

Biodiversity Stewardship Agreement application

Please complete this form to request a biodiversity stewardship agreement on your land.

If you would like the Management Plan or BSA application in a different format such as a word document please contact BCT at info@bct.nsw.gov.au.

Note that the requirements for this request to the Minister for the Environment are set out in the *Biodiversity Conservation Act 2016* (Division 2, Part 5 of the Act).

Please provide responses to each field in this form and once complete, print and sign the form to lodge your request.

In some instances, the Minister for the Environment may require an applicant to provide additional information as necessary.

If you need any assistance completing this form, please contact the Biodiversity Conservation Trust via the NSW Environment Line on 1300 992 688.

Privacy notice

The Biodiversity Conservation Trust of NSW (BCT) is committed to protecting the privacy of your personal information, in accordance with the Privacy and Personal Information Protection Act 1998 (NSW).

Personal information provided on this application form is collected for the purpose of assessing your and your land for a biodiversity stewardship agreement and for directly related purposes such as being included in a public register (required under the *Biodiversity Conservation Act 2016*).

You may choose not to provide your personal information to the BCT. However, this may mean that the BCT will be unable to progress your application for a biodiversity stewardship agreement.

The BCT may share your personal information with the Office of Environment and Heritage (OEH) in order to assess your application and enable OEH to comply with its legislative obligations to maintain public registers.

Otherwise the BCT will not disclose your personal information unless you consent, or the BCT is permitted or required by law.

For information about how your personal information is collected, used and disclosed by the NSW BCT, please see the privacy policy available on the Office of Environment and heritage website at <http://www.environment.nsw.gov.au/whoweare/privacy.htm>. You can ask to access or amend your personal information held by the BCT by contacting the BCT at:

NSW Biodiversity Conservation Trust
PO Box A290
Sydney South NSW 1232
Phone: 1300 992 688
Email: info@bct.nsw.gov.au

1 Landowner's details

The application must be made by an owner of the site proposed to be designated as a biodiversity stewardship site¹.

If the application for a biodiversity stewardship agreement 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.

The designated primary landowner's² (or corporation's) details should be provided in section 1. For additional landowners (including all directors or persons concerned in the management of a body corporate) please use Attachment A.

Landowner (if an individual)			
Category	<input type="checkbox"/> Private individual	<input type="checkbox"/> Partnership	
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Ms	<input type="checkbox"/> Miss <input type="checkbox"/> Mrs <input type="checkbox"/> Dr
First name			
Surname			
Landowner (if a corporation)			
Company			
ABN		GST registered	<input type="checkbox"/> Yes <input type="checkbox"/> No
URL			
Director Title	<input type="checkbox"/> Mr <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Mrs <input type="checkbox"/> Dr		
Director First Name			
Director Surname			
Landowner (if a public authority)			
Name of Authority			
Contact person			
Street address			
Address			

¹ '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, or
 - 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, or
 - 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, and
- (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*, and
- (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.

² **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.

Town			
State		Postcode	
Mailing address (if different from above)			
Address			
Town			
State		Postcode	
Contact details for primary landowner (for notifications from BCT)			
Phone		Mobile	
Fax		Email	
Preferred contact for biodiversity credits			
<input type="checkbox"/> Designated email address* (please specify)			
<input type="checkbox"/> BCT to receive initial inquiries from potential buyers and forward these to the landowner		info@bct.nsw.gov.au	

*Note: Designated email address will be displayed on the biodiversity credits public register. To protect your privacy, we advise you to provide an email address that does not include your name. If you do not have email, you can select to use the BCT's email address and relevant correspondence will be forwarded to you.

2 Is the landowner a 'fit and proper person' to enter into a biodiversity stewardship agreement?

The Minister (or delegate) may decline a request from an owner of a site to enter into a biodiversity stewardship agreement if the Minister considers that any owner of the site is not a fit and proper person to enter into, and fulfil the obligations imposed by, the agreement³.

Each landowner must respond to the following questions. The primary landowner (individual or corporation) should complete this section 2 and additional landowners should complete the questions in the attachment at A2.

Landowner (an individual or corporation)	
<input type="checkbox"/> Yes <input type="checkbox"/> No	Has the landowner or an Associated Manager⁴ of the landowner contravened⁵ any Relevant Legislation⁶, 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	If the landowner is an Associated Manager of another person, has the other person contravened any Relevant Legislation, or held a licence or other authority that has been

³ See section 5.8(5) of the *Biodiversity Conservation Act 2016* and clause 5.3 of the *Biodiversity Conservation Regulation 2017*.

