

Complete this form if you wish to apply for biodiversity certification under the *Biodiversity Conservation Act 2016* (BC Act). It contains requirements found in the BC Act and Biodiversity Conservation Regulation 2017 (BC Regulation).

This is an interactive form. Click on the check boxes to mark with an X where appropriate. Each field has unlimited characters.

1 Type of application

Indicate below whether this application seeks biodiversity certification under section 8.5(1) of the BC Act (called standard biodiversity certification in this document) or strategic biodiversity certification (under section 8.5(1) and (2) of the BC Act).

If you wish to request that your biodiversity certification application be declared a strategic application, and you haven't already done so, please write to the Minister for Energy and Environment to make your request. Information to help you address the criteria required for a strategic declaration to be made is available on the <u>Department's website</u>. Follow the link to *Request to declare biodiversity certification application as strategic – addressing the criteria*. An applicant for strategic biodiversity certification must be a planning authority identified in section 8.1 of the BC Act.

☐ This application seeks standard biodiversity certification only
☐ This application has already been declared by the Minister to be a strategic application
Note: Please attach the Minister's strategic declaration
☐ A separate request has been made for this application to be declared as strategic

2 Applicant

Please provide details of the applicant below. If there are multiple applicants, each applicant's details must be provided.

An applicant for standard biodiversity certification may be a planning authority, owners of the land proposed for biodiversity certification or any other person who has the written approval of the land owner. An applicant for strategic biodiversity certification must be a planning authority (e.g. a local council or the Minister for Planning).

The form provides fields for two applicants. Please fill in relevant details for each applicant. Photocopy extra pages if more than two applicants are involved.

Applicant 1				
Name*	Kingston Minmi Road Pty Ltd			
ABN	96 109 824 473			
Street address				
Address				
Town				
State	Postcode -			

Mailing address (if different from above)			
Address			
Town			
State		Postcode	
Main contact	·		
Name	Peter Durbin		
Phone		Mobile	
Email			
Alternative co	ntact		
Name			
Phone		Mobile	
Email			
Applicant 2 (if	applicable)		
Name*			
ABN			
Street address	3		
Address			
Town			
State		Postcode	
Mailing addres	ss (if different from above)		
Address			
Town			
State		Postcode	
Main contact			
Name			
Phone		Mobile	
Email			
Alternative co	ntact		
Name			
Phone		Mobile	
Email			

^{*} Name of the individual, company or planning authority that is the applicant

Note: Attach written evidence of authority to act on behalf of all affected land owners, if relevant

3 Other proposed parties to biodiversity certification

The applicant may propose any other person or body to join the biodiversity certification where the party is responsible for implementing the proposed conservation measures. By signing section 15 of this application form, the person or body consents to being made a party to the biodiversity certification. This form provides fields for three proposed parties. Photocopy extra pages if more than three parties are proposed.

Proposed other party 1 (if applicable)				
Name*				
ABN				
Street address				
Address				
Town				
State	Postcode			
Mailing address (if di	ifferent from above)			
Address				
Town				
State	Postcode			
Main contact				
Name				
Phone	Mobile			
Email				
Alternative contact				
Name				
Phone	Mobile			
Email				
Proposed other party	2 (if applicable)			
Name*				
ABN				
Street address				
Address				
Town				
State	Postcode			
Mailing address (if di	ifferent from above)			
Address				
Town				

State	Postcode
Main contact	
Name	
Phone	Mobile
Email	
Alternative contact	
Name	
Phone	Mobile
Email	
Proposed other party	3 (if applicable)
Name*	
ABN	
Street address	
Address	
Town	
State	Postcode
Mailing address (if di	fferent from above)
Address	
Town	
State	Postcode
Main contact	
Name	
Phone	Mobile
Email	
Alternative contact	
Name	
Phone	Mobile
Email	
Name of the individual	, company or planning authority that is the proposed other party

Name of the individual, company or planning authority that is the proposed other party

4 Proposed land for biodiversity certification

List all land proposed for biodiversity certification. The land proposed for biodiversity certification is the land proposed for future development. A map showing the boundaries of the biodiversity certification area is also required. Sections 7 and 8 of this form deal with the area(s) of land conservation measures will be implemented on.

