

Biodiversity stewardship agreement application form

An application for a biodiversity stewardship agreement (BSA) must be made by the landholder and meet the requirements of the *Biodiversity Conservation Act 2016* (BC Act) (Division 2, Part 5)



Image: Yellow Rock biodiversity stewardship agreement site (Landholder supplied and approved for use)

Acknowledgement of Country

This proposed stewardship site is on _____ Country and the lands of the _____ peoples.

The Department of Climate Change, Energy, the Environment and Water acknowledges the Traditional Custodians of the lands where we work and the places in which we live. We pay respect to Ancestors and Elders past and present. We recognise the unique cultural and spiritual relationship and celebrate the contributions of First Nations peoples to Australia.

How to submit this application form

Please refer to Appendix A in the *Biodiversity stewardship agreement application guide* when completing this application form. The completed application form must be printed and then signed by all landholders. Alternatively, the form can be signed and dated electronically. A copy of the signed form should be uploaded with all supporting documents via the Biodiversity Offset Assessment Management System (BOAMS): <http://bit.ly/BOAMSLink>

For assistance completing this form or uploading documents, please contact us by email at: stewardship@environment.nsw.gov.au

1. Landholder and contact details

Landholder*	
Landholder type	<input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation/Company <input type="checkbox"/> Trustee <input type="checkbox"/> Local Council <input type="checkbox"/> Public Authority <input type="checkbox"/> Other _____
Landholder name(s) Include the full name(s) of the legal owner(s) of the land as it appears on the title search.	
ABN Must be registered for GST and match the name of the landholder on title.	
ACN For companies or corporate trustee.	

*All landholders (as per Section 6 of this application form) must complete Attachment 1 on page 11.

Contact person(s) for the application

Provide the contact details of each person to be included in correspondence during the biodiversity stewardship agreement (BSA) application review.

Contact person(s) for the application			
Name		Name	
Phone		Phone	
Mobile		Mobile	
Email		Email	

Contact person for credit registers (if different from landholder)

After the biodiversity credits have been issued, they will be included on the Credit Supply Public Register. Please designate a contact person for enquiries from potential credit buyers.

Contact for biodiversity credits	
Name	
Phone	
Mobile	
Email	

Listing credits as 'pending' during application review

While your application is being reviewed, your credits can be listed on the [Credit Supply Public Register](#) with a status of 'pending'. This status indicates to prospective buyers that your credits are part of a submitted application and pending approval.

Do you want to show the biodiversity credits for your application as pending on the Credits Supply Public register?

Yes

No

2. Fit and proper person

The legislation requires the Minister to consider if the landholder is a fit and proper person to enter into a biodiversity stewardship agreement (BSA).

Please indicate if any of the following circumstances apply to any of the landholders (individual or corporation) and attach a statement with the application providing further information for any circumstances where the answer is 'yes'.

Primary landholder (an individual or corporation)	
Has the primary landholder ever:	
<ul style="list-style-type: none"> • been in violation/contravention of 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
<ul style="list-style-type: none"> • been convicted in New South Wales or elsewhere of an offence involving fraud or dishonesty in the previous 10 years 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • 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 during the previous 3 years 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • if a body corporate, been the subject of a winding up order, or had a controller or administrator appointed during the previous 3 years 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • if an individual concerned in the management of a body corporate, been the subject of a winding up order or for which a controller or administrator has been appointed during the previous 3 years 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • had any conflicts of interest (actual, potential or perceived) related to current or previous employment with the Department of Climate Change, Energy, the Environment and Water or the Biodiversity Conservation Trust (BCT) 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • had any conflicts of interest (actual, potential or perceived), including financial or personal interests, with respect to this BSA application and preparation of the BSSAR and Management Plan 	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Proposed biodiversity stewardship site

Application reference (please provide at least one)			
Parent Case Number (from BOAMS)			
Assessment Case Number (from BOAMS)			
Application Case Number (from BOAMS)			
Property address			
Property name			
Property address			
Town			
State		Postcode	
Location details			
Proposed biodiversity stewardship site area (hectares)			
Title reference	Lot and DP number(s):		
Local government area (LGA)			
Other information			

