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| FORM |
| CER-ACCU-BC002 |
| v1.0 21/02/2024 |

Eligible interest holder consent form for land outside the project area for blue carbon projects

under the *Carbon Credits (Carbon Farming Initiative) Act 2011* and the Carbon Credits (Carbon Farming Initiative—Tidal Restoration of Blue Carbon Ecosystems) Methodology Determination 2022 (the blue carbon method)

# Purpose of this form

This form is used to seek consent from person(s) with an eligible interest (eligible interest holder) in an area of land outside the project area, where an ACCU (Australian Carbon Credit Unit) Scheme blue carbon project is to be, is being, or has been implemented by the scheme participant (the ‘participant’).

For blue carbon projects, consent requirements extend to areas of land outside the project area in certain circumstances where the hydrological assessment for the project made under section 15 of the blue carbon method identifies such land as land that will become impacted land. The blue carbon method defines impacted land as land that experiences tidal introduction in relation to project activities implemented by the project. The term tidal introduction is defined in the method as introduction of, or increase or changes in, tidal flows over land, but does not include permanent exclusion of tidal flows over land.

The Clean Energy Regulator recommends that where under the blue carbon method consent is required from eligible interest holders in land outside the project area, this form be completed by each relevant eligible interest holder and accompany:

* the application to vary a project area declaration made under section 29 of the *Carbon Credits (Carbon Farming Initiative) Act 2011*;
* the offsets report provided to the Clean Energy Regulator for the first reporting period for the blue carbon project.

**Consent to be included in a section 29 application:**

If a variation application under section 29 of the *Carbon Credits (Carbon Farming Initiative) Act 2011* is to be submitted, the participant is required to obtain consent from all applicable eligible interest holders of land that is not included in the project area but is shown by the hydrological assessment as land that will become impacted land during the project’s crediting or permanence period (where their consent has not previously been provided).

For projects with a 25-year permanence period, this land constitutes areas of land outside the project area(s) that are identified as impacted land in a current permanence period tidal inundation map.

For projects with a 100-year permanence period, this land constitutes:

1. areas of land outside the project area(s) that are identified as impacted land in a current crediting period tidal inundation map; and
2. areas of land outside the project area(s) that are identified as impacted land in a current permanence period tidal inundation map but are not identified in a current crediting period tidal inundation map for the project, where the eligible interest holder’s interest in the land could extend beyond the end of the crediting period of the project.

**Consent for land to be included in the offsets report for first reporting period:**

Prior to submitting the offsets report for the first reporting period, the participant is required to obtain consent from all applicable eligible interest holders of the land that is not included in the project area but is shown by the hydrological assessment as land that will become impacted land during the project’s crediting or permanence period. This consent is required from persons who hold an eligible interest at the end of the first reporting period in that land.

For projects with a 25-year permanence period, this land constitutes all areas of land outside the project area(s) that are identified as impacted land in a current permanence period tidal inundation map at the end of the first reporting period for the project.

For projects with a 100-year permanence period, this land constitutes:

1. all areas of land outside the project area(s) that are identified as impacted land in a current crediting period tidal inundation map at the end of the first reporting period for the project; and
2. all areas of land outside the project area that are identified as impacted land in a current permanence period tidal inundation map at the end of the first reporting period for the project but are not identified as impacted land in a current crediting period tidal inundation map for the project at the end of the first reporting period, where the eligible interest holder’s interest in the land could extend beyond the end of the 25-year crediting period for the project.