Location				
Name of location/property (if any)	Lot 23 DP1244350, 505 Minmi Road, Fletcher			
Total area proposed for biodiveristy certification (hectares)	26.2			
Title reference (lot and DP numbers and folio identifiers)	Lot 23 DP1244350			

Note: Attach separate documents including maps

5 Avoidance and minimisation of impacts

A key element of the Biodiversity Offset Scheme is avoiding and minimising impacts on biodiversity values before offsets are considered for any residual impacts. In the table below please indicate the sections of the biodiversity certification assessment report (BCAR) that demonstrate how impacts have been avoided and minimised¹.

The impact assessment of biodiversity values under the biodiversity assessment method (BAM) includes consideration of:

- direct impacts on native vegetation and habitat
- whether an impact is serious and irreversible
- prescribed impacts
- 4. adaptive management for uncertain impacts
- indirect impacts.

If the Minister is of the opinion that the clearing of native vegetation and loss of habitat on land proposed for biodiversity certification is likely to have serious and irreversible impacts on biodiversity values, the Minister is required to:

- take those impacts into consideration in determining the application for biodiversity certification
- determine whether there are any additional and appropriate measures that will minimise those impacts (see section 8.8 of the BC Act).

Under section 6.3 of the BC Act, the impacts of actions prescribed by the regulations are subject to assessment and offset under the biodiversity offset scheme. Clause 6.1 of the BC Regulation identifies these prescribed impacts.

Avoidance and minimisation of impacts		
Identify the section(s) of the BCAR that demonstrates how direct impacts on native vegetation and habitat have been avoided and minimised.	Section 12: Mitigation and Managing Impacts	
Does the BCAR identify any potential serious and irreversible impacts?	□ Yes ☑ No	
If 'yes', identify the section(s) of the BCAR that demonstrates what actions and measures have been taken to avoid serious and irriversible impacts (required by chapter 10 of the BAM) and what additional and appropriate measures are proposed to minimise those impacts (see section 8.8 of the BC Act).	n/a	

¹ Clause 8.1 of the Biodiversity Conservation Regulation 2017 permits avoidance and minimisation measures to be specified as related other approved measures in an order conferring biodiversity certification. These are in addition to the approved conservation measures to offset residual impacts.

Will the biodivesity certification of land result in any prescribed impacts?	☑ Yes ☐ No
If 'yes', refer to the section(s) of the BCAR that demonstrates what measures are proposed to avoid and minimise any prescribed biodiversity impacts (required under chapters 8 and 9 of the BAM) and offset any remaining impacts (see section 6.3 of the BC Act). Any proposal to offset prescribed impacts using biodiversity credits should be separate to the calculation of biodiversity credits required to offset the residual impacts of clearing native vegetation and loss of habitat.	Section 6 of the BCAR described the Prescribed Impacts associated with the proposal., inclusive of impacts to habitat for threatened entities; habitat connectivity; and waterbodies, water quality and hydrological processes that sustain threatened entities; The BCAR goes onto assess avoidance and minimisation stratigies with ragards to prescribed biodivseristy impacts (section 10.2), and Unavoidable Prescribed Biodiversity Impacts (Section 11.3). No offset requirements with regards to prescribed biodiversity impacts are calculated as suffienct survey assessment was conducted.
Does the BCAR identify any potential uncertain impacts?	□ Yes ☑ No
If 'yes', has an adaptive management strategy been prepared as required under chapter 9 of the BAM?	□ Yes ☑ No
Identify the section(s) of the BCAR that demonstrates what measures are proposed to mitigate the indirect impacts of biodiversity certification on biodiversity values (required under chapters 9 and 10 of the BAM).	Section 12 Mitigation and Managing Impacts; outlines the mitigation measures of the biocertification of direct, indirect and prescribed Biodiversity Impacts.

6 Existing biodiversity credits proposed to be retired as a conservation measure for standard and strategic applications (not including credits identified in section 7)

This section only applies where biodiversity credits are proposed to be retired from an existing biodiversity stewardship agreement or biobanking site that was not entered into as a direct result of this application. Such credits may be found by reviewing the biodiversity credits register. Credits proposed to be retired from a biodiversity stewardship agreement entered into as a direct result of this application are captured under section 7 below. Note, the retirement of biodiversity credits (which can also be met by payment into the Biodiversity Conservation Fund – refer to section 11 of this form) is the only approved conservation measure available for standard biodiversity certification applications.

