



Biodiversity credit transfer and retirement application guide

Guidance for completing applications under the Biodiversity Offsets Scheme

Department of Climate Change,
Energy, the Environment and Water



Acknowledgement of Country

Department of Climate Change, Energy, the Environment and Water acknowledges the Traditional Custodians of the lands where we work and live.

We pay our respects to Elders past, present and emerging.

This resource may contain images or names of deceased persons in photographs or historical content.

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Artist and designer Nikita Ridgeway from Aboriginal design agency Boss Lady Creative Designs created the People and Community symbol.

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1. Definitions

In this guidance:

- **Authorised representative** means the person who is authorised to sign an application on behalf of a credit buyer or credit holder.
- **Biodiversity credit** means a biodiversity credit created by (and in accordance with) a biodiversity stewardship agreement.
- **Credit buyer** means a person or persons or legal entity or legal entities the credits are being transferred to.
- **Credit holder** means a person or persons or legal entity or legal entities who are the owners of the credits being transferred or retired.

2. Making an application

Obtain a copy of the relevant application form from the Department of Climate Change, Energy, the Environment and Water (the department) website according to whether you are applying for transfer or retirement of Biodiversity Offsets Scheme credits biodiversity credits. Follow the instructions in the form to complete and submit the application.

Biodiversity Offsets Scheme application forms are to be used for credits issued under the *Biodiversity Conservation Act 2016*:

- Biodiversity Offsets Scheme credit transfer form for transfers of credits, including credit sales
- Biodiversity Offsets Scheme credit retirement form for credit retirement.

See Section 9 for links to the application forms.

3. Who can make an application?

For a credit transfer application either:

- the credit holder (owner of the biodiversity credit) and the credit buyer
- a person who is legally authorised to act on behalf of a credit holder or a credit buyer. The person must provide a copy of the authorisation.

For a credit retirement application either:

- the credit holder (owner of the biodiversity credit)
- a person who is legally authorised to act on behalf of a credit holder. The person must provide a copy of the authorisation.

4. Information that must be included in an application

4.1 Information about the people who are applying to transfer or retire credits

You must complete all fields in the application form for all of the current credit holders and any credit buyers and provide any supporting information that is required. Witnesses will also have to witness the execution of the document.

The application must include:

- the full legal name and residential address for each person. This applies to all credit holders, all credit buyers and all authorised representatives
- documents proving identity. Please refer to the Authority to sign and proof of identity practice guideline
- your customer identity number. This is your Biodiversity Offset and Agreement Management System (BOAMS) customer account number
- documents proving legal authority to act on behalf of a party to the application where the application involves any authorised representatives. Please refer to the Authority to sign and proof of identity practice guideline
- for a transfer of credits, a contact person to appear on the public register. The contact person must be the credit buyer themselves or a person that is legally authorised to act on behalf of the credit buyer.

Finding your Biodiversity Offset and Agreement Management System Customer ID

If you have not transacted biodiversity credits before and you did not create the biodiversity credits, you may not have a BOAMS customer identity number. In this case, your customer identity number can be omitted from the application. The department will create one for you upon receiving the application and provide it to you. Your BOAMS customer identity number must be included in any subsequent applications to transfer or retire biodiversity credits.

4.2 Information about the biodiversity credits that are being transferred or retired

You must complete all fields in the application form that ask for details about the agreement that created the credits and all fields listed for the ecosystem or species credits that you are transferring or retiring.

4.2.1 Biodiversity Offsets Scheme credit transfer or retirement application

A Biodiversity Offsets Scheme credit transfer or retirement application must include:

- Biodiversity Stewardship Agreement ID in the format BS00XXX
- BOAMS Credit Holding ID in the format CH-XXX.

For Biodiversity Offsets Scheme ecosystem credits, include:

- BOAMS Credit ID in the format CR-XXXX
- plant community type name
- offset trading group
- hollow bearing tree status
- IBRA subregion
- number of credits to transfer or retire
- for a transfer of credits, the price per credit excluding Goods and Services Tax (GST).

For Biodiversity Offsets Scheme species credits, include:

- BOAMS Credit ID in the format CR-XXXX
- species common name
- number of credits to transfer or retire
- for a transfer of credits, the price per credit excluding Goods and Services Tax (GST)
- number of remaining credits after the transfer or retirement.

Finding information about the biodiversity credits

Information about the credits to be transferred or retired can be obtained from the registered biodiversity stewardship agreement, the credit information provided upon registration of the biodiversity stewardship agreement, the public registers, or a credit ownership report.

4.3 Information about the reason for a credit retirement

A credit holder applying for the retirement of biodiversity credits must indicate the reason for the credit retirement in the application form.

The credit holder must provide all details required by the application form for the chosen retirement reason.

