

Department of Planning and Environment

Assessment of reasonable equivalence of biodiversity credits – credit obligation application

# Purpose of this form

The purpose of this form is to apply for an assessment of reasonable equivalence of biodiversity credits associated with an existing offset obligation by the Department of Planning and Environment.

This step is not necessary for biodiversity credits that have been calculated in accordance with the Biodiversity Assessment Method under the *Biodiversity Conservation Act 2016* (BC Act).

Clause 22 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 (BC S&T Regulation) provides that obligations to retire biodiversity credits under the *Threatened Species Conservation Act 1995* (TSC Act) become obligation to retire biodiversity credits under the BC Act.

The Coordinator – General, Environment and Heritage Group, Department of Planning and Environment, or their delegate will determine the ‘reasonably equivalent’ created credits under the BC Act Biodiversity Offsets Scheme.

Once a determination of reasonable equivalence has been made, the department will provide a statement that sets out the number and class of biodiversity credits that are reasonably equivalent under the BC Act Biodiversity Offsets Scheme.

For any questions or for assistance completing this form, please email [boscredits@environment.nsw.gov.au](file:///C%3A%5CUsers%5Cbrooksax%5CDesktop%5CWork%20documents%5Cboscredits%40environment.nsw.gov.au)

## Applicant details

The applicant is the company or individual/s or other entity named on the biodiversity credit obligation/development consent.

If you are acting on behalf of that company or individual, you must provide evidence of your power to act on their behalf.

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| Applicant details |  |  |  |
|

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| --- | --- |
| Full name  | Click or tap here to enter text. |
| Company name  | Click or tap here to enter text. |
| ACN | Click or tap here to enter text. |
| ABN | Click or tap here to enter text. |
| Street address | Click or tap here to enter text. |
| Postal address | [ ]  Same as residential, or Click or tap here to enter text. |
| Contact name  | Click or tap here to enter text. |
| Contact phone | Click or tap here to enter text. |
| Mobile | Click or tap here to enter text. |
| Email | Click or tap here to enter text. |
| Authorised capacity in which making application  | Click or tap here to enter text. |

 |  |

## Biodiversity credits

Please list details below of the biodiversity credits that are required to be retired under the TSC Act in relation to which you wish the department to determine reasonably equivalent biodiversity credits under the BC Act.

|  |  |
| --- | --- |
| Credit calculator reference for credits used as basis of development consent  | Click or tap here to enter text. |

You may need to contact the accredited assessor calculating the original credit obligation for this reference. Alternately, you may find this information on the final credit report (not development consent) for the development

|  |  |
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| Biodiversity Credits  |  |
| Existing statutory obligation reference | Biodiversity credit name (Plant Community Type name and ID, or threatened species name | IBRA sub region | EPBC Act relevant | Number of credits |
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Existing statutory obligation reference refers to either; a development application number for a development consent under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), a State significant infrastructure approval under the previous Part 5.1 (now Part 5, Division 5.2) of the EP&A Act, a decision of a determining authority to carry out or approve the carrying out of an activity under Part 5 of the EP&A Act, or a biobank statement number or biodiversity certification name as shown on the order conferring biodiversity certification.

Biodiversity credit name (Plant Community Type name and ID or threatened species name) refers to the name of the biodiversity credits required under the statutory obligation.

IBRA sub region refers to the interim Biogeographic Regionalisation for Australia subregion in which the development or activity occurs.

For the number of biodiversity credits, see the consent or approval conditions, biobanking statement or biodiversity certification approval that are required to be retired, and that you wish the department to determine equivalence for.

## Supporting documentation required

Please provide the following supporting documentation. Incomplete applications will not be accepted.

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| Documentation required |  |
| Development consent including all conditions of approval relating to the credit retirement obligation. | [ ]  Yes  |
| Is this development a controlled action under *the Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)? If yes, please provide details. | [ ]  Yes [ ]  No |
| Credit report from the Credit Calculator for Major Projects/BioBanking, or Biodiversity Certification Assessment Method Credit Calculator. | [ ]  Yes  |
| For species credits assessed by area – species data including area of habitat per vegetation zone and relevant shapefiles. Some flora species assessed by area were previously assessed by court. If you credit obligation was bases on such a species, you will need to work out the area of habitat per vegetation zone. | [ ]  Yes [ ]  N/A |
| For flora species credits assessed by court – species data including count | [ ]  Yes [ ]  N/A |
| Documentary evidence of legal authority if this form is to be signed on applicant’s behalf by someone other than the applicant (e.g. power of attorney, executor, trustee, company director etc.). | [ ]  Yes |

## Declaration

This application must be completed and signed by the applicant or by the participant/appointed nominee who is making this application on behalf of the applicant and who has legal authority to sign.

If you are signing on the applicant’s behalf you must state the nature of your legal authority and attach documentary evidence of your legal authority (e.g., power of attorney, executor, trustee, company director, etc).

|  |  |  |
| --- | --- | --- |
|  | Owner category | Application is signed and certified by |
|  | [x]  Individuals | All the individuals who are credit holders of the biodiversity credits to be transferred |
|  | [ ]  A corporation | * + - * two directors
			* a director and a company secretary
			* the director, if a proprietary company that has a sole director who is also the sole company secretary.
 |
|  | [ ]  A council | * + - * the general manager in accordance with section 377 of the *Local Government Act 1993* (LG Act)
 |
|  | [ ]  A public authority other than a council | * + - * the Chief Executive officer of the public authority.
 |
|  | [ ]  A Trust | * + - * the trustee

**Note:** trustees that are individuals should sign and certify this application as individuals. If the trustee is a corporation, the application should be signed and certified by the relevant person(s). |
|  | [ ]  A partnership | * all partners

**Note:** partners that are individuals should sign and certify this application as individuals. If a partner is a corporation, council or public authority other than a council, the application should be signed and certified by the relevant person(s). |

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| Declaration |  |

I/we:

* Declare that information in this application form (including any attachments) is accurate and up to date to the best of my/our knowledge.
* That the provision of false or misleading information in, or in connection with, this application is an offence under section 13.10 of the *Biodiversity Conservation Act 2016* and section 307A of the *Crimes Act 1900*.
* Confirm that I am authorised to provide the personal details presented and I consented to my information being checked with the document issuer or official holder for the purpose of my identity.

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| Name | Click or tap here to enter text. |
| Position | Click or tap here to enter text. |
| Signature |  |
| Date | Click or tap to enter a date. |

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| Name | Click or tap here to enter text. |
| Position | Click or tap here to enter text. |
| Signature |  |
| Date | Click or tap to enter a date. |

Execution of the application by the applicant(s) must be witnessed in accordance with standard witnessing procedures. Witnesses must:

* be over 18 years of age
* have known the person whose signature they are witnessing for more than 12 months or have taken reasonable steps to ensure the identity of that person,
* be of sound mind, and
* not be a party to the application or have any financial interest in it.

## Lodging your request

Please submit signed scanned copies of this form and accompanying information to: boscredits@environment.nsw.gov.au.

Once received, the department will acknowledge receipt of your request.

Environment and Heritage (EHG), Department of Planning and Environment
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