be uploaded with all supporting documents via the Biodiversity Offset Assessment Management System (BOAMS): <http://bit.ly/BOAMSLink>.

For assistance completing this form, uploading documents or to request access to a shared folder to upload GIS shapefiles and JPEG maps, please contact the Credits Supply Taskforce through Stewardship@environment.nsw.gov.au

1. Landowner and contact details

Landowner	
Owner type	<input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation/Company <input type="checkbox"/> Trustee <input type="checkbox"/> Local Council <input type="checkbox"/> Other _____ <input type="checkbox"/> Public Authority
Owner name(s) (the full name(s) of the legal owner of the land as it appears on the Certificate of Title)	
ABN (registered for GST) ⁱⁱ	
ACN (for companies)	

Contact details for application (landowner and/or contact person)

For land owned by a corporation or more than one individual, each landowner (including director and/or secretary) is required to complete **Attachment 1**.

Contact for application (if different from primary landowner)			
Name		Mobile	
Phone		Email	
Name		Mobile	
Phone		Email	

Contact person for credit registers (if different from landowner)

When biodiversity credits have been issued, they must be included on a public register. Please designate a contact person for inquiries from potential buyers.

Contact for biodiversity credits			
Name		Mobile	
Phone		Email	
<p>By ticking yes below, your credits will appear on Credit Supply Public Register with a status of pending. This status indicates to prospective buyers that your credits are part of a submitted application and pending approval.</p> <p>I would like to show the biodiversity credits included in this application as pending on the <u>Credit Supply Public Register</u></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>			

2. Fit and proper person

The legislation requires the Minister to consider if the landowner is a fit and proper person to enter into a biodiversity stewardship agreement.

Please indicate if any of the following circumstances apply to any of the owners of the land (individual or corporation) and **if yes, attach a statement** providing further information for any circumstances where the answer is yes.

Primary landowner (an individual or corporation)	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<ul style="list-style-type: none"> contravention of 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	<ul style="list-style-type: none"> convicted in New South Wales or elsewhere of an offence involving fraud or dishonesty in the previous 10 years
<input type="checkbox"/> Yes <input type="checkbox"/> No	<ul style="list-style-type: none"> 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 during the previous 3 years
<input type="checkbox"/> Yes <input type="checkbox"/> No	<ul style="list-style-type: none"> if a body corporate, has the landowner been the subject of a winding up order, or had a controller or administrator appointed during the previous 3 years
<input type="checkbox"/> Yes <input type="checkbox"/> No	<ul style="list-style-type: none"> if an individual concerned in the management of a body corporate, has the landowner been the subject of a winding up order or for which a controller or administrator has been appointed during the previous 3 years
<input type="checkbox"/> Yes <input type="checkbox"/> No	<ul style="list-style-type: none"> any conflicts of interest related to current or previous employment with the Department of Planning and Environment or the Biodiversity Conservation Trust (BCT)

3. Proposed biodiversity stewardship site

Application reference (please provide at least one)			
Parent Case Number (from BOAMS)			
Assessment Case Number (from BOAMS)			
Application Case Number (from BOAMS)			
Property address			
Property name			
Property address			
Town			
State		Postcode	
Location details			
Proposed biodiversity stewardship site area (hectares)			
Title reference	Lot and DP number(s):		
Local government area (LGA)			

