

Application to retire biodiversity offsets scheme credits

under the *Biodiversity Conservation Act 2016*

The Department of Planning and Environment has annotated this copy of an application to retire Biodiversity Offsets Scheme (BOS) credits. This is to assist applicants to complete the form correctly and minimise delays in processing the transfer.

Please note instructions for completion and lodgement have been removed from this version of the form.

Part A: Credit holder details

The credit holder (owner of credits) must complete this form as per the instructions. If there are 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; and
- 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	Full name as it appears on proof of identity documents. OR Full name as it appears on the Biodiversity Stewardship Agreement if retirement without first transfer
Contact phone	Primary contact number
Email	Email address for the credit holder. Each credit holder must have their own unique email address.
Street address	Primary residential address as it appears on proof of identity documents
Postal address	<input type="checkbox"/> Same as residential, or enter postal address
BOAMS customer number	C-XXXXXX
Biodiversity stewardship ID (if applicable)	BS00XX
Credit holding ID (BOAMS)	CH-XXX
Attach one of either the following:	
A1.1 Identification certified by Justice of the Peace	<input type="checkbox"/> Attached <input type="checkbox"/> Not applicable
A1.2 Identification certified by Australia Post Witnessing Service	<input type="checkbox"/> Attached <input type="checkbox"/> Not applicable

Only complete Part A1 if the holder/owner of the credits is an individual person.

A second individual credit holder can be identified in Part A2.

Parts A1 and A2 must be repeated where there are more than 2 individual credit holders. Repeat Parts A1 and A2 by copying and completing those parts for the additional individuals.

If someone is legally authorised to act on behalf of this individual credit holder (eg. by power of attorney), that person must be identified as an authorised representative in Part A4.

Proof of identity must be attached for the individual identified above.

The Authority to sign and proof of identity practice guideline provides guidance on acceptable proof of identity.

The person witnessing proof of identity documents **must** comply with relevant witnessing legislation and/or codes. This includes not witnessing your own proof of identity if you are a Justice of the Peace or perform witnessing services at Australia Post.

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	<input type="checkbox"/> 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	<input type="checkbox"/> Attached <input type="checkbox"/> Not applicable
A2.2 Identification certified by Australia Post Witnessing Service	<input type="checkbox"/> Attached <input type="checkbox"/> Not applicable

A second individual credit holder can be identified in Part A2. Complete this part in the same way as instructed for Part A1.

Parts A1 and A2 must be repeated where there are more than 2 individual credit holders.

If someone is legally authorised to act on behalf of this individual credit holder (eg. by power of attorney), that person must be identified as an authorised representative in Part A4.

A3 Corporation, local council, public authority	
Company name	Full name as it is registered on the Australian Business Register
ACN	Australian Company Number (ACN) for the above company Note: Public authorities will not have an ACN.
ARBN	Australian Registered Business Number for the above company (if relevant)
Registered business address	Registered address as it appears on the company extract
Business postal address	Postal address for the company
Business email	Contact email. Must be a unique email address.
BOAMS customer number (if applicable)	C-XXXXXX
Biodiversity stewardship ID (if applicable)	BS00XX
Credit holding ID (BOAMS)	CH-XXX
Attach relevant documentation:	
A3.1 Current company extract or other evidence of currency and office holders	<input type="checkbox"/> Attached

Only complete Part A3 if the holder/owner of the credits is a corporation/business, local council or public authority.

If you complete Part A3, you must identify an authorised representative for the credit holder in Part A4.

A current company extract or other evidence of currency and office holders must be attached. This identifies who is legally authorised to represent the corporation/business, local council or public authority credit holder.

A4 Authorised representative	
Person, company, public authority or other incorporated body you are authorised to act for	Full name of the party you are authorised to represent
Full name	Full name as it appears on the evidence of legal authority to act eg. company extract, power of attorney.
Position	Position within the company, public authority or other body
Authorised capacity	Role or other capacity that provides you with legal authority to act on behalf of the above party (see roles with legal authority in Part E)
Contact phone	Primary contact number
Email	Contact email address. Must be a unique email address.
Street address	Primary residential address as it appears on proof of identity documents
Postal address	Postal address for the authorised representative
BOAMS customer number (if applicable)	C-XXXXXX
Biodiversity stewardship ID (if applicable)	BS00XX
Credit holding ID (BOAMS)	CH-XXX
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	<input type="checkbox"/> Attached
A4.2 Identification certified by Justice of the Peace	<input type="checkbox"/> Attached <input type="checkbox"/> Not applicable
A4.3 Identification certified by Australia Post Witnessing Service	<input type="checkbox"/> Attached <input type="checkbox"/> Not applicable
A4.4 Biodiversity Stewardship Agreement	<input type="checkbox"/> Attached <input type="checkbox"/> Not applicable

Complete Part A4 for the person/s that are legally authorised to represent an individual, corporation/business, local council or public authority credit holder.

