

Biodiversity certification modification application

Complete this form if you wish to apply to modify a biodiversity certification that has been conferred under Part 8 of the *Biodiversity Conservation Act 2016*.

This form is for **modification** of a biodiversity certification that has been conferred under section 8.2 of the Biodiversity Conservation Act. It contains requirements found in the Biodiversity Conservation Act and Biodiversity Conservation Regulation 2017.

If you require an application to apply for biodiversity certification, a standard application form and a strategic application form are available on our website.

Section 8.22 of the Biodiversity Conservation Act provides that biodiversity certification may be modified by a party to the biodiversity certification, a party to the biodiversity certification agreement entered into in connection with biodiversity certification or at the Minister's own initiative.

This form is to be used for modifications requested by a party to the biodiversity certification or a party to the biodiversity certification agreement entered into in connection with the biodiversity certification.

Before completing this application, it is strongly encouraged that you seek advice from your regional office within the department. Early and ongoing consultation with the department will help identify potential issues, including reducing time and cost delays.

This is an interactive form. Check boxes with an X where appropriate. Each free text field has unlimited characters.

Applicant

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

An applicant for modification of a biodiversity certification may be a party to the biodiversity certification, a party to the biodiversity certification agreement entered into in connection with biodiversity certification or the Minister.

Please fill in the relevant details for each applicant. Photocopy extra pages if required.

Applicant 1			
Name*			
ABN			
Applicant status	Party to a biodiversity certification: Yes <input type="checkbox"/> No <input type="checkbox"/> Party to a biodiversity certification agreement: Yes <input type="checkbox"/> No <input type="checkbox"/> Name of biodiversity certification: [insert name here]		
Street address			
Address			
Town			
State		Postcode	
Mailing address (if different from above)			
Address			
Town			
State		Postcode	
Contact			
Name			
Phone		Mobile	
Email			

[Photocopy this page if more there is more than one applicant]

Applicant [] (if applicable)			
Name*			
ABN			
Applicant status	Party to a biodiversity certification: Yes <input type="checkbox"/> No <input type="checkbox"/> Party to a biodiversity certification agreement: Yes <input type="checkbox"/> No <input type="checkbox"/> Name of biodiversity certification: <input type="text" value="insert name here"/>		
Street address			
Address			
Town			
State		Postcode	
Mailing address (if different from above)			
Address			
Town			
State		Postcode	
Main contact			
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.

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 12 of this application form, the person or body consents to being a party to the biodiversity certification. Photocopy extra pages if required.

Where there are existing other parties to the approved biodiversity certification, they must sign this section. Any other parties proposed to be added by the modification must also sign this section.

If there are no other proposed parties to the biodiversity certification, this section can be left blank.

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

[Photocopy this page if there is more than one other proposed party]

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

Proposal for biodiversity certification modification

Please summarise below the modifications proposed to the biodiversity certification.

The following information must be included in this application form:

- a. list of all land in the biodiversity certification area that is proposed to be modified
- b. map clearly showing the boundaries of the biodiversity certification area as proposed to be modified
- c. Biodiversity Conservation Assessment Report (if required). Please consult the department if you are unsure if a Biodiversity Conservation Assessment Report is required to be submitted with your application.

Please insert the information below relating to the biodiversity certification assessment area.

Location		
Name of location/property (if any)		
Title reference (lot and DP numbers and folio identifiers)		
Current land use	Area (ha)	Native vegetation extent (ha)
Certified land		
Biodiversity certification assessment area (BCAA)		
Retained land (land within the Biodiversity certification assessment area) that is not proposed for certification)		
Avoided land (land that is avoided for biodiversity reasons)		
Proposed modification to land use	Area (ha)	Native vegetation extent (ha)
Certified land		
Biodiversity certification assessment area		
Retained land		
Avoided land		

Note: Attach separate documents, including maps indicating the proposed modification

Avoiding and minimising impacts

Please detail any measures to avoid and minimise impacts that are proposed to be amended as a result of the proposed modification.

This section can be left blank if measures to avoid or minimise impacts are not proposed to be modified.