**Table 1**: Summary of eligible interest holder (EIH) consent requirements for blue carbon projects.

|  |  |  |  |
| --- | --- | --- | --- |
| Type of land in which eligible interest is held by eligible interest holder | 25-year permanence period project | 100-year permanence period project | Recommended form to provide consent |
| Inside project area | Consent required | Consent required | Eligible interest holder consent form for land **within** the project area for blue carbon projects |
| Impacted land outside the project area as per crediting period tidal inundation map | N/A | Consent required  | Eligible interest holder consent form for land **outside** the project area for blue carbon projects (this form) |
| Impacted land outside the project area as per permanence period tidal inundation map | Consent required  | Consent required, if their eligible interest in the land could extend beyond the end of the 25-year crediting period for the project | Eligible interest holder consent form for land **outside** the project area for blue carbon projects (this form) |

Further information on the requirements for consent from eligible interest holders of areas of land outside project areas or areas for the project that are identified as impacted land by the hydrological assessment can be found in sections 20 and 21 of the *Carbon Credits (Carbon Farming Initiative—Tidal Restoration of Blue Carbon Ecosystems) Methodology Determination 2022*.

# Instructions for completing this form

Please read each part of the application carefully, fully answer all the questions, sign where indicated, and attach the required documentation.

You must complete and submit:

* **Part A: Applicant details**
* **Part B: Project details**
* **Part C: Impacted land areas outside the project area**
* **Part D: Eligible interest holder details**
* **Part E: Declaration**
* **Application checklist**

The completed form should be returned to the participant for submission to the Clean Energy Regulator.

**Before signing this consent form:**

It is strongly recommended that all eligible interest holders read and understand the project proposal, and where necessary, obtain independent legal advice in relation to providing consent.

It is highly recommended that all eligible interest holders obtain and review the hydrological assessment, in particular the crediting period and permanence period tidal inundation maps which show the projected water level during the highest astronomical tide at the end of the 25-year crediting period or 25 or 100-year permanence period, based on locally relevant sea level rise predictions and the 50th percentile (median) of RCP8.5[[1]](#footnote-2) sea level rise projections.

It is important to note that while the hydrological assessment is based on the best estimates of sea level rise at the time, these estimates are uncertain and real impacts may vary from the predictions. Additionally, eligible interest holders may want to consider what the longer-term impacts of sea level rise might be beyond the permanence period, particularly for projects with a permanence period of 25 years. It is recommended that eligible interest holders consider such uncertainties regarding sea level rise and resolve any issues with the project proponent(s) prior to providing eligible interest holder consent.

Under the ACCU Scheme, the participant is required to have the legal right to carry out the project. If the project is a blue carbon project, the applicable carbon sequestration right is an eligible interest that may be held by the participant.

You can choose to complete this form by:

printing the form and filling it in by hand

saving the form and filling in an electronic copy.

Note that if you choose the second option, there may be times when you will need to print certain sections in order to sign them or in order to complete multiple entries for a single set of questions. These sections may be scanned back into the computer and submitted electronically with the rest of the form.

|  |  |
| --- | --- |
| Pen colours | Please use a **black** or **blue** pen to write on the form. |
| Check boxes | Mark boxes like this □ with a ✔ or ✘. When an instruction asks you to ‘tick’ the box, you can still use either ✔ or ✘. |
| Go to | Where you see an instruction like this - **□** Go to **question 5** - mark the relevant box with a ✔ or ✘and then skip to the question number shown. You do not need to answer the question(s) in between.Where an instruction has a black double arrow (⏩), go to the next indicated part/section. Where an instruction has a black single arrow (⏵), go to the next question. Where an instruction has a black single arrow pointing down (⏷), fill in the field(s) directly below. |
| Mandatory questions | If all fields in a question are mandatory and must be completed, **(required)** is added to the end of the question label text. If a field in a question is mandatory only IF a condition is met, **(required if any)** is added to the end of the question label text. |
| ⏵ | This symbol indicates an instruction on what to do next. |
| 🛈 | This symbol indicates additional useful guidance to filling in the adjacent field or section. |
| 🗐 | This symbol advises that more than one entry may be required for the section and therefore you may need to photocopy or print the section or fill in a duplicate section. |
| 🖈 | This symbol advises that additional documentation to support a claim may need to be attached to the application. |
| Duplex printing | This form is designed to be duplex printed to save on paper. All new sections start on the right-hand side of a page spread. |

Help filling in this form

Guidance for filling in this form is available on the [Clean Energy Regulator website](http://www.cleanenergyregulator.gov.au).