For all credit retirements, the application must include:

- the reason for the retirement, selected from the options on the application form
- in relation to the consent/approval/biodiversity obligation/other instrument that imposed the credit obligation
 - the address of the land to which the consent/approval/biodiversity obligation/other instrument applies. If the land does not have a fixed address, please provide as much information as possible describing the project location
 - local government area of the above land
 - reference number of the consent/approval/biodiversity obligation/other instrument
 - date of the consent/approval/biodiversity obligation/other instrument
- offset obligation assessment method, being the BioBanking Assessment Method (BBAM), Biodiversity Assessment Method (BAM) or whether the obligation was assessed prior to the BBAM and BAM.

Finding information about the reason for a credit retirement

The applicant should hold information about the reasons for retiring a biodiversity credit. Biodiversity credits may be retired for a variety of reasons, including to comply with a planning approval (development consent) or vegetation clearing approval, to comply with a requirement for biodiversity certification, to comply with an order of a court, voluntary retirement, to comply with any other instrument that imposed a credit obligation or any other reason for the retirement that has been authorised.

Confirming a credit retirement will meet a credit obligation

If you are unsure whether the credits to be retired will meet the credit obligation imposed by the consent/approval/biodiversity obligation/other instrument, the department recommends that you check with the consent authority that determined the obligation that the appropriate number and class of credits is proposed to be retired.

A credit retirement cannot be reversed.

4.4 Information about payment of the application fee

There is a fee payable for each application to transfer or retire biodiversity credits. The applicants must provide the details required by the application form for the department to raise an invoice or request online payment of the application fee via credit or debit card.

For a Biodiversity Offsets Scheme credit transfer or retirement, there are 2 methods available to pay the application fee:

- pay by credit or debit card via an online payment portal
- the department can raise an invoice for the application fee.

Finding information about who will pay the application fee

Information about the person or entity who will pay the application fee can be obtained from that person or entity.

4.5 Information about payment towards the total fund deposit

An amount is payable to the total fund deposit (TFD) when biodiversity credits are transferred for the first time, or retired without being transferred, until the TFD is paid in full.

The amount required to be paid towards the TFD is provided for by the *Biodiversity Conservation Act 2016*. The relevant proportion of the TFD payment must be made before a transfer or retirement of biodiversity credits can be registered.

Where to pay the Total Fund Deposit Payment

Payments to the Biodiversity Stewardship Payments Fund are made to the NSW Biodiversity Conservation Trust (BCT) by electronic funds transfer. Refer to the *Biodiversity stewardship agreement landholder guide* for more information about making payments into the Biodiversity Stewardship Payments Fund.

For enquiries about paying the TFD contact the BCT on 1300 992 688 or email info@bct.nsw.gov.au.

Where all the biodiversity credits created by the biodiversity stewardship agreement are being transferred or retired (without first being transferred) the amount payable is the full amount of the TFD.

If only a portion of the biodiversity credits created by the biodiversity stewardship agreement are being transferred or retired (without first being transferred), the amount

payable is the greater amount of the relevant proportion of the TFD or the total proceeds of sale.

There are very limited circumstances where a payment required towards the TFD for a transfer of biodiversity credits can be deferred until the subsequent transfer of those credits.

Finding information about the amount payable towards the TFD

Information about the TFD can be obtained from the biodiversity stewardship agreement, the BCT or the credit owner's records.

4.6 Signing the application form by all parties to the application

An application to transfer or retire biodiversity credits must be signed by:

- all credit holders
- all credit buyers
- all authorised representatives of credit holders and credit buyers
- the public register contact person (for a credit transfer application only).

The application form must be signed and dated by all parties to the application and their authorised representatives. All signatures must be witnessed in the application form.

By signing the application form, all applicants acknowledge and agree to the declaration included in the application form.

4.7 Witnessing the application form

Execution of an application to transfer or retire biodiversity credits must be witnessed in accordance with standard witnessing procedures. Witnesses must:

- be over 18 years of age
- have known the person whose signature they are witnessing for more than 12 months or have taken reasonable steps to ensure the identity of that person
- be of sound mind
- not be a party to the application or have any financial interest in it. For example, this means that marital spouses, de facto partners and beneficiaries of trusts cannot witness an application that their spouse, partner or trust is a party to.

An application that is witnessed remotely via audio visual link must meet the requirements of relevant legislation.

5. How the department will process a submitted application

The department is responsible for receiving and processing applications to register a transfer or retirement of biodiversity credits.

The processing time for an application is generally about 3 to 4 weeks. The time taken to process an application may vary depending on how long it takes to receive additional information or if there are unexpected circumstances.

The department will review the application, request payment of the application fee, and confirm that any payment towards the TFD has been received by the BCT.

The department may request additional information about any part of the application. This request will be communicated to the applicants. Incomplete applications may be returned to the applicants.