	Are existing biodiversity credits proposed to be retired as a conservation measure? (not including credits identified in section 7)				
\boxtimes	No , biodiversity credits are not proposed to be retired from an existing biodiversity stewardship agreement or biobanking site not entered into as a direct result of this application (go to section 7)				
	Yes, biodiversity credits are proposed to be retired from an existing biodiversity stewardship agreement or biobanking site not entered into as a direct result of this application (specify below)				
Sne	cify the name of hindiversity credit and the number of credits to be retired. Specify who				

Specify the name of biodiversity credit and the number of credits to be retired. Specify who currently holds the credits. Photocopy extra pages if required.

Name of credit	BBAM or BAM credit ²	Number of credits	In accordance with like-for-like, or variation rules? ³	Current credit holder (name and ID number)	Timing of purchase/ retirement of credits
Ecosystem credits					
N/A					
Species credits					
N/A					

Where credits are proposed to be retired from a biobanking agreement under the former *Threatened Species Conservation Act 1995* (i.e. biodiversity banking assessment methodology (BBAM) credits), enter the BBAM credits here. A statement of reasonable equivalence from the Environment Agency Head is required to determine the equivalent number of BAM credits under the BC Act (see clause 19 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017) for section 12 of this form.

³ Strategic applications are only required to have regard to the offset rules in the BC Act as if they applied (see clause 6.9 of the BC Regulation).

7 Biodiversity stewardship agreements for standard and strategic applications

This section only applies where biodiversity credits are proposed to be retired from a biodiversity stewardship agreement that is entered into as a direct result of this application.

Are	Are any biodiversity stewardship agreements proposed as a direct result of this application?				
×	No , biodiversity stewardship agreements are not proposed as a direct result of this application (go to section 8)				
	Yes, biodiversity stewardship agreements are proposed as a direct result of this application (specify below)				

One of the ways of retiring credits is for a person to enter into a biodiversity stewardship agreement and then retire some or all of the credits generated. Please provide the information requested below, including a list of all land on which a biodiversity stewardship agreement is proposed as a direct result of this biodiversity certification application. A map showing the boundaries of the proposed biodiversity stewardship agreement(s) is also required.

Note: This part of the application relates to biodiversity stewardship agreements proposed for the purposes of supporting this biodiversity certification application. For retirement of credits from existing biodiversity stewardship agreements or existing biobanking sites, please use section 6 of this form.

This form provides fields for two biodiversity stewardship agreements proposed as a direct result of this biodiversity certification application. Photocopy extra pages if required.

Biodiversity stewardship agreement 1		
Name of proposed biodivesity stewardship agreement	N/A	
BAM calculator reference number for proposed biodiversity stewardship agreement	N/A	
Party responsible for establishing the biodiversity stewardship agreement (include name, contact details and ACN or ABN if corporation)	N/A	
Timing of retirement of required credits from biodiversity stewardship agreement	N/A	
Number and type of credits to be generated and retired	N/A	
Property name and/or street address (if any)	N/A	
Number of hectares covered by the proposed stewardship site	N/A	

Title reference (lot and DP numbers and folio identifiers)	N/A
Is a biodiversity certification agreement proposed to secure the conservation measure?	□ Yes ☑ No
Biodiversity stewardship a	greement 2
Name of proposed biodivesity stewardship agreement	N/A
BAM calculator reference number for proposed biodiversity stewardship agreement	N/A
Party responsible for establishing the biodiversity stewardship agreement (include name, contact details and ACN or ABN if corporation)	N/A
Timing of retirement of required credits from biodiversity stewardship agreement	N/A
Number and type of credits to be generated and retired	N/A
Property name and/or street address (if any)	N/A
Number of hectares covered by the proposed stewardship site	N/A
Title reference (lot and DP numbers and folio identifiers)	N/A
Is a biodiversity certification agreement proposed to secure the conservation measure?	□ Yes ☑ No

8 Additional land-based conservation measures for strategic applications only

Biodiversity stewardship agreements (dealt with in section 7 above) are the only way to create biodiversity credits that can be traded and retired. This section applies to other land-based conservation measures that can be quantified in terms of biodiversity credits, but don't generate tradable biodiversity credits.

