Department of Planning, Industry and Environment
Assessment of reasonable equivalence of biodiversity credits – credit obligation application

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

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 obligations to retire biodiversity credits under the BC Act.

The Coordinator-General, Environment, Energy and Science Group, Department of Planning, Industry and Environment or their delegate will determine the ‘reasonably equivalent’ credit obligation that remains to be satisfied by the retirement of biodiversity credits under clause 22.

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

## Applicant details

The applicant is the company or individual 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. Complete this part to identify the applicant:

|  |  |
| --- | --- |
| 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. |
| ARBN | Click or tap here to enter text. |
| Street address | Click or tap here to enter text. |
| Postal address | Click or tap here to enter text. |
| Contact name | Click or tap here to enter text. |
| Capacity in which making application (e.g. applicant company director, appointed nominee, etc.) | Click or tap here to enter text. |
| Contact phone | Click or tap here to enter text. |
| Email | 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. Alternatively, you may find this information on the final credit report (not development consent) for the development.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 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 |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |

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.

|  |  |
| --- | --- |
| Documentation required | Attached |
| 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 count. If your credit obligation was based 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 count – 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 the 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 |
| [ ]  Individuals | All the individuals who are owners of the biodiversity credits to be transferred |
| [ ]  Company | * the common seal being affixed in accordance with the *Corporations Act 2001*
* 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 local council | * the general manager in accordance with s.377 of the *Local Government Act 1993* (LG Act)
* the seal of the council being affixed in a manner authorised under the LG Act.
 |
| [ ]  A public authority other than a council | The Chief Executive officer of the public authority. |

Affix common seal (if signing under seal):

I/We:

* Declare that the information in this application form (including any attachments) is accurate and up to date to the best of my/our knowledge.
* Understand and acknowledge that it is an offence under section 307B of the *Crimes Act 1900* (NSW) for a person to give information to a public authority, knowing the information is false or misleading or omits any matter or thing without which the information is misleading.

|  |  |
| --- | --- |
| Full name | Click or tap to enter a date. |
| Position | Click or tap to enter a date. |
| Signature | Click or tap to enter a date. |
| Signature date | Click or tap to enter a date. |

|  |  |
| --- | --- |
| Full name | Click or tap to enter a date. |
| Position | Click or tap to enter a date. |
| Signature | Click or tap to enter a date. |
| Signature date | Click or tap to enter a date. |

## Lodging your request

Once you have fully completed and signed the form, send the application with all attachments to Department of Planning, Industry and Environment in one of the following ways:

Email your request with the required accompanying documentation to boscredits@environment.nsw.gov.au

If the email and its attachments are larger than 20MB, please contact us via email to organise method of delivery.

Post your completed application with the required accompanying documentation to:

Department of Planning, Industry and Environment PO Box A290
Sydney South, NSW 1232

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

# Office use only

|  |  |
| --- | --- |
| Received date | Click or tap to enter a date. |
| Completed date | Click or tap to enter a date. |
| Confirmation issued | Click or tap here to enter text. |
| Invoice number for fee | Click or tap here to enter text. |