<p>Are there any property interest holders on the land?</p> <p>If yes, a property interest holder must provide consent to establishing a biodiversity stewardship agreement on the land. Check your title search for property interest holders and declare any residential tenancies, other leases and other unregistered interests.</p> <p>Type of Property interest</p> <p><input type="checkbox"/> Easement <input type="checkbox"/> Lease <input type="checkbox"/> Mining Interest <input type="checkbox"/> Mortgage/charge <input type="checkbox"/> Caveat</p> <p><input type="checkbox"/> Other _____</p> <p>Note: Certain property interest holders will be required to sign the biodiversity stewardship agreement to provide their consent. Please contact stewardship@environment.nsw.gov.au if you are unsure whether you need consent from a particular property interest holder.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Is any part of the proposed biodiversity stewardship site covered by a conservation covenant or has it received government funding (State or Commonwealth)?</p> <p>If 'Yes', attach a copy of the covenant or funding agreement.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Has the proposed biodiversity stewardship site land 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>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<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>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Is the land publicly owned?</p> <p>If 'Yes', specify what type of land is it – for example, a 'natural area' under the <i>Local Government Act 1993</i> or reserved land under the <i>Crown Lands Act 1989</i>.</p> <p>Specify: _____</p> <p>Attach a description of any legislative requirements regarding the use and management of the land.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Is there any previous, current or proposed use of the site or condition of the site, or adjoining areas, that is inconsistent with biodiversity conservation?</p> <p>If 'Yes', describe the condition or use.</p> <p>Describe: _____</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

4. Supporting documentation checklist

- Title Search for all Lot and DPs
- Title Diagrams for all Lot and DPs
- Dealings (listed in the Second Schedule of the title search)
- Before You Dig Australia Search (all results, including cover letter)
(ensure search area matches BSA site boundary)
- Local Council Consultation
- Local Land Services Consultation
- Mortgagee consent signed by Mortgagee
(only if applicable and selected on Page 5)
- Consent letter signed by other property interest holders
(only if applicable and 'Other' type of property interest is selected and described on Page 5)

Documents prepared by the accredited assessor

- BSSAR certified by your accredited assessor (See information below on mandatory templates)
- Management plan (Word format) (See information below on mandatory templates)
- Total Fund Deposit Calculator (See current [Total Fund Deposit Calculator](#))
- BAM Plot Data (BAM-C import template, floristic data in Excel format (growth form group, species name, cover and abundance) and raw field data in Excel format or scanned field data sheets)
- JPEG Maps, Georeferenced PDFs (300dpi) and GIS files as per Appendix F of the BSSAR template.
Please upload these as three separate zipped folders to BOAMS

We recommend booking a pre-submission meeting during the preparation of your BSA application. Please email stewardship@environment.nsw.gov.au to arrange a suitable time.

A pre-submission meeting is mandatory for BSAs that propose Active Restoration Management Actions (ARMA) or grazing.

Mandatory BSSAR and management plan templates

There are mandatory Biodiversity Stewardship Site Assessment Report (BSSAR) and management plan templates which should be used when completing and submitting a biodiversity stewardship agreement application.

Applications will be processed more efficiently when the templates are used and completed correctly. Failure to use the templates or provide sufficient information may result in otherwise avoidable delays.

The mandatory BSSAR and management plan templates can be accessed via the ['Apply for a biodiversity stewardship agreement' webpage](#).

5. Publication of information on a public register

Approved BSAs are published on the public register of private land conservation agreements.

What information is published?

The BSA information made available on the public register includes:

- the BSA identification number and the date it was executed
- the local government area and the Interim Biogeographic Regionalisation of Australia (IBRA) subregion in which your agreement is located
- the number and class of biodiversity credits created in relation to the agreement
- the area of the agreement (in hectares).

