

## Biobanking agreement variation application

Please read the *Guide to establishing a biobank site* available at [www.environment.nsw.gov.au/biobanking/](http://www.environment.nsw.gov.au/biobanking/) before submitting this form. If you need any help in completing the form, please contact the BioBanking Team on 131 555 or at [biobanking@environment.nsw.gov.au](mailto:biobanking@environment.nsw.gov.au).

This is an interactive form – please click on boxes and type in responses (each field has unlimited characters). When completed, print the form and sign where appropriate. This form can also be printed and filled in by hand.

### 1 Landowner's<sup>1</sup> details

If the application for a BioBanking agreement variation 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's<sup>2</sup> (or corporation's) details should be provided in sections 1 and 2. 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
Last name			
First name			
Landowner (if a corporation)			
Company			
ABN		GST registered	<input type="checkbox"/> Yes <input type="checkbox"/> No
Website			
Street address			
Address			
Town			
State		Postcode	

<sup>1</sup> **Owner**, in relation to land where the biobank site has been established, includes every person who (either at law or in equity):

- is entitled to the land for any estate of freehold in possession, or
- is a person to whom the Crown has lawfully contracted to sell the land under the *Crown Lands Act 1989*, the *Crown Lands Consolidation Act 1913* or any other Act relating to the alienation of lands of the Crown, or
- 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, or
- a person who leases land under the *Crown Lands Act 1989*, the *Crown Lands Consolidation Act 1913* or the *Western Lands Act 1901*.

<sup>2</sup> **Primary landowner** is the owner, or one of the owners of the land to which the application for the BioBanking agreement variation relates that is designated by all landowners as the main contact for the purpose of receiving official OEH communication.

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

\*Note: Designated email address will be displayed on the BioBanking 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 elect to use the BioBanking email address.

## 2 Does the landowner meet the 'fit and proper person' criteria<sup>3</sup>?

This section only needs to be completed by applicants who did not execute the original BioBanking agreement.

Has the landowner (an individual or a corporation):	
ever breached any relevant legislation <sup>4</sup> , 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
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
in 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 an individual, 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
if a corporation, 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
If the landowner is a corporation, has any director or other person concerned in the management of the corporation ever:	
breached 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
been, or is, the director of another body corporate that has breached any relevant legislation, or has held a licence or other authority that has been suspended or revoked under any relevant legislation?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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

<sup>3</sup> Refer to the Threatened Species Conservation (Biodiversity Banking) Regulation 2008 for more information.

<sup>4</sup> **Relevant legislation** in this section means the following Acts: the *Threatened Species Conservation Act 1995*; the *Contaminated Land Management Act 1997*; the *Environmental Planning and Assessment Act 1979*; the *Environmental Trust Act 1998*; the *Environmentally Hazardous Chemicals Act 1985*; Parts 7 and 7A of the *Fisheries Management Act 1994*; the *Marine Parks Act 1997*; the *National Parks and Wildlife Act 1974*; the *Native Vegetation Act 2003*; the *Ozone Protection Act 1989*; the *Pesticides Act 1999*; the *Protection of the Environment Administration Act 1991*; the *Protection of the Environment Operations Act 1997*; the *Radiation Control Act 1990*; the *Recreation Vehicles Act 1983*; the *Road and Rail Transport (Dangerous Goods) Act 1997*; the *Waste Avoidance and Resources Recovery Act 2001*; the *Wilderness Act 1987*; a repealed Act or an Act of the Commonwealth; a state or a territory that corresponds to a previous Act.

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 establishing a biobank site.

Each individual landowner or company director must also provide **two independent written references** (of approx 200–300 words) addressing the 'fit and proper person' criteria – that they are of good repute in relation to character, honesty and integrity and are competent to manage conservation work 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.

**Note:** In determining whether the applicant is fit and proper to enter into and fulfil the obligations imposed by the agreement, OEHL may take into consideration any or all of the above-listed matters. OEHL may also consider whether the applicant is honest and of good repute, and whether the applicant is able to carry out conservation management practices as required under a BioBanking agreement.