The department will register the transfer or retirement of credits when the application is complete. An application is complete when:

- a complete and accurate application form has been submitted
- the application fee has been received by the department
- any payment required towards the TFD has been received by the BCT.

The department will notify the applicants when a transfer or retirement of credits has been registered. A transfer or retirement of Biodiversity Offsets Scheme credits will also be recorded on the Biodiversity Offsets Scheme public registers.

5.1 Requests for urgent applications

If you believe your application to transfer or retire credits is urgent, please provide the following information to the department when submitting your application:

- the date by which you require your credit transfer or retirement to be registered
- the reason for the date that your credits need to be transferred or retired by
- information about whether registration of your credit transfer or retirement is a pre-requisite for a professional service you have already organised, for example, a private certifier
- any other information that you think is relevant
- any documentation that supports your urgent request.

While the department will consider all urgent requests and use its best efforts to process an application by your deadline, the department cannot guarantee that an application will be processed by a certain date.

The department typically experiences high volumes of applications to transfer and retire Biodiversity Offsets Scheme (BOS) credits before the end of the financial year and end of calendar year. Please consider this if you require your credit transfer or retirement to be registered prior to either of these times.

6. Tips for making an application

The information required to complete an application can be obtained from:

- the registered biodiversity stewardship agreement
- the credit information provided upon registration of the biodiversity stewardship agreement
- the BOS public registers
- a BOS credit ownership report, provided by the department upon request by the credit owner (email BOSCREDITS@environment.nsw.gov.au)
- the credit holder's own records.

Please refer to these resources in the first instance.

If you are still unsure of where to find the relevant information to complete an application, you can contact BOSCREDITS@environment.nsw.gov.au for assistance. Provide an accurate and complete application by including all required information.

If you cannot provide all of the information, provide as much as possible and tell us why you cannot provide the information that is missing.

Ensure proof of identity and proof of legal authority meet the requirements of the *Authority to sign and proof of identity practice guideline*. If they do not meet the requirements, obtain fresh proof of identity or proof of legal authority that does meet the requirements before submitting your application.

If you are unsure about any part of your application, contact the department with your questions prior to all parties signing and witnessing the application.

7. Transfers and retirements are recorded on the public registers

A transfer or retirement of BOS credits will be recorded on the BOS public registers.

The public registers are available on the department's website.

7.1 Public register contact person

A credit holder or someone authorised to act on their behalf is recorded on the public register as a designated contact person for any enquiries about the biodiversity credits. The contact person completes Section B.9 in the application to transfer biodiversity credits and signs it, consenting to the contact information they have provided appearing on the public register once a transfer has been approved.

If the contact person no longer wishes to have their contact details recorded on the public register, they should contact the department.

Where the contact details on the Biodiversity Offsets Scheme public registers require updating, the credit holder will need to submit a *Biodiversity Offsets Scheme – change of designated contact person or authorised representative for public register* form (see Section 9).

8. Privacy notice

The department is subject to the *Privacy and Personal Information Protection Act 1998* (NSW) and the *Privacy Act 1988* (Cth) in managing your personal information. The department's *Privacy Management Plan* describes how it meets these obligations.

When the department collects your personal information via an application to transfer or retire biodiversity credits, it may only use your personal information in a way that is consistent with that purpose. The provision of the personal information is voluntary, but the department needs to verify the identities of all parties involved in a credits transaction, so if you do not provide it, we may not be able to process your application.

Your information will be held securely by the department in an encrypted database.

You have a right to access your personal information, and you can also ask for it to be updated or corrected. Please phone the department's Privacy Officer on 02 8275 1095 or email privacy.dcceew@environment.nsw.gov.au.

9. More information

This section provides links to online resources to assist you with your application.

If you have further questions or need help completing your application, including submitting a draft unsigned application for review, please email boscredits@environment.nsw.gov.au for Biodiversity Offsets Scheme credits.

- [Authority to sign and proof of identity practice guideline: Biodiversity Offsets Scheme – credit transfer, retirement and equivalent credits](#)
- [Biodiversity stewardship agreement landholder guide](#)
- [Privacy](#)
- [Scheme fees](#)
- [Biodiversity Offsets and Agreement Management System \(BOAMS\) Guide for Community Users](#)
- [Application to transfer Biodiversity Offsets Scheme credits](#)
- [Application to retire Biodiversity Offsets Scheme credits](#)
- [Authority to sign and proof of identity practice guideline](#)
- [Biodiversity Offsets Scheme – change of designated contact person or authorised representative for public register](#)
- [Biodiversity Offsets Scheme public registers](#)
- [Credit Demand Expression of Interest](#)
- [Credit supply register](#)
- [Credits Near Me NSW app](#)
- [Credits transactions](#)
- [Credits wanted register](#)
- [Guidance for transferring and retiring Biodiversity Offsets Scheme credits](#)