

Department of Planning and Environment

Biodiversity Offsets Scheme Credit Retirement form

under the *Biodiversity Conservation Act 2016*

# Purpose of this form

The form is to be used to apply to the Department of Planning and Environment, under section 6.27 of the *Biodiversity Conservation Act 2016*, for the retirement of biodiversity credits in the Biodiversity Offsets Scheme (BOS).

## Instructions for completing this form

* Please read each part of the application carefully and answer all the questions. Sign where indicated and attach the required documentation.
* In this form, credit holder means a person or persons or legal entity or legal entities who are the owners of the credits being retired.
* In this form, an authorised person is the person who is duly authorised to sign this form on behalf of a credit holder.
* The form must be completed and signed in Part E by the current credit holder. Please note that the consent of every person who is a credit holder of the credits must be provided to complete the biodiversity credit retirement.
* Execution of the application by the credit holders 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
	+ not be a party to the application or have any financial interest in it.
* A duly authorised person must provide evidence of their authority to sign the application.
* All persons signing this form need to complete it using their full legal name and prove their identity. This may be done using the services of a Justice of the Peace or via the Australia Post Witnessing Service. Acceptable proof of identity is outlined in the *Authority to sign and proof of identity practice guideline* published on the department’s [website](https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/offset-obligations-and-credit-trading/offset-credits-transactions/transferring-and-retiring-bos-credits).
* Credit holders may submit their personal information, including proof of identity, separately by providing separate copies of the signed form with their proof of identity attached – that is provide multiple copies of the form – one signed by all parties, a copy with proof of identity for each party – one for each credit holder.
* If insufficient space is provided for details of the credit holder, or credit details, please print a copy of the relevant page, complete the details and attach the page to the final application.
* The form must only be used to apply to retire credits from the same credit holding. If you are applying to retire credits from different credit holdings, a separate form needs to be completed for each credit holding.
* Each credit holder or their authorised representative will need to be registered within the Biodiversity Offsets and Agreement Management System (BOAMS). If you are not already registered in that system, the department will create an account for you after a completed application is submitted to boscredits@environment.nsw.gov.au. If creating an account yourself, please use your full legal name.
* The department may request additional information after this form is submitted to clarify any details relating to the retirement of Biodiversity Offsets Scheme credits.
* Please read Part F for information on how the department manage your privacy in relation to this application.
* Please be aware there are penalties for the provision of false or misleading information (see Part G for more information).
* For any questions of for assistance completing this form, please email boscredits@environment.nsw.gov.au or call 131 555.

## Lodging this form

Once completed and signed the form should be scanned and sent to:

Email: boscredits@environment.nsw.gov.au

## Finalising this application

This application will only be finalised after:

* the application fee has been paid. Go to: [Biodiversity Offsets Scheme fees](https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/fees) for details of fees.
* if applicable, the relevant portion of the Total Fund Deposit has been paid.
* the Department of Planning and Environment has processed and approved the application.

You will be notified once biodiversity credits have been retired. The [Biodiversity Offset Scheme public registers](https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/public-registers) will be updated to reflect the change in the status of the credits specified in this application.

# Part A: Credit holder details

The credit holder (owner of credits) must complete this form as per the instructions. If there is more than one credit holder, each must complete the form. Each credit holder should attach proof of their identity.

Trustees who are credit holders must attach a current copy of the trust deed. Corporate trustees must also attach meeting minutes where it resolved to:

* act as trustee for the trust
* retire biodiversity credits as trustee on behalf of the relevant trust.

Partners representing partnership agreements must attach a current copy of the written partnership agreement (where a written partnership agreement exists), and all partners should execute the form.

Trustees and partners that are:

* individuals should complete A1 (and A2 for multiple partners)
* corporations, local councils or public authorities should complete A3.

Authorised representatives of trustees or partners should complete A4.

For additional credit holders (owners), please copy this page, complete and attach.