Part A4 must be repeated where there is more than 1 authorised person. Repeat Part A4 by copying and completing it for the additional authorised person/s.

Those with legal authority to execute this application are set out in Part E. The Authority to sign and proof of identity practice guideline provides guidance on legal authority to sign.

Proof of legal authority of the person identified above to execute the application must be attached.

The Authority to sign and proof of identity practice guideline provides guidance on legal authority to sign.

Proof of identity for that person must be attached.

The person witnessing proof of identity documents **must** comply with relevant witnessing legislation and/or codes. This includes not witnessing your own proof of identity if you are a Justice of the Peace or perform witnessing services at Australia Post.

Where someone else is authorised to represent the credit holder and the current credit holder is the owner of the biodiversity stewardship site, a copy of the Biodiversity Stewardship Agreement and current land title must be attached.

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	<input type="checkbox"/> Yes Reference 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 vegetation clearing approval	<input type="checkbox"/> Yes Reference 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 <i>Environmental Planning and Assessment Act 1979</i>	<input type="checkbox"/> Yes Reference 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	<input type="checkbox"/> Yes Reference 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 Energy and Environment to retire biodiversity credits under section 11.25 or another provision of the <i>Biodiversity Conservation Act 2016</i>	<input type="checkbox"/> Yes Reference 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	<input type="checkbox"/> Yes Reference number: Click or tap here to enter text. Date of obligation: Click or tap here to enter text.
A voluntary purpose	<input type="checkbox"/> Yes Reference number/details: Click or tap here to enter text.
Other (please specify, e.g. philanthropic reasons)	<input type="checkbox"/> Yes Details: 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	<input type="checkbox"/> Provided below <input type="checkbox"/> Not applicable
Street address	Click or tap here to enter text.
Local Government Area	Click or tap here to enter text.

The purpose of the retirement must be indicated. Only one option can be selected.

Check the box adjacent to the relevant reason and provide details, such as the reference number for the approval.

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 to this application.

Credit 1	
BOAMS Credit Holding ID	CH-XXX
BOAMS Credit ID	CR-XXXX
BOAMS Parent Case ID	8-digit number for the BOAMS case for the registered stewardship agreement
Plant Community Type Name	Name of the Plant Community Type Eg. White Box grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion
Plant Community Type ID	ID number for the Plant Community Type Eg. 266
Offset Trading Group	Name of Threatened Ecological Community OR name of the vegetation class and percentage cleared value eg. White Box Yellow Box Blakely's Red Gum Woodland
Hollow Bearing Trees	Yes OR No
IBRA subregion	IBRA subregion of the credits Eg. Inland Slopes
Credits retired (no.)	Number of credits for this PCT to be retired
Price per credit (excluding GST)	Price paid per credit (excluding GST) (if relevant)
Remaining credits	Number of credits for this PCT remaining under the relevant credit ID

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.

Complete Part B2.1 for each type of ecosystem credit to be retired. All information requested by the form must be included.

Part B2.1 allows for details for three (3) types of ecosystem credits. If more than three (3) types of ecosystem credits are being retired, repeat Part B2.1 by copying and completing it for the additional credits.

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	CH-XXX	Click or tap here to enter text.
BOAMS Credit ID	CR-XXXX	Click or tap here to enter text.
BOAMS Parent Case ID	8-digit number for the BOAMS case for the registered stewardship agreement	Click or tap here to enter text.
Species common name	Species common name eg. Rufous Bettong	Click or tap here to enter text.
Species scientific name	Species scientific name eg. <i>Aepyprymnus rufescens</i>	Click or tap here to enter text.
Credits retired (no.)	Number of credits to be retired	Click or tap here to enter text.
Price per credit (excluding GST)	Price paid per credit (excluding GST) (if relevant)	Click or tap here to enter text.
Remaining credits	Number of credits for this species remaining under the relevant credit ID	Click or tap here to enter text.