If you require assistance or have any questions regarding this application process, please contact the Clean Energy Regulator general enquiries line on **1300 553 542** or email enquiries@cleanenergyregulator.gov.au.

Submitting this form

A signed copy of this form should be kept for your records.

### By post

Post your completed application with any accompanying documentation to:

Clean Energy Applications
Clean Energy Regulator
GPO Box 621
Canberra ACT 2601

### By email

Email your completed application to the Clean Energy Regulator at erf@cleanenergyregulator.gov.au.

If the email and its attachments (the application and supporting documents) are larger than 10MB, they must be sent using multiple emails that are clearly marked by including an identifier in the subject line (for example, '1 of 3', '2 of 3', '3 of 3'). The signed application form must be saved as a single scanned file and not split into parts. Files may be zipped to reduce their size.

If you submit your application by email, you do not need to send the original hardcopy of the application by post.

1. Applicant details

You (each of the eligible interest holder(s) named in Part D of this form) must receive relevant project information from the participant or the completed project registration form before you complete this form.

It is strongly recommended that you:

* + read the ‘Additional information’ section of this form
	+ read and understand the project proposal and where necessary obtain independent advice in relation to providing consent as an eligible interest holder
	+ read and understand the hydrological assessment for the project
	+ confirm that the project details of this form or the completed project registration have been completed and are correct.

Complete this part to identify the participant/appointed nominee making this application (if they are making this application on their own behalf) or the participant/appointed nominee on whose behalf this application is made.

1. Applicant details (required)

|  |  |
| --- | --- |
| Client name |       |
| Date of birth(individual only)  | Day (dd) | Month (mm) | Year (yyyy) |
|    |    |      |
| Organisation identifier | ABN | [ ]  | ACN | [ ]  | ARBN | [ ]  | ICN | [ ]  |
|       |

1. Project details
2. Project details (required)

|  |  |
| --- | --- |
| Project identification number |       |
| Project name |       |

1. Land title reference(s) and location of the project area for the blue carbon project named in question 2 (required)
* The land title reference number(s) including, where applicable the state/territory, block number, section number, volume, folio and edition.
* Provide the land title reference number(s)

|  |  |
| --- | --- |
| Land title reference(s) |       |

* Provide the location, including street address where applicable

|  |  |
| --- | --- |
| Location |       |

1. Project activities
* The activity covered by the blue carbon method is the removal or modification of a tidal restriction mechanism or tidal restriction mechanisms to allow the introduction of tidal flow to an area to support the establishment of coastal wetland ecosystems.
* As part of the project activities, there is also the option to use, remove, modify, install or construct necessary infrastructure or drainage infrastructure, to manage the tidal inundation that occurs as a result of modifying or removing one or more tidal restriction mechanisms.
* Provide the project activities to be conducted as part of this project

|  |  |
| --- | --- |
| Project activities |       |

1. Impacted land areas outside the project area
2. Land title reference(s) and location of areas of impacted land outside of the project area that are identified as impacted land by the hydrological assessment for the blue carbon project named in question 2 (required)
* The land title reference number(s) including, where applicable the state/territory, block number, section number, volume, folio and edition.
* Provide the land title reference number(s)

|  |  |
| --- | --- |
| Land title reference(s) |       |

* Provide the location, including street address where applicable

|  |  |
| --- | --- |
| Location |       |

1. What is the nature of your eligible interest in the area of impacted land outside the project area, as specified in question 5? (required)
* For the definition of eligible interest, please refer to sections 43, 44, 45A of the CFI Act.
* Describe the nature of the eligible interest held by you

|  |  |
| --- | --- |
| Description |        |

1. Eligible interest holder details
2. Name and contact details of the eligible interest holder (required)
* This form allows for one eligible interest holder details. If the eligible interest described in question 6 of Part C of this form is held by more than one person, please photocopy or print this part, complete a copy for each other eligible interest holder and attach the copies to this form.