Measures to avoid impacts – proposed modification	
Measures to minimise impacts – proposed modification	

Serious and Irreversible impacts

A serious and irreversible impact (SAIL) is an impact on biodiversity that is likely to contribute significantly to the risk of a threatened species or ecological community becoming extinct. Please detail any serious and irreversible impact identified as a direct result of the proposed modification or any existing serious and irreversible impact that will be affected by the modification, as well as any additional and appropriate measures proposed to minimise serious and irreversible impact.

This section can be left blank if no changes to existing serious and irreversible impact or measures are proposed by the modification, even if the biodiversity certification resulted in serious and irreversible impact as determined by the Minister.

Serious and irreversible impacts	
Does the Biodiversity Conservation Assessment Report, as modified, identify any potential serious and irreversible impact?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If 'yes', identify the sections of the Biodiversity Conservation Assessment Report as modified that demonstrates what actions and measures have been taken to avoid serious and irreversible impact (required by chapter 10 of the Biodiversity Assessment Method) and what additional and appropriate measures are proposed to minimise those impacts (see section 8.8 of the Biodiversity Conservation Act).	

Proposed modification to offset obligation

For standard biodiversity certification, the retirement of biodiversity credits (which can also be met by payment into the Biodiversity Conservation Fund) is the only approved conservation measure available.

Specify the name of biodiversity credit and the number of credits to be retired as a result of the proposed modification.

Note: The offset rules do not apply to strategic biodiversity certifications, however, strategic applications are required to regard the offset rules in the Biodiversity Conservation Act as if they applied (see clause 6.9(c) of the Biodiversity Conservation Regulation).

Name of credit	BBAM or BAM credit	Number of credits	In accordance with like-for-like, or variation rules?	Current credit holder (name and ID number)	Timing of purchase/retirement of credits	Change in modified offset obligation (+ / -)
Ecosystem credits						e.g. + 6
Species credits						

For strategic biodiversity certification, a range of additional conservation measures are available under section 8.3(2)(b) of the Biodiversity Conservation Act. If applicable, please detail where strategic conservation measures are proposed to be modified below:

Strategic conservation measures proposed to be modified

Reservation of land under the *National Parks and Wildlife Act 1974*

Adoption of development controls (or State infrastructure contributions) under the *Environmental Planning and Assessment Act 1979* that conserve or enhance the natural environment

Any other measure determined by the Minister

Proposed modification to biodiversity certification agreement

A biodiversity certification agreement under section 8.16 of the Biodiversity Conservation Act may be entered into in connection with a biodiversity certification. Please detail whether the proposed modification requires a change to an existing biodiversity certification agreement.

Is there an existing biodiversity certification agreement associated with the biodiversity certification?

- No**, there is no existing biodiversity certification agreement associated with the biodiversity certification
-
- Yes**, there is an existing biodiversity certification agreement associated with the biodiversity certification
-

If **yes**, please detail below any proposed changes to the biodiversity certification agreement:

Consultation in relation to the proposed modification

Please indicate whether any additional public consultation or consultation has occurred in relation to the proposed modification, in addition to consultation that occurred for the approved biodiversity certification. In limited circumstances, it may be appropriate for additional consultation, in addition to that undertaken for the approved biodiversity certification, prior to lodgement of the modification.

Please contact the department prior to lodgement of the modification application to determine whether consultation is required.

Has additional consultation with a local council or with the approved biodiversity certification application, and if yes what was the feedback?

No, there has been no additional public consultation or consultation with the local council

Yes, there has been additional consultation with the local council:

Yes, there has been additional public consultation:

Biodiversity certification strategy

Note that the offset rules apply to standard biodiversity certification applications (clause 6.2(5)(c) of the Biodiversity Conservation Regulations). The offset rules do not apply to strategic biodiversity certification applications (clause 6.2(5)(b)).

List the name and number of all ecosystem and species credits required for the certified land. For each type of credit required, list the name and number of credits to be retired. Photocopy extra pages if required.

If no changes to the proposed biodiversity certification strategy are proposed by the modification, this section can be left blank.

Type ¹ of credit required for the certified land	Name of credit and details of credit profile	Number of credits required for certified land (A)	Name of credit to be retired	Number of credits to be retired

¹ Ecosystem or species.