Such measures for strategic applications may include reservation of land under the *National Parks and Wildlife Act 1974* or the adoption of development controls under the *Environmental Planning and Assessment Act 1979* that conserve or enhance the natural environment.

	Are any additional land-based conservation measures (that don't generate credits) proposed? (this section is for strategic applications only)			
×	No , additional land-based conservation measures are not proposed as a direct result of this strategic biodiversity certification application (go to section 9)			
	Yes, additional land-based conservation measures are proposed as a direct result of this strategic biodiversity certification application (specify below)			

Specify the land-based conservation measures that don't generate credits proposed to be implemented as a direct result of this strategic biodiversity certification application.

Note: This part of the application relates to land-based conservation measures that don't generate credits proposed for the purposes of supporting this biodiversity certification application. Do not include biodiversity stewardship agreements or special infrastructure contributions; these are dealt with in sections 7 and 9 respectively. For any other approved conservation measures determined by the Minister in accordance with s8.3(2)(b) of the BC Act, use section 10 of this form.

Please provide the information requested below including a list of all land on which the conservation measures are proposed. A map showing the boundaries of the conservation measure area(s) is also required.

This form provides fields for two land-based conservation measures that don't generate credits proposed as a direct result of this biodiversity certification application. Please photocopy extra pages if required.

Land-based conservation measure 1			
Type of conservation measure	N/A		
Party responsible for implementing the conservation measure (include name, contact details and ACN or ABN if corporation)	N/A		
Timing of implementation of conservation measure	N/A		
Number and type of credits that conservation measure is equivalent to	N/A		
Property name and/or street address (if any)	N/A		
Number of hectares on which proposed	N/A		

conservation measure will apply	
Title reference (lot and DP numbers and folio identifiers)	N/A
Is a biodiversity certification agreement proposed to secure the conservation measure?	□ Yes ☑ No
Land-based conservation n	neasure 2
Type of conservation measure	N/A
Party responsible for implementing the conservation measure (include name, contact details and ACN or ABN if corporation)	N/A
Timing of implementation of conservation measure	N/A
Number and type of credits that conservation measure is equivalent to	N/A
Property name and/or street address (if any)	N/A
Number of hectares on which proposed conservation measure will apply	N/A
Title reference (lot and DP numbers and folio identifiers)	N/A
Is a biodiversity certification agreement proposed to secure the conservation measure?	□ Yes ☑ No

Note: If the conservation measure is the adoption of development controls, supply the relevant local environmental plan or development control plan, including zoning maps

9 Special infrastructure contribution proposed as a conservation measure (strategic applications only)

Applications for strategic biodiversity certification may include special infrastructure contributions (SIC) under the *Environmental Planning and Assessment Act 1979* that are used to conserve or enhance the natural environment in accordance with s8.3(2)(b) of the BC Act.

	Is a SIC proposed as a conservation measure? (this section is for strategic applications only)		
×	No, a SIC is not proposed as a conservation measure (go to section 10)		
	Yes, a SIC is proposed as a conservation measure (specify below)		

Please provide details of the SIC in the table below.

State infrastructure contrib	ution
Details of SIC area declaration and Minister for Planning SIC determination	N/A
Amount of SIC to be dedicated to actions to conserve or enhance the natural environment for the purposes of biodiversity certification	N/A
Number and type of credits to which SIC is equivalent	N/A
Estimated timing of SIC collection into SIC fund (including commencement of SIC collection and estimated collection rate)	N/A
Estimated timing of SIC payments out of SIC fund for the purpose of funding actions to conserve or enhance the natural environment	N/A
Details of actions to conserve or enhance the natural environment proposed to be funded by the SIC	N/A

10 Other measures to be determined by the Minister for Energy and Environment (strategic applications only)

The Minister for Energy and Environment may determine any other measure as an approved conservation measure in accordance with section 8.3(2)(b) of the BC Act (for strategic applications only).