**Eligible interest holder – Individual** (required if any)

* Provide the eligible interest holder’s details

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Title  | Mr | [ ]  | Mrs | [ ]  | Miss | [ ]  | Ms | [ ]  | Other |      |
| Given name |       |
| Other given name(s) |       |
| Family name |       |
| Date of birth  | Day (dd) | Month (mm) | Year (yyyy) |
|    |    |      |

* Provide the eligible interest holder’s contact details

|  |  |
| --- | --- |
| Phone number | (  )       |
| Email address |       |

* Provide the eligible interest holder’s address

|  |  |
| --- | --- |
| Address line 1 |       |
| Address line 2 |       |
| Address line 3 |       |
| Suburb/city |       |
| State/territory |        |
| Postcode |       |
| Country |       |

**Eligible interest holder details – Company** (required if any)

* Provide the company’s details

|  |  |
| --- | --- |
| Company Name |       |
| Organisation identifier | ABN |  [ ]  | ACN |  [ ]  | ARBN |  [ ]  | ICN |  [ ]  |
|       |
| Alternative organisation identifier | Number type |       |
| Number |       |
| Registration body |       |

* Provide the company’s contact details

|  |  |
| --- | --- |
| Contact officer |       |
| Email address |       |
| Phone number | (  )       |

* Provide the company’s address

|  |  |
| --- | --- |
| Address line 1 |       |
| Address line 2 |       |
| Address line 3 |       |
| Suburb/city |       |
| State/territory |       |
| Postcode |       |
| Country |       |

1. Declaration

The eligible interest holder must complete and sign this declaration. For a non-individual eligible interest holder (for example, a company or body corporate), this declaration must be completed and signed by a person who is authorised to bind the eligible interest holder.

* This form allows for one eligible interest holder details. If the eligible interest described in question 6 of Part C of this form is held by more than one person, please photocopy or print this part, have a copy completed and signed by or on behalf of each other eligible interest holder, and attach the copies to this form.

Under the *Criminal Code 1995* it is an offence for a person to give information or documentation to a Commonwealth entity if the person providing the information or documentation knows that the information or documentation is false or misleading.

* Complete and sign the declaration

By signing this request, the signatory declares that they have the legal capacity and authority to make this application on behalf of the eligible interest holder named below, and declares and acknowledges for and on behalf of the eligible interest holder, that:

* the eligible interest holder named below provides the following consent (as applicable):
	+ the eligible interest holder consents for the eligible project activities for the project to be undertaken; and
	+ the eligible interest holder consents for the land, which is outside of the project area, to become impacted land, as shown by the hydrological assessment, as a result of the project named in question 2 of Part B being carried out.
* I have read and understood the hydrological assessment of the blue carbon project provided by the project proponent, which includes the potential impacts of the introduction of tidal flows to the land outside of the project area, taking into account the projected sea level rise and the project operations and maintenance plan provided by the proponent;
* all information provided in and in relation to this application (including attachments and any other supporting information) is, having made all reasonable enquiries, complete, true and correct and not misleading by inclusion or omission;
* the provision of false or misleading information is a serious offence and carries penalties under the *Criminal Code 1995* and may have consequences under the *Carbon Credits (Carbon Farming Initiative) Act 2011* and other laws;
* any of the information provided in this application may be copied, recorded, used or disclosed by the Clean Energy Regulator for the purpose of assessing and making a decision on the application, auditing compliance, enforcement of laws, regulations and legislative rule, the performance of the Clean Energy Regulator’s statutory functions and for related purposes subject to the requirements of relevant laws, in particular the *Privacy Act 1988* and Part 3 of the *Clean Energy Regulator Act 2011;*
* the personal information provided in this application may also be copied, recorded, used or disclosed by the Clean Energy Regulator for its administrative purposes, for example, to pre-populate other Clean Energy Regulator forms which the applicant wishes to fill out online in the future, and for improving the Clean Energy Regulator’s service delivery to the applicant; and
* I consent to the Clean Energy Regulator sharing any information in relation to it or its projects with any Commonwealth, State or Territory government agencies for the purpose of assisting those agencies in the performance of their functions or powers relating to environmental protection and/or health and safety.