Modified documentation required to be attached

Biodiversity certification assessment report

If required, the modified Biodiversity Conservation Assessment Report must be in the form specified in sections 6.13 and 6.16 of the Biodiversity Conservation Act, and clause 6.9 of the Biodiversity Conservation Regulation. This can either be in the form of the original Biodiversity Conservation Assessment Report as modified, with all changes clearly marked, or via an addendum Biodiversity Conservation Assessment Report which addresses the proposed modifications only.

Please contact the department prior to lodgement of the modification application to determine whether an original Biodiversity Conservation Assessment Report as modified or addendum Biodiversity Conservation Assessment Report is required.

It must be clearly indicated where any of the below are proposed to be modified:

- assessment of biodiversity values on biodiversity certified land in accordance with the Biodiversity Assessment Method and assessment of impacts on those biodiversity values in accordance with the Biodiversity Assessment Method
- assessment of biodiversity values on land proposed for conservation measures in accordance with the Biodiversity Assessment Method
- 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)
- date of the report and certification under section 6.15 of the Biodiversity Conservation 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 Biodiversity Assessment Method or ancillary rules

Biodiversity certification strategy

The proposed modification must provide an amended biodiversity certification strategy if the proposed modification affects any of the below:

- 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
- framework for monitoring, reporting or auditing of the implementation of proposed conservation measures

Biodiversity certification agreements

- attach any executed biodiversity certification agreements that relate to the conservation measures proposed in this form
- detail any amendments sought to the biodiversity certification agreement as part of the proposed modification

Accredited Assessor declaration

Name	
Accreditation number	
Declaration	<p>I declare that all information supplied in the biodiversity certification assessment report (BCAR) as modified complies with the NSW Biodiversity Assessment Method (BAM) and that the Biodiversity Conservation Assessment Report includes certification of its currency (in accordance with section 6.15 of the Biodiversity Conservation Act).</p> <p>I understand that I am personally accountable for the validity of all data collected and analysis performed in relation to the Biodiversity Conservation Assessment Report and that I have adequately supervised all support team members for this Biodiversity Assessment Method assessment.</p> <p>I have undertaken this Biodiversity Assessment Method assessment within the terms of my accreditation as a Biodiversity Assessment Methodology Assessor and have adhered to the Accredited Biodiversity Assessment Method Assessor Code of Conduct.</p>
Signature	
Date	Click or tap to enter a date.

Consent of other proposed parties

Photocopy extra pages if there are more than 3 other proposed parties

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.

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

Written approval of landowners

Photocopy extra pages if required.

Name	
Written consent	
Signature	
Date	Click or tap to enter a date.

Name	
Written consent	
Signature	
Date	Click or tap to enter a date.

Name	
Written consent	
Signature	
Date	Click or tap to enter a date.

Signatures of the applicants

This modification application should be signed by the applicant or applicants, or their legal representatives. 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.

Note: 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.).

Applicant	Application is signed and certified by either
<input type="checkbox"/> Individuals	<input type="checkbox"/> All the individuals who are owners of the biodiversity certified land <input type="checkbox"/> Individuals with the approval in writing of all above land owners
<input type="checkbox"/> Company	<input type="checkbox"/> the common seal being affixed in accordance with the <i>Corporations Act 2001</i> <input type="checkbox"/> directors <input type="checkbox"/> a director and a company secretary <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 (or delegate) in accordance with s377 of the <i>Local Government Act 1993</i> (LG Act) <input type="checkbox"/> The seal of the council being affixed in a manner authorised under the Local Government Act
<input type="checkbox"/> Minister for Planning	<input type="checkbox"/> Minister for Planning <input type="checkbox"/> Delegate of the Minister for Planning
<input type="checkbox"/> Secretary of the Department of Planning and Environment	<input type="checkbox"/> Secretary of the Department of Planning and Environment <input type="checkbox"/> Delegate of the Secretary of the Department of Planning and Environment
<input type="checkbox"/> Other (specify)	

I/we:

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

Photocopy extra pages if there are more than 4 signatories.

Signature		Signature	
Name		Name	
Position		Position	
Date		Date	

Signature		Signature	
Name		Name	
Position		Position	
Date		Date	

Affix common seal (if signing under seal)

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 Environment and Heritage
 c/- Department of Planning 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)	planning.northeast@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
/ /	/ /	/ /	