Complete Part B2.2 for each type of species credit to be retired. All information requested by the form must be included in the table provided.

Part B2.2 allows for details of four (4) types of species credits. If more than four (4) types of species credits are being retired, repeat Part B2.2 by copying and completing it for the additional credits.

	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](#) 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).

Indicate whether payment towards the Total Fund Deposit is required.

If the credits to be retired have previously been transferred to your ownership, then payment towards the Total Fund Deposit (TFD) will not be required.

Payment towards the TFD will be required where the credits are being retired without first having been sold/transferred, unless the TFD for the relevant Biodiversity Stewardship Agreement has already been satisfied.

C4 Calculating amounts

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

A	Biodiversity Stewardship Agreement ID (BSA ID)	BS00XX
B	BOAMS Credit Holding ID	CH-XXX
C	BOAMS Credit ID	CR-XXX; CR-YYYY
D	Total Fund Deposit specified in the Biodiversity Stewardship Agreement (\$ excluding GST)	\$1,000,000
E	Total number of credits created by the Biodiversity Stewardship Agreement	100
F	Number of credits to be retired	50
G	Relevant portion of the Total Fund Deposit ($F \div E \times 100$) (%)	50%
H	Relevant portion of the Total Fund Deposit (\$ excluding GST)	\$500,000

Where payment towards the TFD is required, all information required by the form must be included.

If payment towards the TFD is required, this payment must be made before the retirement can be processed.

This payment is made to the Biodiversity Conservation Trust (BCT).

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](#).

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

Provide details for the person/company that the invoice and receipt is to be issued to for payment of the application fee.

Payment of the application fee must be received before the transfer can be processed.

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	<input type="checkbox"/> Individuals	All the individuals who are credit holders of the biodiversity credits to be retired
E2	<input type="checkbox"/> A corporation	<ul style="list-style-type: none"> 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	<input type="checkbox"/> A council	<ul style="list-style-type: none"> the general manager in accordance with section 377 of the <i>Local Government Act 1993</i> (LG Act)
E4	<input type="checkbox"/> A public authority other than a council	<ul style="list-style-type: none"> the Chief Executive officer of the public authority.
E5	<input type="checkbox"/> A trust	<ul style="list-style-type: none"> the trustee <p><small>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.</small></p>
E6	<input type="checkbox"/> A partnership	<ul style="list-style-type: none"> all partners <p><small>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 person(s) listed at E2, E3 or E4.</small></p>

Indicate the category of the credit holder. This dictates the legal authority required by the person executing the application.

Complete the relevant part from Part E7 – E11 based on the credit holder category.

The category of credit holder identified in Part A should match the category identified in Part E.

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.

- g) 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*.
- h) 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 individual(s)

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

Name	Full name as it appears on proof of identity documents OR Full name as it appears on the Biodiversity Stewardship Agreement if retirement without first transfer
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.

All individual credit holders must write their name, sign and date the application. These are any individuals identified in Part A1 or A2 OR their authorised representatives identified in Part A4.

Repeat Part E8 by copying and completing it for each individual credit holder.

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)	Full name as it appears on the evidence of legal authority to act eg. company extract, power of attorney.
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.

All persons legally authorised to act on behalf of a corporation credit holder must write their name, position, sign and date the application. This is any person identified in Part A4 in respect of a corporation.

Repeat Part E9 by copying and completing it for each legally authorised person.

E10 For retirement request made by council

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

Name	Full name as it appears on the evidence of legal authority to act eg. company extract, power of attorney.
Signature	
Date	Click or tap to enter a date.

The general manager of a council credit holder must write their name, sign and date the application. This is any person identified in Part A4 in respect of a council credit holder.

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

The chief executive officer.

Name	Full name as it appears on the evidence of legal authority to act eg. company extract, power of attorney.
Signature	
Date	Click or tap to enter a date.

The chief executive officer of a public authority credit holder (that is not a council) must write their name, sign and date the application. This is any person identified in Part A4 in respect of a public authority credit holder.

E12 Witness	
Name of witness	Full name
Signature of witness	
Date	Click or tap to enter a date.

Execution of the application by the credit holder(s) 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, and
- 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](#) 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*.

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