Other information	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Are there any property interest holders on the land?</p> <p>If yes, a property interest holder must provide consent to establishing a biodiversity stewardship agreement on the land. Check your title search for property interest holders and also declare any residential tenancies, other leases and other unregistered interests.</p> <p>Type of Property interest</p> <p><input type="checkbox"/> Easement <input type="checkbox"/> Lease <input type="checkbox"/> Mining Interest <input type="checkbox"/> Mortgage/charge</p> <p><input type="checkbox"/> Caveat</p> <p><input type="checkbox"/> Other _____</p> <p>Note: Certain property interest holders will be required to sign the biodiversity stewardship agreement to provide their consent. Please contact the Credit Supply Taskforce if you are unsure whether you need consent from a particular property interest holder.</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Is any part of the proposed biodiversity stewardship site covered by a conservation covenant or has it received government funding (State or Commonwealth)?</p> <p>If 'Yes', attach a copy of the covenant or funding agreement.</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Has the land proposed to be used as a biodiversity stewardship site been used as an offset within the meaning of the <i>Native Vegetation Regulation 2013</i> under a property vegetation plan approved under the <i>Native Vegetation Act 2003</i>, or an offset under any other Act (including under an authority granted by a public authority under an Act)?</p> <p>If 'Yes', attach a copy of the offset agreement.</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Are there any conditions of consent or approval granted under the <i>Environmental Planning and Assessment Act 1979</i> that require biodiversity conservation measures to be carried out on the land?</p> <p>If 'Yes', attach a copy of the development approval consent listing all management requirements on the land.</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Is the land publicly owned?</p> <p>If 'Yes', specify what type of land it is (e.g. a 'natural area' under the <i>Local Government Act 1993</i>; reserved land under the <i>Crown Lands Act 1989</i>).</p> <p>_____</p> <p>Attach a description of any legislative requirements regarding the use and management of the land.</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Is there any previous, current or proposed use of the site or condition of the site, or adjoining areas, that is inconsistent with biodiversity conservation?</p> <p>If 'Yes', describe the condition or use.</p>

4. Supporting Documentation Checklist

- Title Search for all Lot and DPs
- Title Diagrams for all Lot and DPs
- Dealings (listed in the Second Schedule of the title search)
- Dial Before You Dig Search (all results, including cover letter)
- Local Council Consultation
- Mortgagee consent signed by Mortgagee (*only if applicable and selected on Page 5*)
- Consent letter signed by other property interest holders
(*only if applicable and 'Other' type of property interest is selected and described on Page 5*)

Documents prepared by the accredited assessor

- BSSAR certified by your accredited assessor
- Management Plan (Word format)
- Total Fund Deposit Calculator (current version)
- BAM Plot Data (BAM-C import template and raw field data)
- JPEG Maps* and GIS files* must identify:
 - biodiversity stewardship site boundary (including GPS points)
 - vegetation zones
 - plots and transects
 - 1500m buffer area
 - species polygons (showing location of any threatened species for which species credits are created)
 - location of any other threatened species recorded on the site
 - location of photo and monitoring points
 - management zones
 - percent native vegetation cover
 - existing and/or proposed gates
 - existing and/or proposed fences
 - proposed signage
 - ecological burn units
 - weed cover (if required)
 - site survey tracks (optional)

* Please contact the CST Stewardship Mailbox to request access to a shared folder to upload GIS shapefiles and JPEG maps at stewardship@environment.nsw.gov.au

5. Publication of information about agreements on a public register of private land conservation agreements

Approved BSAs are published on the public register of private land conservation agreements.

What information gets published?

The following information about your agreement will be made available on the public register:

- the biodiversity stewardship agreement identification number and the date it was executed
- the local government area and the Interim Biogeographic Regionalisation of Australia (IBRA) subregion in which your agreement is located
- the number and class of biodiversity credits created in relation to the agreement
- the area of the agreement (in hectares)

Privacy Notice

- a. Where the Landholder is an individual, in making this application, you are authorising the Department of Planning and Environment to use personal information (including name, address, email and phone number) to the extent necessary to process the BSA application, prepare a BSA and generate biodiversity credits and administer the BC Act. Except as required under legislation, only de-identified data will be released publicly.
- b. The *Government Information (Public Access) Act 2009* (NSW) may require the Department of Planning and Environment to publicly disclose information about the BSA.
- c. The Landholder acknowledges and consents to the Department of Planning and Environment collecting data and using data in connection with this Agreement for purposes reasonably required by the department.
- d. For more information on privacy, please see the Department of Planning and Environment privacy policy.

6. Signature(s) of the proposed biodiversity stewardship site owner(s)

This application for a BSA must be signed by the person(s) who legally own(s) the land as set out in the following table:

Owner category	Application must be signed and certified by
<input type="checkbox"/> Individual	The individual who owns the land
<input type="checkbox"/> Partnership	The two or more people who own the land
<input type="checkbox"/> Corporations	<input type="checkbox"/> the common seal being affixed in accordance with the <i>Corporations Act 2001</i> <input type="checkbox"/> two directors <input type="checkbox"/> a director and a company secretary <input type="checkbox"/> the director, if a proprietary company that has a sole director who is also the sole company secretary
<input type="checkbox"/> Trustee	The landowner entering an agreement in a Trustee capacity. The application form should be signed by those who have the authority within the structure of the Trust. e.g. Individual(s) or director and/or secretary of a company as Trustee.
<input type="checkbox"/> A local council	<input type="checkbox"/> the general manager in accordance with s.377 of the <i>Local Government Act 1993</i> (LG Act) <input type="checkbox"/> the seal of the council being affixed in a manner authorised under the LG Act.
<input type="checkbox"/> A public authority other than a council	Appropriate delegation for the public authority.