⁴ **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, or
- (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.

⁵ 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.

	suspended or revoked under any Relevant Legislation?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Has the landowner or an Associated Manager of the landowner, in the previous 10 years, been convicted in New South Wales or elsewhere of an offence involving fraud or dishonesty?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Has the landowner or an Associated Manager of the landowner, during the previous 3 years, 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?
<input type="checkbox"/> Yes <input type="checkbox"/> No	if a body corporate, is the landowner the subject of a winding up order or has the landowner had a controller or administrator appointed during the previous 3 years?
<input type="checkbox"/> Yes <input type="checkbox"/> No	if an individual, is the landowner or has the landowner been the director or person concerned in the management of a body corporate that is the subject of a winding up order or for which a controller or administrator has been appointed during the previous 3 years?

If you answered 'Yes' to any question in section 2, attach a statement with the specific circumstances and why you think those circumstances should not prevent you from entering into a biodiversity stewardship agreement.

Each individual landowner or company director must also provide **two independent written references** (of approx 200–300 words) addressing the following matters:

- that they are of good repute, having regard to character, honesty and integrity; and
- that they are competent to undertake the management actions proposed to be carried out on the site.

The name, address and contact phone number/s of the referee must be included in the reference. A referee cannot be a relative of the applicant and must have known the applicant for at least 10 years.

3 Proposed biodiversity stewardship site

Application Reference (please provide at least one)				
Case Number				
Application Number				
Parent Case Number				
Property address				
Property name				
Property address				
Town				
State		Postcode		
Location details				
Title reference	Lot and DP number(s)			
	Folio identifier or volume-folio (if Torrens Land System)			
	Registered deed number (if Old Land System)			
Site reference	Easting (6 digits)		Northing (7 digits)	

	AMG zone (54, 55 or 56)		Reference system (e.g. GDA94, WGS84, AGD)	
Local government area (LGA)				
Interim Biogeographic Regionalisation for Australia (IBRA)	IBRA bioregion			
	IBRA subregion			
Zoning (under Local Environmental Plan)	<input type="checkbox"/> Rural <input type="checkbox"/> Residential <input type="checkbox"/> Recreation <input type="checkbox"/> Business <input type="checkbox"/> Industrial <input type="checkbox"/> Special purpose <input type="checkbox"/> Waterway <input type="checkbox"/> Environmental protection			
Other information				
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Are there any property interest holders in the land? If Yes, provide details and attach proof that each property interest holder is likely to consent to a biodiversity stewardship site being established. Check your certificate of title for property interest holders and also declare any residential tenancies, other leases and other unregistered interests.</p> <p><input type="checkbox"/> Easement <input type="checkbox"/> Lease <input type="checkbox"/> Mining interest <input type="checkbox"/> Mortgage/charge</p> <p>Note: Certain property interest holders will be required to sign the biodiversity stewardship agreement to provide their consent.</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?</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	Is the land publicly owned? If 'Yes', specify what type of land is it (e.g. a 'natural area' under the <i>Local Government Act 1993</i> ; reserved land under the <i>Crown Lands Act 1989</i>) and attach a description of legislative requirements regarding the use and management of the land.	
Provide a short description of current land uses		
<input type="checkbox"/> Yes <input type="checkbox"/> No	Is there any current or previous condition, use or proposed use of the site that may be inconsistent with biodiversity conservation? If 'Yes', describe the condition or use	
	Description of condition, use or development and whether previous, current or proposed (such as maintaining or constructing access tracks, building shed/s to store weed control chemicals or other pesticides, building fences to manage stock or human access, building structures to restore natural water flows)	Management zones affected
<input type="checkbox"/> Yes <input type="checkbox"/> No	To the best of your knowledge, is there any condition or use, or proposed use, of any land of the site, or that is in the vicinity of that land, that may prevent relevant management actions from being carried out on the site or prevent the purpose of those actions from being achieved? If 'Yes', describe the condition or use.	
	Description of condition or use and whether current or proposed	Management zones affected
<input type="checkbox"/> Yes <input type="checkbox"/> No	Are there any land uses, compatible with biodiversity conservation, proposed for the biodiversity stewardship site once it is established (e.g. traditional Aboriginal cultural activities, ecotourism, camping, bushwalking or other passive recreational activities)? If 'Yes', describe the land use and specify whether it is a development activity or other human activity.	
	Description of proposed development or human activity (include details of how many people, tents, vehicles, campfires etc allowed at any time)	Management zones affected
<input type="checkbox"/> Yes <input type="checkbox"/> No	Are there any Aboriginal objects and/or Aboriginal places⁷ on the biodiversity stewardship site? If 'Yes' describe the objects and/or places. Include Aboriginal Heritage Information Management System (AHIMS) search result PDF as supporting documentation to this application.	