### 3 Proposed variation to the biobank site

Property address				
Property name				
Property address				
Town				
State		Postcode		
General description of the variation				
<p><i>In the space below provide a general description of the proposed variation e.g. incorporate additional land into the biobank site; create additional species and ecosystem credits; modify management plan(s).</i></p>				
Location details				
Total area of biobank site (hectares)	Current		Proposed	
Title reference of proposed biobank site	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)				
Major Catchment Area (MCA)				
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
<b>Other information</b>	
<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 the variation of the biobank site. Check on your certificate title for property interest holders and also declare any residential tenancies or other leases.</p> <p><input type="checkbox"/> Easement      <input type="checkbox"/> Lease      <input type="checkbox"/> Mining interest      <input type="checkbox"/> Mortgage/charge</p> <p>Note: All property interest holders will be required to sign the varied biobanking agreement.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>Is any part of the proposed biobank 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 been used as an offset under the <i>Native Vegetation Act 2003</i> or 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 1999</i> that require ongoing 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
<p>Is the land publicly owned?</p> <p>If Yes, specify what type of land it is (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.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Provide a short description of current land uses	
<p>Is there any previous or current condition or use, or proposed use or development, of the site that may be inconsistent with its management for biodiversity conservation purposes?</p> <p>If Yes, describe the condition or use.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>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)</p>	<p>Management zones affected</p>
<p>To the best of your knowledge, is there any previous or current condition or use, or proposed use, of surrounding land that may be inconsistent with the management of the proposed biobank site for biodiversity purposes?</p> <p>If Yes, describe the condition or use.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>Description of condition or use and whether previous, current or proposed</p>	

<p>Are there any land uses, compatible with biodiversity conservation, proposed for the biobank site once it is established (e.g. traditional Aboriginal cultural activities, ecotourism, camping, bushwalking or other passive recreational activities)?</p> <p>If Yes, describe the land use and specify whether it is a development activity or other human activity (see Section 3.6 of the <i>BioBanking Agreement Template</i>).</p>		<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>Description of proposed development or human activity (include details of how many people, tents, vehicles, campfires etc allowed at any time)</p>		
<p>Are there any Aboriginal objects and/or Aboriginal places on the biobank site?</p> <p>If Yes describe the objects and/or places.</p>		<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>Description of Aboriginal objects and places</p>		<p>Management zones</p>

#### 4 BioBanking Assessor

Name	
Accreditation number	
Declaration	<p>I declare that all information supplied in relation to the Credit Calculator reports and any associated documents complies with both the BioBanking Assessment Methodology and the operational manual.</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 as a BioBanking Assessor and have adhered to the BioBanking Assessor code of conduct.</p>
Signature	

#### 5 Application fee

The BioBanking agreement variation application fee must be submitted with this form.

Fees are listed on the OEH website <http://www.environment.nsw.gov.au/biobanking/participants.htm>

Application fee payment method (select one)	
<input type="checkbox"/> Cheque	Please make cheque payable to the 'Office of Environment and Heritage NSW.'
<input type="checkbox"/> Credit card	<p><input type="checkbox"/> Master card      <input type="checkbox"/> Visa</p> <p>Card no    <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>      Expiry date    <input type="text"/> / <input type="text"/> <input type="text"/></p> <p>Cardholder's name    <input type="text"/></p> <p>Cardholder's signature      Date    <input type="text"/> / <input type="text"/> / <input type="text"/></p> <p><small>Note: Fees are exempt from GST by the Commonwealth Treasurer's Division 81 determination under A New Tax System (Goods and Services Tax) Act 1999.</small></p>

## 6 Supporting documentation

Documentation required with this application		
<input type="checkbox"/> <b>Proof of ownership</b> Current certificate of title or other documentation (e.g. Crown lease, contract to purchase Crown land etc).		
<input type="checkbox"/> <b>BioBanking Assessment Report</b> The assessment report must be prepared by a person accredited <sup>5</sup> to use the BioBanking Assessment Methodology and the BioBanking Credit Calculator. The report must include all the required supporting documentation as indicated by the BioBanking Assessment Methodology and Operational Manual (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 (on CD) are required.		
<input type="checkbox"/> <b>Maps and GIS files</b> The map(s) must identify: <ul style="list-style-type: none"> <li><input type="checkbox"/> biobank site boundary (including GPS points)</li> <li><input type="checkbox"/> vegetation zones</li> <li><input type="checkbox"/> plots and transects</li> <li><input type="checkbox"/> assessment circles</li> <li><input type="checkbox"/> species polygons (showing location of any threatened species for which species credits are created)</li> <li><input type="checkbox"/> location of photo-points</li> <li><input type="checkbox"/> management zones.</li> </ul> The map(s) must be prepared using GPS mapping on either a satellite image or ortho-rectified aerial image (see Appendix A of <i>Guide to establishing a biobank site</i> ) in accordance with the Operational Manual Section 3.1. Both hard copies and soft copies (on CD) are required.		
<input type="checkbox"/> <b>Management actions</b> Management actions and management plans must be drafted using the template available on the BioBanking website at <a href="http://www.environment.nsw.gov.au/biobanking">www.environment.nsw.gov.au/biobanking</a> . The template wording must be used. A hard copy and soft copy (in Word on CD) are required.		
<input type="checkbox"/> <b>Proposed Total Fund Deposit</b> The Total Fund Deposit worksheet of the biodiversity credits pricing spreadsheet must be filled in for all annual management costs and other recurring costs. See Section 6 of the <i>Guide to establishing a biobank site</i> for further information.		
<input type="checkbox"/> <b>Additionality</b> 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. See Section 3.9 of the <i>Guide to establishing a biobank site</i> for further information.		
<input type="checkbox"/> <b>Full survey (optional)</b> If you want to identify the biobank site's exact boundaries on the deposited plan you need to provide a LPMA-approved 'full plan' for irregular boundaries or 'sketch plan' for regular boundaries. See section 7.1 of the <i>Guide to establishing a biobank site</i> for further information.		
<input type="checkbox"/> <b>Application fee</b> 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		