I/We (the landowner(s)):

- apply for a biodiversity stewardship agreement
- declare that, to the best of my/our knowledge, the information in this biodiversity stewardship agreement application (including any attachments) is not false or misleading in any material particular.

Signature		Signature	
Name		Name	
Position		Position	
Date		Date	

Signature		Signature	
Name		Name	
Position		Position	
Date		Date	

Affix common seal (if signing under seal)

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Attachment 1 – Additional landowner detail

If the application relates to land that is owned by a corporation or more than one individual, then each director or landowner is required to provide the following information and sign the completed application form.

Additional landowner			
Position/Role	<input type="checkbox"/> Individual <input type="checkbox"/> Director <input type="checkbox"/> Secretary <input type="checkbox"/> Partner <input type="checkbox"/> Trustee <input type="checkbox"/> Other _____		
Title	<input type="checkbox"/> Mr <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Mrs <input type="checkbox"/> Dr <input type="checkbox"/> Other _____		
Name		Mobile	
Phone		Email	
Street address			
Address			
Town			
State		Postcode	
Mailing address (if different from above)			
Address			
Town			
State		Postcode	

Definitions and terms

ⁱ 'Owner' of the land is defined in section 1.6 of the *Biodiversity Conservation Act 2016* which, as at the date of preparation of this form, is as follows:

Owner of land includes:

- (a) every person who either at law or in equity:
 - i. is entitled to the land for any estate of freehold in possession
 - ii. is a person to whom the Crown has lawfully contracted to sell the land under the *Crown Lands Act 1989* or any other Act relating to the alienation of lands of the Crown
 - iii. is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits in respect of the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise
- (b) a person who leases land under the *Crown Lands Act 1989*, the *Crown Lands (Continued Tenures) Act 1989* or the *Western Lands Act 1901*
- (c) any other person who, under the regulations, is taken to be the owner of the land, but (unless the regulations otherwise provide) does not include a beneficiary of a trust relating to the land.

ⁱⁱ A landowner entering a biodiversity stewardship agreement and undertaking associated management actions is considered to be undertaking an enterprise. Therefore, any landowner wishing to apply for a biodiversity stewardship agreement must provide the BCT with an Australian Business Number (ABN) registered for Goods and Services Tax (GST). The BCT will verify that the person or entity that holds the ABN is appropriately linked to the landowner. The BCT's Taxation Issues Landholder Guide provides some further information. The BCT encourages landholders to obtain independent advice on taxation that considers their specific circumstances before (and ongoing after) entering a private land conservation agreement.

ⁱⁱⁱ **Primary landowner** is the owner, or one of the owners of the land to which the application for a Biodiversity Stewardship Agreement relates that is designated by all landowners as the main contact for the purposes of this application.

^{iv} See section 5.8(5) of the *Biodiversity Conservation Act 2016* and clause 5.3 of the *Biodiversity Conservation Regulation 2017*.

^v **Associated Manager** is defined in clause 5.3(3) of the *Biodiversity Conservation Regulation 2017* and at the time of the preparation of this form means:

- (a) if the person is a body corporate – a person who is, or has been within the previous 5 years, a director or concerned in the management of the body corporate
- (b) if the person is in partnership with another person in connection with carrying out management actions on the proposed biodiversity stewardship site – that other person.

^{vi} To 'contravene' includes fail to comply with (s 21(1) *Interpretation Act 1987*).

Relevant Legislation is defined in clause 5.3 of the *Biodiversity Conservation Regulation 2017* and at the time of the preparation of this form 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):

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

^{vii} **Accredited persons** are individuals accredited under section 6.10 of the *Biodiversity Conservation Act 2016* to prepare biodiversity assessment reports in accordance with the biodiversity assessment method.