Mir	Are any other measures proposed as a conservation measure to be determined by the Minister? (this section is for strategic applications only)		
×	No, no other conservation measures to be determined by the Minister are proposed (go to section 11)		
	Yes, other conservation measures to be determined by the Minister are proposed (specify below)		

This form provides fields for one other conservation measure to be proposed for determination by the Minister for Energy and Environment as an approved conservation measure. Photocopy extra pages if required.

Other approved conservation measure				
Details of the other approved conservation measure	N/A			
Number and type of credits to which the other measure is equivalent (if known)	N/A			
Timing of implementation of the other conservation measure	N/A			
Is a biodiversity certification agreement proposed to secure the other conservation measure?	□ Yes ☑ No			

11 Credit summary

List the name and number of all ecosystem and species credits required for the land where biodiversity certification is proposed. Against each required credit, list the name and number of credits to be retired or the name and number of credits that the conservation measure is equivalent to (where possible). Photocopy extra pages if required.

Type ⁴ of credit required for the land where biodiversity certification is proposed	Name of credit and details of credit profile	Number of credits required for land proposed for certification (A)	Name of credit to be retired or name of credit proposed conservation measure is considered to be equivalent to	Number of credits to be retired or number of credits proposed conservation measure is considered to be equivalent to (B) ⁵	Name of conservation measure ⁶	Surplus/ deficit of credits (B – A)
Ecosystem	PCT 1589	52				
Ecosystem	PCT 1590	408				
Ecosystem	PCT 1619	20				
Species	Myotis macropus	68				
Species	Petaurus norfolcensis	486				

⁴ Ecosystem or species.

⁵ If the credits are from a biobanking agreement, use the number of BAM credits from the statement of reasonable equivalence and attach a copy of the statement.

⁶ Where payment into the Biodiversity Conservation Fund (BCF) is proposed, please record the conservation measure as "BCF payment as alternative to retiring credits".

12 Documentation required to be attached

The BCAR must include (sections 6.13 and 6.16 of the BC Act, and clause 6.9 of the BC Regulation):
□ assessment of biodiversity values on land proposed for biodiversity certification in accordance with the BAM and assessment of impacts on those biodiversity values in accordance with the BAM
$\hfill \square$ assessment of biodiversity values on land proposed for conservation measures in accordance with the BAM
 standard application – the number and classes of biodiversity credits required to be retired in accordance with the offset rules (and in accordance with the variation rules if being applied)
□ strategic application – the number and classes of biodiversity credits required to be retired if the offset rules applied, and the number and classes of biodiversity credits proposed to be retired
□ strategic application – details of any other approved conservation measures that are to be undertaken
☐ date of the report and certification under section 6.15 of the BC Act
☐ details of the accreditation of the person preparing the report
 qualifications and experience of any other person commissioned to conduct research or investigations that are relied on in preparing the report
□ any other information required by the BAM or ancillary rules
□ Conservation measures implementation plan
It is a requirement of this application form that a conservation measures implementation plan be provided which details the:
☐ mechanism for delivery of conservation measures
□ responsibility for delivery, including details of biodiversity certification agreements entered or proposed to be entered into
☐ timing of implementation of conservation measures
☐ funding sources for delivery of conservation measures
$\hfill \square$ framework for monitoring, reporting or auditing of the implementation of proposed conservation measures
Consultation with council prior to public consultation
Applicants who are not planning authorities (or who are Local Land Services) must consult with the local council of the area to which the application relates, prior to public consultation.
If applicable, attach to this application:
□ a copy of the letter to the local council inviting them to comment on the proposal and giving them at least 42 days to do so
$\ \square$ a copy of any submission received by the local council
□ a description of how council's comments have been addressed and any resulting changes to the application. Include justification for any council comments that have not been addressed
□ a copy of the applicant's response to council's submission
□ Biodiversity certification agreements
□ attach any draft or executed biodiversity certification agreements that relate to the conservation measures proposed in this form

13 Consultation - Office Use Only

This section is to be completed after the application form has been submitted and consultation requirements have been met.