## Credit holder

|  |  |
| --- | --- |
| A1 Individual |  |
| Full name | Click or tap here to enter text. |
| Contact phone | Click or tap here to enter text. |
| Email | 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. |
| BOAMS customer number  |  |
| Biodiversity stewardship ID (if applicable) |  |
| Credit holding ID (BOAMS) |  |

Attach one of either the following:

|  |  |
| --- | --- |
| A1.1 Identification certified by Justice of the Peace | [ ]  Attached[ ]  Not applicable |
| A1.2 Identification certified by Australia Post Witnessing Service | [ ]  Attached[ ]  Not applicable |

|  |  |
| --- | --- |
| A2 Individual |  |
| Full name | Click or tap here to enter text. |
| Contact phone | Click or tap here to enter text. |
| Email | 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. |
| BOAMS customer number  |  |
| Biodiversity stewardship ID (if applicable) |  |
| Credit holding ID (BOAMS) |  |

Attach **one** of either the following:

|  |  |
| --- | --- |
| A2.1 Identification certified by Justice of the Peace | [ ]  Attached[ ]  Not applicable |
| A2.2 Identification certified by Australia Post Witnessing Service | [ ]  Attached[ ]  Not applicable |

|  |  |
| --- | --- |
| A3 Corporation, local council, public authority  |  |
| 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. |
| Registered business address | Click or tap here to enter text. |
| Business postal address | Click or tap here to enter text. |
| Business email | Click or tap here to enter text. |
| BOAMS customer number (if applicable) | Click or tap here to enter text. |
| Biodiversity stewardship ID (if applicable) | Click or tap here to enter text. |
| Credit holding ID (BOAMS) | Click or tap here to enter text. |

Attach relevant documentation:

|  |  |
| --- | --- |
| A3.1 Current company extract or other evidence of currency and office holders | [ ]  Attached |

|  |  |
| --- | --- |
| A4 Authorised representative |  |
| Person, company, public authority or other incorporated body you are authorised to act for | Click or tap here to enter text. |
| Full name | Click or tap here to enter text. |
| Position | Click or tap here to enter text. |
| Authorised capacity  | Click or tap here to enter text. |
| Contact phone | Click or tap here to enter text. |
| Email | 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. |
| BOAMS customer number (if applicable) | Click or tap here to enter text. |
| Biodiversity stewardship ID (if applicable) | Click or tap here to enter text. |
| Credit holding ID (BOAMS) | Click or tap here to enter text. |

Attach relevant documentation:

|  |  |
| --- | --- |
| A4.1 Proof of legal authority to sign this application if you are acting on behalf of the credit holder e.g. power of attorney, current company extract, delegation  | [ ]  Attached  |
| A4.2 Identification certified by Justice of the Peace | [ ]  Attached[ ]  Not applicable |
| A4.3 Identification certified by Australia Post Witnessing Service | [ ]  Attached[ ]  Not applicable |
| A4.4 Biodiversity Stewardship Agreement  | [ ]  Attached[ ]  Not applicable |

# Part B: Biodiversity credit retirement details

## B1 Purpose of retirement

|  |  |
| --- | --- |
| For the purpose of complying with a requirement to retire biodiversity credits of a planning approval  | [ ]  YesReference number:Click or tap here to enter text.Date of approval:Click or tap here to enter text.Statutory offset obligation type (For example, Part 4 local development or Major Project):Click or tap here to enter text. |
| For the purpose of complying with a vegetation clearing approval | [ ]  YesReference number:Click or tap here to enter text.Date of approval:Click or tap here to enter text. |
| For the purpose of complying with a requirement to retire credits of a planning agreement under section 7.4 of the *Environmental Planning and Assessment Act 1979*  | [ ]  YesReference number:Click or tap here to enter text.Date of approval:Click or tap here to enter text. |
| For the purpose of complying with a requirement to retire credits of a biodiversity certification of land | [ ]  YesReference number:Click or tap here to enter text.Date of obligation:Click or tap here to enter text. |
| For the purpose of complying with a requirement of the Minister of Environment and Heritage to retire biodiversity credits under section 11.25 or another provision of the *Biodiversity Conservation Act 2016*  | [ ]  YesReference number:Click or tap here to enter text.Date of obligation:Click or tap here to enter text. |
| For the purpose of complying with an order of a court | [ ]  YesReference number:Click or tap here to enter text.Date of obligation:Click or tap here to enter text. |
| A voluntary purpose | [ ]  YesReference number/details:Click or tap here to enter text. |
| Other (please specify, e.g. philanthropic reasons) | [ ]  YesDetails:Click or tap here to enter text. |
| Address and local government area of the land to which the consent/approval/biodiversity obligation/other instrument applies that imposed the credit obligation | [ ]  Provided below[ ]  Not applicable |
| Street address | Click or tap here to enter text. |
| Local Government Area | Click or tap here to enter text. |
| Offset obligation assessment type | Obligation assessed under (select one only):[ ]  BioBanking Assessment Method (BBAM)[ ]  Biodiversity Assessment Method (BAM) |

## B2 Details of biodiversity credits

Provide the details of each credit type you are retiring.