**Signed by or for and on behalf of:**

|  |  |
| --- | --- |
| Name of eligible interest holder |       |

**By:**

|  |  |
| --- | --- |
| Signatory name |       |
| Signature  |       |
| Position |       |
| Phone number | (  )       |
| Email address |       |
|  | Day (dd) | Month (mm) | Year (yyyy) |
| Signature date |    |    |      |

# Application checklist

* Have you completed the following? Tick the box when you've completed the task beside it.

|  |  |  |
| --- | --- | --- |
| Tick | Task | Number attached |
| [ ]  | Completed all required fields. | N/A |
| [ ]  | Attached all necessary documents and supporting evidence, where applicable. |       |
| [ ]  | Completed and signed the declaration(s). | N/A |
| [ ]  | Where a signatory is signing on behalf of an eligible interest holder, attached evidence of the authority of the signatory to sign the declaration on behalf of the eligible interest holder. |       |

# Additional information

About the ACCU Scheme

The ACCU Scheme is a voluntary carbon offsets scheme that provides new economic opportunities for a wide range of participants who take steps to reduce carbon pollution or increase carbon storage on the land or in the intertidal zone. ACCU Scheme eligible offsets projects generate Australian carbon credit units (ACCUs) that can be sold to other individuals and businesses wanting to offset their own greenhouse gas emissions.

Eligible interest holders

Numbers and kinds of eligible interest holders will vary between projects, depending on the nature of the land title and project type. Examples include (but are not limited to):

|  |  |
| --- | --- |
| Non-Crown Land  | * registered legal estate or interest in the land
* registered mortgage or charge over any registered legal estate or interest in the land
* registered Native Title Body Corporate
 |
| Crown Land  | * Crown Lands Minister (except in relation to exclusive possession native title land or general law freehold land rights land)
* holder of a legal estate or interest, where the estate or interest:
* came into existence as a result of a Crown grant (or, was derived from such an estate or interest), or
* was created by, or under, legislation (or, was derived from such an estate or interest)
* mortgage or charge over any such legal estate or interest
* registered Native Title Body Corporate for any native title interest in the land
 |
| Land Rights Land  | if land rights land, the Aboriginal land councilif lease in force (and lease granted under special legislation for the benefit of Aboriginal people or Torres Strait Islanders), the Minister who administers the legislation if land is held by the Commonwealth (or a Commonwealth statutory authority), the Minister who administers the *Aboriginal Land Rights (Northern Territory) Act 1976* or the Act that establishes the statutory authority, as the case may be, otherwise Crown Lands Minister (except in relation to freehold land rights land) registered Native Title Body Corporate for any native title interest in the land |

Hydrological assessment

As part of the project registration application and a section 29 application, project proponents will need to prepare a hydrological assessment. The hydrological assessment details the projected tidal inundation that will occur because of the proposed blue carbon project, considering projected sea level rise and the project operations and maintenance plan, through to the end of the 25-year or 100-year permanence period. It is also used to identify which areas of land meet the eligible land requirements and may be included in the blue carbon project.

The hydrological assessment must be prepared or reviewed by a qualified person and must include:

**a project start tidal inundation map** which identifies the spatial extent of tidal inundation after the project activity has been completed

**a permanence period inundation map** which identifies the spatial extent of tidal inundation due to the project activity at the end of the permanence period.