⁷ 'Aboriginal object' is defined in s 5(1) of the *National Parks and Wildlife Act 1974* as at the date of preparation of this form to mean "any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains".

'Aboriginal place' is defined in s 5(1) of the *National Parks and Wildlife Act 1974* as at the date of preparation of this form to mean "any place declared to be an Aboriginal place under section 84".

	Description of Aboriginal objects and places	Management zones

4 BAM Assessor

Name of Assessor	
Accreditation number	
Declaration of Assessor	<p>I declare that all information supplied in relation to the biodiversity stewardship site assessment report, biodiversity credit report and any associated documents complies with both the Biodiversity Assessment Method.</p> <p>I understand that I am personally accountable for the validity of all data collected and analyses performed and that I have adequately supervised all support team members for this assessment.</p> <p>I have undertaken this assessment within the terms of my accreditation to apply the Biodiversity Assessment Method and have adhered to the Accredited Person Code of Conduct.</p>
Signature of Assessor	

5 Application fee

Application fee (\$2,552) payment method (select one)	
<input type="checkbox"/> Electronic Fund Transfer	Bank: Westpac BSB: 032001 Acct No.: 181372 Reference number: The reference number is the Biodiversity Stewardship Application parent case number from BOAMS.
Cheque	Please make cheque payable to the 'Biodiversity Conservation Trust NSW'.
Credit Card	Mastercard Visa Card no: _____ Expiry date: _____ mm/yy Cardholder's name: _____ Cardholder's signature: _____ Date: _____ mm/dd/yyyy

6 Supporting documentation

Documentation required with this application		
<input type="checkbox"/> Proof of ownership Current certificate of title or other documentation (e.g. Crown lease, contract to purchase Crown land etc).		
Supporting documentation and due diligence Include any supporting documentation relevant to the placement of the Biodiversity Stewardship Agreement on title, including where relevant mortgage consents and consent of other interest holders as outlined in section 2 and section 3 of this application.		
<input type="checkbox"/> Biodiversity Stewardship Site Assessment Report The assessment report must be prepared by a person accredited ⁸ to use the Biodiversity Assessment Method and the Credit Calculator. The report must include all the required supporting documentation as indicated by the Biodiversity Assessment Method (e.g. local reference data, expert reports, request of increase in gain in site value). Please list supporting documentation included with this application below. Both hard copies and soft copies (uploaded to BOAMS or on USB) are required.		
<input type="checkbox"/> Maps and GIS files The map(s) must identify: <ul style="list-style-type: none"> <input type="checkbox"/> biodiversity stewardship site boundary (including GPS points) <input type="checkbox"/> vegetation zones <input type="checkbox"/> plots and transects <input type="checkbox"/> assessment circles <input type="checkbox"/> species polygons (showing location of any threatened species for which species credits are created) <input type="checkbox"/> location of photo-points <input type="checkbox"/> management zones. The map(s) must be prepared using GPS mapping on either a satellite image or ortho-rectified aerial image Both hard copies and soft copies uploaded to BOAMS (or on USB) are required.		
<input type="checkbox"/> Management actions Management actions and management plans must be drafted using the template available from the Office of Environment and Heritage. The template wording must be used. A hard copy and soft copy (in Word uploaded to BOAMS or on USB) are required.		
<input type="checkbox"/> Proposed Total Fund Deposit The Total Fund Deposit worksheet of the biodiversity credits pricing spreadsheet must be filled in for all annual management costs and other recurring costs.		
<input type="checkbox"/> Additionality If there are any existing conservation obligations over the site, a copy of any agreement(s) (e.g. conservation agreement, PVP, Nature Trust agreement) must be provided.		
<input type="checkbox"/> Full survey (optional) If you want to identify the biodiversity stewardship site's exact boundaries on the deposited plan you need to provide a NSWLRS-approved 'full plan' for irregular boundaries or 'sketch plan' for regular boundaries.		
<input type="checkbox"/> Application fee Please attach a cheque or fill in credit card information in section 5 of this application.		
Additional documentation included with this application		
Item	Document title	Number of pages
1		
2		
3		

⁸ 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.