The form must only be used to apply to retire credits from the same credit holding. If you are applying to retire credits from different credit holdings, a separate form needs to be completed for each credit holding.

### B2.1 Ecosystem credits

If you require additional fields, please copy this page, complete and attach it to this application.

|  |
| --- |
| Credit 1 |
| BOAMS Credit Holding ID | Click or tap here to enter text. |
| BOAMS Credit ID | Click or tap here to enter text. |
| BOAMS Parent Case ID | Click or tap here to enter text. |
| Plant Community Type Name | Click or tap here to enter text. |
| Plant Community Type ID | Click or tap here to enter text. |
| Offset trading group | Click or tap here to enter text. |
| Hollow bearing trees | Click or tap here to enter text. |
| IBRA subregion | Click or tap here to enter text. |
| Credits retired (no.) | Click or tap here to enter text. |
| Price per credit (excluding GST) | Click or tap here to enter text. |
| Remaining credits | Click or tap here to enter text. |

|  |
| --- |
| Credit 2 |
| BOAMS Credit Holding ID | Click or tap here to enter text. |
| BOAMS Credit ID | Click or tap here to enter text. |
| BOAMS Parent Case ID | Click or tap here to enter text. |
| Plant community type name | Click or tap here to enter text. |
| Plant Community Type ID | Click or tap here to enter text. |
| Offset trading group | Click or tap here to enter text. |
| Hollow bearing trees | Click or tap here to enter text. |
| IBRA subregion | Click or tap here to enter text. |
| Credits retired (no.) | Click or tap here to enter text. |
| Price per credit (excluding GST) | Click or tap here to enter text. |
| Remaining credits | Click or tap here to enter text. |

|  |
| --- |
| Credit 3 |
| BOAMS Credit Holding ID | Click or tap here to enter text. |
| BOAMS Credit ID | Click or tap here to enter text. |
| BOAMS Parent Case ID | Click or tap here to enter text. |
| Plant community type name | Click or tap here to enter text. |
| Plant Community Type ID | Click or tap here to enter text. |
| Offset trading group | Click or tap here to enter text. |
| Hollow bearing trees | Click or tap here to enter text. |
| IBRA subregion | Click or tap here to enter text. |
| Credits retired (no.) | Click or tap here to enter text. |
| Price per credit (excluding GST) | Click or tap here to enter text. |
| Remaining credits | Click or tap here to enter text. |

### B2.2 Species credits

If you require additional fields, please copy this page, complete and attach to this application.

|  |  |  |
| --- | --- | --- |
|  | Credit 1 | Credit 2 |
| BOAMS Credit Holding ID | Click or tap here to enter text. | Click or tap here to enter text. |
| BOAMS Credit ID | Click or tap here to enter text. | Click or tap here to enter text. |
| BOAMS Parent Case ID | Click or tap here to enter text. | Click or tap here to enter text. |
| Species common name | Click or tap here to enter text. | Click or tap here to enter text. |
| Species scientific name | Click or tap here to enter text. | Click or tap here to enter text. |
| Credits retired (no.) | Click or tap here to enter text. | Click or tap here to enter text. |
| Price per credit (excluding GST) | Click or tap here to enter text. | Click or tap here to enter text. |
| Remaining credits | Click or tap here to enter text. | Click or tap here to enter text. |

|  |  |  |
| --- | --- | --- |
|  | Credit 3 | Credit 4 |
| BOAMS Credit Holding ID | Click or tap here to enter text. | Click or tap here to enter text. |
| BOAMS Credit ID | Click or tap here to enter text. | Click or tap here to enter text. |
| BOAMS Parent Case ID | Click or tap here to enter text. | Click or tap here to enter text. |
| Species common name | Click or tap here to enter text. | Click or tap here to enter text. |
| Species scientific name | Click or tap here to enter text. | Click or tap here to enter text. |
| Credits retired (no.) | Click or tap here to enter text. | Click or tap here to enter text. |
| Price per credit (excluding GST) | Click or tap here to enter text. | Click or tap here to enter text. |
| Remaining credits | Click or tap here to enter text. | Click or tap here to enter text. |

# Part C: Total Fund Deposit

An amount is to be paid into the Biodiversity Stewardship Payments Fund before a first transfer of biodiversity credits is registered or on retirement of credits without a first transfer. If all the biodiversity credits created in respect of the biodiversity stewardship site are being retired without a first transfer, the amount payable is the Total Fund Deposit for the site. If only a portion of the biodiversity credits in respect of the biodiversity stewardship site are being retired without a first transfer, the amount payable is the relevant proportion of the Total Fund Deposit. The Total Fund Deposit amount is set out in each Biodiversity Stewardship Agreement.