Consultation with council where required

ls the applicant required to consult with the local council?	☐ Yes	□ No	
Did the consultation occur?	☐ Yes	□ No	□ N/A
Was council given at least 42 days to respond?	☐ Yes	□ No	□ N/A
Did the consultation occur prior to public consultation?	☐ Yes	□ No	□ N/A
Copy of council submission provided?	☐ Yes	□ No	□ N/A
Copy of applicant's response to council's submission provided?	☐ Yes	□ No	□ N/A
blic consultation			
Name of newspaper where notification published			

Name of newspaper where notification published	
Website where notification published	
Date of publication	
Start date of notification period	
End date of notification period	
Public submission response report provided?	□ Yes □ No
Any changes made to the application as a result of public consultation?	□ Yes □ No

14 Accredited Assessor declaration

Name	Matt Doherty		
Accreditation number 17044			
Declaration	I declare that all information supplied in the biodiversity certification assessment report (BCAR) complies with the biodiversity assessment methodology (BAM) and that the BCAR includes certification of its currency (in accordance with section 6.15 of the BC Act).		
	I understand that I am personally accountable for the validity of all data collected and analysis performed in relation to the BCAR and that I have adequately supervised all support team members for this BAM assessment.		
	I have undertaken this BAM assessment within the terms of my accreditation as a Biodiversity Assessment Methodology Assessor and have adhered to the Accredited BAM Assessor Code of Conduct.		
Signature			
Date	15/05/2023		

15 Consent of other proposed parties

Photocopy extra pages if there are more than three other proposed parties

Name	Peter Durbin	
Consent	I consent to being made a party to the biodiversity certification.	
Signature		
Date	15/05/2023	

Name	
Consent	I consent to being made a party to the biodiversity certification.
Signature	
Date	Click or tap to enter a date.

Name	
Consent	I consent to being made a party to the biodiversity certification.
Signature	
Date	Click or tap to enter a date.

16 Signatures of the applicants

This application should be signed by the applicant or applicants, or their legal representative(s)⁷. The various ways in which the application may be signed, and the people who may sign the application, are set out in the categories below.

Applicant	Application is signed and certified by either
☐ Individual(s)	 All the individuals who are owners of the land proposed for biodiversity certification
	☐ Individual(s) with the approval in writing of all above land owners
⊠ 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 (or delegate) in accordance with s377 of the Local Government Act 1993 (LG Act)
	☐ The seal of the council being affixed in a manner authorised under the LG Act
☐ Minister for	☐ Minister for Planning
Planning	☐ Delegate of the Minister for Planning
☐ Secretary of the	☐ Secretary of the Department of Planning, Industry and Environment
Department of Planning, Industry and Environment	□ Delegate of the Secretary of the Department of Planning, Industry and Environment
☐ Other (specify)	

I/we:

- apply to the Minister administering the Biodiversity Conservation Act 2016 for biodiversity certification of land identified in section 4 of this form
- include a biodiversity certification assessment report
- declare that the information in this biodiversity certification application (including any attachments) is not false or misleading in any material particular.

Photocopy extra pages if there are more than four signatories.

Signature		Signature	
Name	Peter Durbin	Name	
Position	Director	Position	
Date	15/05/2023	Date	

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).

Signature	Signature	
Name	Name	
Position	Position	
Date	Date	

Affix common seal (if signing under seal)

18 Lodging the application

When you have completed the form, print it and sign where necessary. Then scan the form, ensuring pages with signatures are in colour and the signatures are clear. Finally, submit the application with all supporting documentation electronically to:

Minister for Energy and Environment c/- Department of Planning, Industry and Environment at the relevant regional office email from the table below

Regional office	Email	Phone
Greater Sydney (Parramatta)	rog.gsrplanning@environment.nsw.gov.au	02 9995 5000
Hunter and Central Coast (Newcastle)	rog.hcc@environment.nsw.gov.au	02 4927 3201
North West (Dubbo)	rog.nw@environment.nsw.gov.au	02 6883 5300
South West (Albury)	rog.southwest@environment.nsw.gov.au	02 6022 0600
North East (Coffs Harbour)	rog.ne@environment.nsw.gov.au	02 6659 8200
South East (Queanbeyan)	rog.southeast@environment.nsw.gov.au	02 6229 7188
Illawarra (Wollongong)	rog.illawarra@environment.nsw.gov.au	02 4224 4150

Office use only					
Received date	Completed date	Confirmation issued	Invoice number		
1 1	1 1	1 1			