Privacy notice

- a. Where the Landholder is an individual, in making this application, you are authorising the Department of Climate Change, Energy, the Environment and Water to use personal information (including name, address, email and phone number) to the extent necessary to process the BSA application, prepare a BSA and generate biodiversity credits and administer the BC Act. Except as required under legislation, only de-identified data will be released publicly.
- b. The *Government Information (Public Access) Act 2009* (NSW) may require the Department of Climate Change, Energy, the Environment and Water to publicly disclose information about the BSA.
- c. The Landholder acknowledges and consents to the Department of Climate Change, Energy, the Environment and Water collecting data and using data in connection with this Agreement for purposes reasonably required by the department.
- d. For more information on privacy, please see the Department Climate Change, Energy, the Environment and Water privacy policy.

6. Signature(s) of the proposed biodiversity stewardship agreement site owner(s)

This application for a BSA must be signed by the person(s) who legally owns the land as set out in the following table (select which owner category is relevant to your application):

Owner category	
<input type="checkbox"/> Individual	The individual who legally owns the land
<input type="checkbox"/> Partnership	The two or more people who legally own the land
<input type="checkbox"/> Corporation	<input type="checkbox"/> the common seal being affixed in accordance with the <i>Corporations Act 2001</i> <input type="checkbox"/> two directors <input type="checkbox"/> a director and a company secretary <input type="checkbox"/> the director, if a proprietary company that has a sole director is also the sole company secretary
<input type="checkbox"/> Trustee	The landholder entering the agreement in a Trustee capacity. The application form should be signed by those who have the authority within the structure of the Trust – for example, the individual(s) or director and/or secretary of a company as Trustee.
<input type="checkbox"/> Local council	<input type="checkbox"/> the general manager in accordance with s.377 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 LG Act
<input type="checkbox"/> Public authority other than a council	Appropriate delegation for the public authority

I/We (the landholder(s)):

- apply for a biodiversity stewardship agreement
- 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	
Name	
Position	
Date	

Signature	
Name	
Position	
Date	

Signature	
Name	
Position	
Date	

Signature	
Name	
Position	
Date	

Affix common seal (if signing under seal)

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Attachment 1 – Landholder detail

If the application relates to land that is owned by a corporation or more than one individual, then each director or landholder is required to provide the following information and sign the completed application form.

Landholder			
Position/role	<input type="checkbox"/> Individual <input type="checkbox"/> Director <input type="checkbox"/> Secretary <input type="checkbox"/> Partner <input type="checkbox"/> Trustee <input type="checkbox"/> Other: _____		
Title	<input type="checkbox"/> Mr <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Mrs <input type="checkbox"/> Dr <input type="checkbox"/> Other: _____		
Name		Mobile	
Phone		Email	
Residential address			
Address			
Town			
State		Postcode	
Mailing address (if different from above)			
Address			
Town			
State		Postcode	

Definitions and terms

ⁱ '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
 - 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
 - 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
- 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*
- 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.

ⁱⁱ A landholder entering a biodiversity stewardship agreement and undertaking associated management actions is considered to be undertaking an enterprise. Therefore, any landholder wishing to apply for a biodiversity stewardship agreement must provide the NSW Department of Climate Change, Energy, the Environment and Water (the Department) with an Australian Business Number (ABN) registered for Goods and Services Tax (GST).

The Department will verify that the person or entity that holds the ABN is appropriately linked to the landholder. The Biodiversity Conservation Trust's Taxation Issues Landholder Guide provides some further information. The Department encourages landholders to obtain independent advice on taxation that considers their specific circumstances before (and ongoing after) entering a biodiversity stewardship agreement.

ⁱⁱⁱ Primary landholder 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 landholders as the main contact for the purposes of this application.

^{iv} See section 5.8(5) of the *Biodiversity Conservation Act 2016* and clause 5.3 of the *Biodiversity Conservation Regulation 2017*.

^v 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
- 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.

^{vi} 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):

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

^{vii} 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.