Payments of the Total Fund Deposit must be made to the Biodiversity Conservation Trust. Refer to the [*Biodiversity Stewardship Agreement Landholder guide*](https://www.bct.nsw.gov.au/bsa-landholder-guide) for information on paying the Total Fund Deposit into the Biodiversity Stewardship Payments Fund.

Once this application has been reviewed and is accepted you will be advised to contact the Biodiversity Conservation Trust to arrange payment of the Total Fund Deposit or relevant proportion of the Total Fund Deposit.

For enquiries about the Total Fund Deposit contact the NSW Biodiversity Conservation Trust on 1300 992 688 or email info@bct.nsw.gov.au.

Select one of the following options:

|  |  |
| --- | --- |
| [ ]  C1 | There are credits being retired without first having been transferred (sold) and the Total Fund Deposit payment is required. Complete table C4 below to determine the amount to be paid. |
| [ ]  C2 | The Total Fund Deposit has already been satisfied for the Biodiversity Stewardship Agreement ID: Click or tap here to enter text. Proceed to Part D. |
| [ ]  C3 | The credits have been transferred to my/our ownership and no Total Fund Deposit payment is required (proceed to Part D). |

## C4 Calculating amounts

All dollar amounts below must be specified **excluding GST.**

|  |  |  |
| --- | --- | --- |
| A | Biodiversity Stewardship Agreement ID (BSA ID) | Click or tap here to enter text. |
| B | BOAMS Credit Holding ID | Click or tap here to enter text. |
| C | BOAMS Credit ID | Click or tap here to enter text. |
| D | Total Fund Deposit specified in the Biodiversity Stewardship Agreement ($ excluding GST) | Click or tap here to enter text. |
| E | Total number of credits created by the Biodiversity Stewardship Agreement | Click or tap here to enter text. |
| F | Number of credits to be retired | Click or tap here to enter text. |
| G | Relevant portion of the Total Fund Deposit (F ÷E x 100) (%) | Click or tap here to enter text. |
| H | Relevant portion of the Total Fund Deposit ($ excluding GST) | Click or tap here to enter text. |

# Part D: Fee

The fee for this retirement application must be paid before the application can be finalised.

Current fees are available at [Biodiversity Offsets Scheme fees](https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/fees).

Fees are exempt from GST by the Commonwealth Treasurer’s Division 81 determination under *A New Tax System (Goods and Services Act) 1999* (Cth).

The Department of Planning and Environment will raise the invoice for the application fee to the payee. Please provide the following details for the invoice.

|  |
| --- |
| D1 Invoice raised to |
| Name/Company | Click or tap to enter a date. |
| ARBN/ACN | Click or tap to enter a date. |
| Mailing address | Click or tap to enter a date. |
| Email | Click or tap to enter a date. |
| Phone | Click or tap to enter a date. |

|  |
| --- |
| D2 Receipt to (if different to invoice details) |
| Name/Company | Click or tap to enter a date. |
| ARBN/ACN | Click or tap to enter a date. |
| Mailing address | Click or tap to enter a date. |
| Email | Click or tap to enter a date. |
| Phone | Click or tap to enter a date. |

# Part E: Declaration of credit holder retiring credits

This application must be completed and signed by all the owners of the biodiversity credits that are being nominated for retirement, or by a person(s) with who is making this application on behalf of the owners of the biodiversity credits and who has the legal authority to sign.

|  |  |
| --- | --- |
| Credit holder category  | Application is signed and certified by |
| E1 | [ ]  Individuals | All the individuals who are credit holders of the biodiversity credits to be retired |
| E2 | [ ]  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
 |
| E3 | [ ]  A council | * + - * the general manager in accordance with section 377 of the *Local Government Act 1993* (LG Act)
 |
| E4 | [ ]  A public authority other than a council | * + - * the Chief Executive officer of the public authority
 |
| E5 | [ ]  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) listed at E2. |
| E6 | [ ]  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 persons listed at E2, E3 or E4. |

## E7 Declaration by credit holder

I/We, the undersigned credit holders (owner(s)) of the biodiversity credits, acknowledge and agree:

* That I/We own the credits as described in this application.
* That this application will be determined in accordance with the *Biodiversity Conservation Act 2016* and any associated regulations or guidelines as in force from time to time, and that no right or entitlement shall arise pending determination of this application and that any such determination may be subject to conditions.
* That the Crown in right of the State of New South Wales, including its officers, employees, agents and successors (‘the state’), accepts no liability in relation to any action, proceeding, claim, demand, cost, loss, damage or expense (including reasonable legal costs or expenses) arising directly or indirectly as a result of or in connection with this application or any act or omission of the state in connection with this application and I/we hereby agree to release and indemnify the state from and against any such action, proceeding, claim, demand, cost, loss, damage or expense to the fullest extent permitted by law.
* That all information contained in this application is accurate, true and complete and that the state will rely on such information.
* 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*.
* That the state does not provide any legal, financial or technical advice in connection with this application and that any such advice, if required, is to be obtained independently.
* That details about any biodiversity credits arising out of this application will be recorded in the publicly available register pursuant to the *Biodiversity Conservation Act 2016*.
* I/We hereby give consent for the retirement of the biodiversity credits listed in the credit issue or transfer report attached to this application (all owners to sign).

## E8 For retirement request made by individuals

Photocopy and attach extra pages to include details for more than 2 credit holders.

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

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

## E9 For retirement request made by corporation

Executed for and on behalf of the credit holder in accordance with section 127 of the *Corporations Act 2001* (Cth) (if a company) or by a duly authorised officer (for other types of corporation).

|  |  |
| --- | --- |
| Name of corporation  | Click or tap here to enter text. |
| ACN | Click or tap here to enter text. |
| ARBN | Click or tap here to enter text. |
| Name (1) | Click or tap here to enter text. |
| Position (1) | Click or tap here to enter text. |
| Signature (1) |  |
| Date | Click or tap to enter a date. |

|  |  |
| --- | --- |
| Name of corporation | Click or tap here to enter text. |
| ACN | Click or tap here to enter text. |
| ARBN | Click or tap here to enter text. |
| Name (2) | Click or tap here to enter text. |
| Position (2) | Click or tap here to enter text. |
| Signature (2) |  |
| Date | Click or tap to enter a date. |

## E10 For retirement request made by council

The general manager in accordance with section 377 of the *Local Government Act 1993* (LG Act).

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

## E11 For retirement request made by public authority other than a council

The chief executive officer.

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

|  |  |
| --- | --- |
| E12 | Witness |
| Name of witness | Click or tap here to enter text. |
| Signature of witness |  |
| Date | Click or tap to enter a date. |

Execution of the application by the credit holders 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
* not be a party to the application or have any financial interest in it.

# Part F: Privacy note

The department is subject to the *Privacy and Personal Information Protection Act 1988* in managing your personal information. The department’s [*Privacy management plan*](https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/privacy-management-plan-2017.pdf?la=en) describes how it meets these obligations.

When you submit this application, you will provide your personal information to the department. This includes your name yet may also include other information. You may also provide other personal information when you complete this form. Personal information means information or an opinion about an individual whose identity is apparent or can reasonably be ascertained.

The department is collecting your personal information for the purpose of administering the Biodiversity Offsets Scheme. The department may only use your personal information in a way which is consistent with this purpose, which could include contacting you in relation to this application.

Details (including personal information) about any biodiversity credits arising out of this application will be recorded in the publicly available register pursuant to the *Biodiversity Conservation Act 2016* and clause 9.4 of the *Biodiversity Conservation Regulation 2017*.

We will not disclose your personal information to anybody else, unless you have given consent, or we are required to do so by law.

Your information will be held securely by the department at 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150, where applications are received. The information will be secured in an encrypted database.

You have a right to access your personal information. You also can request that your personal information be updated and corrected. If you wish to do so, please telephone the Department’s Privacy Officer on 9860 1400 or email patiunit@planning.nsw.gov.au.

# Part G: Offences for misleading information

It is an offence, under section 13.10 of the *Biodiversity Conservation Act 2016*, to make a statement that you know to be false or misleading in a material particular in, or in connection with, this application. A corporation found guilty of an offence against section 13.10 is liable to a penalty not exceeding $1.65 million. An individual found guilty of an offence against section 13.10 is liable to a penalty not exceeding $330,000. Providing false or misleading information is also an offence under section 307A of the *Crimes Act 1900*.

# Part H: Submitting this form

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

Original copies may be provided to:

BOS Credits Transactions
Offset Programs, Environment and Heritage Group
Department of Planning and Environment
Locked bag 5022
Parramatta NSW 2124