* + For 25-year permanence period projects, this map must cover the time period of 32 years from a date which is not more than 24 months before the date of the application for the project to be declared as an eligible offsets project. The additional 7 years is to provide flexibility as it will not be known exactly when the permanence period will end during the preparation of the hydrological assessment.
	+ For 100-year permanence period projects, this map must cover the time period of 107 years from a date which is not more than 24 months before the date of the application for the project to be declared as an eligible offsets project. The additional 7 years is to provide flexibility as it will not be known exactly when the permanence period will end the preparation of the hydrological assessment.
	+ For projects choosing a 100-year permanence period, **a crediting period tidal inundation map** is also required which identifies the spatial extent of tidal inundation as a result of the project activity at the end of the 25‑year crediting period. This map must cover the time period of 32 years from a date which is not more than 24 months before the date of the application for the project to be declared as an eligible offsets project. The additional 7 years is to provide flexibility as it will not be known exactly when the crediting period will end during the preparation of the hydrological assessment.

If the eligible project activities for the project involve managing tidal flows through the use of any tidal restriction mechanism, necessary infrastructure, or drainage infrastructure—the hydrological assessment must also be supported by one or more relevant confirmations provided by a qualified engineer.

Further information on the requirements for the hydrological assessment can be found in section 15 of the *Carbon Credits (Carbon Farming Initiative—Tidal Restoration of Blue Carbon Ecosystems) Methodology Determination 2022* and the Supplement of the Blue Carbon Method.

Seeking legal advice

The Clean Energy Regulator provides guidance for general information purposes only. The information in this form and supplied by the Clean Energy Regulator should not be interpreted as independent professional advice. You should not rely solely on this information and should get professional legal advice relevant to your individual circumstances.

Protection of information

The Clean Energy Regulator is bound by the secrecy provisions in Part 3 of the Clean Energy Regulator Act 2011 and by the Privacy Act 1988.

Privacy statement

'Personal information', as defined in the Privacy Act 1988, means any information from which a person’s identity is apparent or can be reasonably ascertained.

Personal information collected in relation to this application will be used for the purpose of assessing the application, auditing compliance, enforcement of relevant laws and regulations and for related purposes. The collection of personal information is authorised by the *Clean Energy Regulator Act 2011* and other relevant Act(s).

Disclosure of information

The Clean Energy Regulator and authorised staff are only able to disclose information relating to the affairs of a person (including personal information) collected in relation to this application in accordance with the *Clean Energy Regulator Act 2011* or as otherwise required by law.

Part 3 of the *Clean Energy Regulator Act 2011* prevents disclosure of relevant information except in circumstances set out in that Part. Those circumstances include:

disclosure for the purposes of a climate change law

disclosure to the Minister

disclosure of summaries or statistics if those summaries or statistics are not likely to enable the identification of a person

disclosure to certain bodies where the Chair of the Clean Energy Regulator is satisfied that disclosure will assist those bodies in the performance of their functions or powers, including the Australian Securities and Investment Commission, and the Australian Competition and Consumer Commission

disclosure for the purposes of enforcement of the criminal law, enforcement of a law imposing a pecuniary penalty or for protection of the public revenue, if the Chair of the Clean Energy Regulator is satisfied that disclosure is reasonably necessary for such purpose.

Accessibility disclaimer

The Clean Energy Regulator has worked to ensure that this document is accessible but please contact us to obtain an alternative version if you are having difficulty or you have specific accessibility needs. Please call **1300 553 542** or email the name of the form and your needs to enquiries@cleanenergyregulator.gov.au

1. The Representative Concentration Pathways (RCPs) are developed and used by the Intergovernmental Panel on Climate Change (and others) for making sea level rise projections based on anthropogenic greenhouse gas emissions scenarios and describe four different 21st century pathways of greenhouse gas emissions, atmospheric concentrations, air pollutant emissions and land use over the next 100 years. RCP8.5 is the very high greenhouse gas emissions scenario resulting in the greatest amount of sea level rise compared with the other RCP scenarios. More information can be found here: <https://ar5-syr.ipcc.ch/topic_summary.php> [↑](#footnote-ref-2)