7 Signature(s) of the proposed biodiversity stewardship site owner(s)

This application should be signed by the person(s) who legally own(s) the land. 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.

Owner category	Application is signed and certified by
<input type="checkbox"/> Individual(s)	All the individuals who are owners of the land
<input type="checkbox"/> Company	<input type="checkbox"/> the common seal being affixed in accordance with the <i>Corporations Act 2001</i> , or <input type="checkbox"/> two directors, or <input type="checkbox"/> a director and a company secretary, or <input type="checkbox"/> the director, if a proprietary company that has a sole director who is also the sole company secretary.
<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), or <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	The head of the public authority.

I/We (the landowner(s)):

- apply for a Biodiversity Stewardship Agreement, and
- 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):

8 Lodging the application

Once completed and signed, send the application with all attachments to:

NSW Biodiversity Conservation Trust
PO Box A290
Sydney South NSW 1232

Phone: 1300 992 688

Email: info@bct.nsw.gov.au

Office use only

Received date

Completed date

Confirmation issued

Invoice number

Published by:
NSW Biodiversity Conservation Trust
59–61 Goulburn Street, Sydney
PO Box A290, Sydney South 1232
Phone: 1300 992 688
Email: info@bct.nsw.gov.au
Website: www.bct.nsw.gov.au

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Attachment A

A1 Additional landowners

If the application for a Biodiversity Stewardship Agreement relates to land that is owned by more than one individual or corporation, then each landowner (other than the designated primary landowner, whose information is provided in section 1) is required to provide the information requested in A1 of this attachment. Print as many of these attachments as necessary. All landowners must also sign the completed application form.

Additional landowner (if an individual)			
Category	<input type="checkbox"/> Private individual	<input type="checkbox"/> Partnership	
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Ms	<input type="checkbox"/> Miss <input type="checkbox"/> Mrs <input type="checkbox"/> Dr
Last name			
First name			
Additional landowner (if a corporation)			
Company			
Director Title			
Director First Name			
Director Surname			
Street address			
Address			
Town			
State		Postcode	
Mailing address (if different from above)			
Address			
Town			
State		Postcode	
Contact details			
Phone		Mobile	
Fax		Email	

A2 Does the landowner meet the 'fit and proper person' criteria to establish a biodiversity stewardship site?

Landowner (an individual or corporation)	
<input type="checkbox"/> Yes <input type="checkbox"/> No	Has the landowner or an Associated Manager ⁹ of the landowner contravened ¹⁰ any Relevant Legislation ¹¹ , 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	If the landowner is an Associated Manager of another person, has the other person contravened 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	Has the landowner or an Associated Manager of the landowner, in the previous 10 years, been convicted in New South Wales or elsewhere of an offence involving fraud or dishonesty?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Has the landowner or an Associated Manager of the landowner, during the previous 3 years, 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?
<input type="checkbox"/> Yes <input type="checkbox"/> No	if a body corporate, is the landowner the subject of a winding up order or has the landowner had a controller or administrator appointed during the previous 3 years?
<input type="checkbox"/> Yes <input type="checkbox"/> No	if an individual, is the landowner or has the landowner been the director or person concerned in the management of a body corporate that is the subject of a winding up order or for which a controller or administrator has been appointed during the previous 3 years?

If you answered 'Yes' to any question in section 2, attach a statement with the specific circumstances and why you think those circumstances should not prevent you from entering into a biodiversity stewardship agreement.

Each individual landowner or company director must also provide two independent written references (of approx 200–300 words) addressing the following matters:

- that they are of good repute, having regard to character, honesty and integrity; and
- that they are competent to undertake the management actions proposed to be carried out on the site.

The name, address and contact phone number/s of the referee must be included in the reference. A referee cannot be a relative of the applicant and must have known the applicant for at least 10 years.

⁹ **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:

- (c) 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, or
- (d) 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.

¹⁰ To 'contravene' includes fail to comply with (s 21(1) *Interpretation Act 1987*).

¹¹ **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):

- (h) the *Biodiversity Conservation Act 2016*,
- (i) Part 5A of the *Local Land Services Act 2013*,
- (j) Parts 7 and 7A of the *Fisheries Management Act 1994*,
- (k) the *Environmental Planning and Assessment Act 1979*,
- (l) an Act or part of an Act administered by the Minister for the Environment,
- (m) a repealed Act that corresponds to an above-mentioned Act,
- (n) an Act of the Commonwealth, another State or Territory that corresponds to an above-mentioned Act.