<sup>5</sup> Accredited persons (BioBanking Assessors) are individuals accredited under section 142B(1)(C) of the TSC Act.

## 7 Signature(s) of the biobank 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 chief executive officer of the public authority.

I/We (the landowner(s)):

- apply for a BioBanking agreement variation; and
- declare that the information in this BioBanking agreement variation 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 the BioBanking Team.

**Electronically** – via Email [biobanking@environment.nsw.gov.au](mailto:biobanking@environment.nsw.gov.au)

If the files are large then a data exchange site can be set up. Contact us via the mailbox to organise this.

**Or by post:**

The BioBanking Team  
Ecosystems and Threatened Species Unit  
Environmental Programs Branch (Level 12)  
Office of Environment and Heritage, NSW  
PO Box A290  
Sydney South NSW 1232

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### Office use only

Received date

Completed date

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Email: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au)  
Website: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

OEH 2015/0452  
July 2015



## Attachment A

### A1 Additional landowners

If the application 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 sections 1 and 2) is required to provide the information requested in A1 and A2 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			
ABN		GST registered	<input type="checkbox"/> Yes <input type="checkbox"/> No
URL			
Street address			
Address			
Town			
State		Postcode	
Mailing address (if different from above)			
Address			
Town			
State		Postcode	
Contact details			
Contact person (if a corporation)			
Phone		Mobile	
Fax		Email	
Preferred contact for credits			
<input type="checkbox"/> Designated email address* (please specify)			
<input type="checkbox"/> OEH to receive initial inquiries from potential buyers and forward these to the landowner	biobanking@environment.nsw.gov.au		

\*Note: Designated email address will be displayed on the BioBanking 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 elect to use the BioBanking email address.

## A2 Does the landowner meet the 'fit and proper person' criteria<sup>6</sup> to establish a biobank site?

Has the landowner (an individual or a corporation):	
ever breached any relevant legislation <sup>7</sup> , 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
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
in 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 an individual, 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
if a corporation, 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
If the landowner is a corporation, has any director or other person concerned in the management of the corporation ever:	
breached 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
been or is the director of another body corporate that has breached 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
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

If you answered 'Yes' to any question in section A2, attach a statement with the specific circumstances and why you think those circumstances should not prevent you from establishing a biobank site.

Individual landowners must also provide two independent written references addressing the 'fit and proper person' criteria. The name, address and contact phone number/s of the referee must be included in the reference.

**Note:** In determining whether the person is a 'fit and proper person' to enter into and fulfil the obligations imposed by the agreement, OEH may take into consideration any or all of the above listed matters. OEH may also consider whether the applicant is honest and of a good repute, and whether the applicant is able to carry out conservation management as required under a biobanking agreement.

<sup>6</sup> Refer to the Threatened Species Conservation (Biodiversity Banking) Regulation 2008 for more information.

<sup>7</sup> **Relevant legislation** in this section means the following Acts: the *Threatened Species Conservation Act 1995*; the *Contaminated Land Management Act 1997*; the *Environmental Planning and Assessment Act 1979*; the *Environmental Trust Act 1998*; the *Environmentally Hazardous Chemicals Act 1985*; Parts 7 and 7A of the *Fisheries Management Act 1994*; the *Marine Parks Act 1997*; the *National Parks and Wildlife Act 1974*; the *Native Vegetation Act 2003*; the *Ozone Protection Act 1989*; the *Pesticides Act 1999*; the *Protection of the Environment Administration Act 1991*; the *Protection of the Environment Operations Act 1997*; the *Radiation Control Act 1990*; the *Recreation Vehicles Act 1983*; the *Road and Rail Transport (Dangerous Goods) Act 1997*; the *Waste Avoidance and Resources Recovery Act 2001*; the *Wilderness Act 1987*; a repealed Act or an Act of the Commonwealth; a state or a territory that corresponds to a previous Act.