

AMENDMENT TO THE PLANNING AND DEVELOPMENT ACT 2007: GREENHOUSE GAS EMISSIONS

These Frequently Asked Questions (FAQs) explain imminent changes to *the Planning and Development Regulation 2008* (the Regulation) and how it affects certain development proposals in the ACT through amendments to the *Planning and Development Act 2007* (the Act). The changes are expected to take effect 1 March 2022 once the associated changes to the Regulation commence.

Through an amendment to *Schedule 4, part 4.3* of the Act, from 1 March 2022, an Environmental Impact Statement (EIS) is required where the development's expected operating greenhouse gas emissions are more than the amount prescribed in the Regulation. The amount prescribed is 1000 TCO₂ per year.

Through an amendment to *Section 139 of the Act*, from 1 March 2022, Development Applications (DAs) must submit a Greenhouse Gas Emissions Statement where the development's expected operating greenhouse gas emissions are more than the amount prescribed in the Regulation. The amount prescribed is 250 TCO₂ per year.

These changes do not apply to DAs lodged before the commencement of the new Regulation. The below FAQs explain the changes to the Regulation and provide an indication of what developments are affected, and how.

Why are these changes being introduced?

The changes to the Act and Regulation aim to build awareness of greenhouse gas emissions (GHG) in new developments by making information more accessible to the public, and therefore promoting open dialogue. This will enhance stakeholder understanding of the environmental and climate change implications of development proposals, foster proactive climate action in the industry and further inform future policy directions.

Given the ACT's 100 per cent renewable electricity supply, the amendment focuses on commercial and industrial developments that have significant gas usage. The amendment supports Government policy and complements other initiatives to transition away from gas – as outlined in the ACT Climate Change Strategy 2019-2025 and the Parliamentary & Governing Agreement of the 10th Legislative Assembly.

What developments need an EIS for GHG?

Schedule 4 of the Act includes various criteria that require developers to **submit an EIS** for any developments that have expected GHG from operating the development of **more than 1000 TCO₂** (tonnes of carbon dioxide) per year.

From the date the Regulation amendment comes into effect, if a development application is associated with an EIS and its GHG from operating the development is more than 1000 TCO₂ per year, it does not require an additional EIS. It is anticipated that medium to large scale industrial developments with high gas use or high diesel use on-site will be most affected by the new regulation.

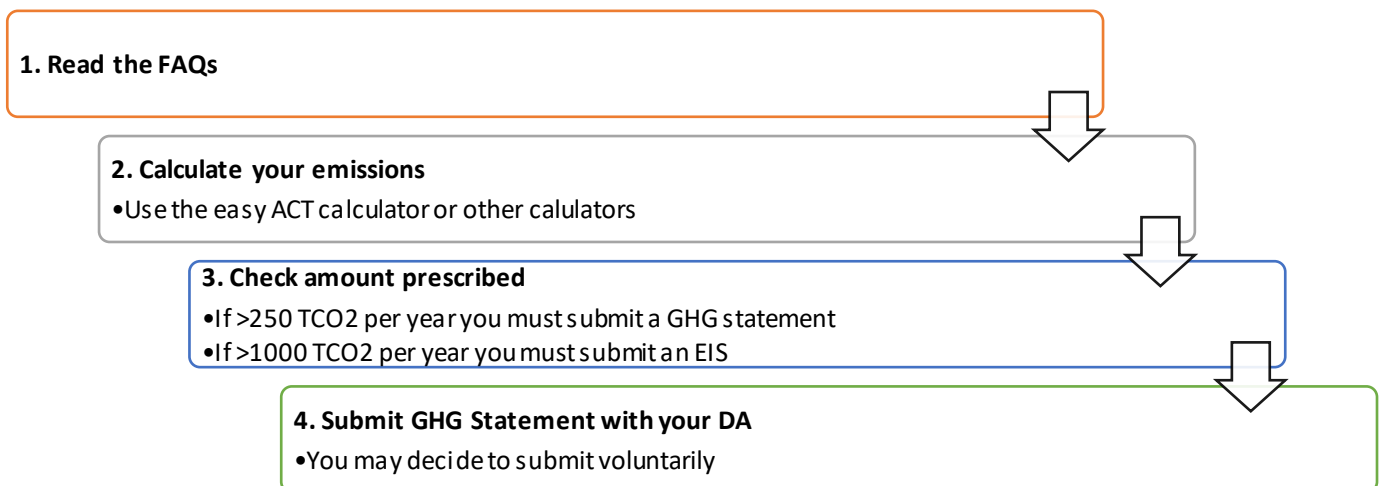
What developments need to submit a GHG Statement?

From the date the Regulation amendment comes into effect, Section 139 of the Act requires Development Applications that have expected GHG from operating the development of **more than 250 TCO₂** (tonnes of carbon dioxide) per year to **submit a GHG Statement**. This will not affect single detached dwelling developments.

It is anticipated that developments most affected by this regulation will be significant commercial and industrial developments with:

- > Significant gas fuelled space heating (>25,000 m²) or water heating (Olympic size pool)
- > Gas or diesel fuelled industrial processes
- > High fuel use (diesel mainly) in plant and machinery on-site

The diagram below outlines the indicative process for understanding and following the new regulations.



What is a Greenhouse Gas Emissions Statement?

A *Greenhouse Gas Emission Statement* (GHG Statement) is a form that requires details of the expected operating GHG of a development, and other relevant information. It must be completed and submitted with DAs for developments that have expected operating GHG of more than 250 TCO₂ per year.

A GHG Statement can also be submitted voluntarily regardless of whether the development exceeds 250 TCO₂ per year. Voluntary Statements can be used to identify a zero emissions development.

A *Greenhouse Gas Emissions Statement* is not considered in assessing the outcome of a DA. It is for public information only and cannot be used to offset any other DA requirements.

An example of the GHG form is attached to this FAQ. This information will be available on <https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications> as of February 2022.

What happens to my Greenhouse Gas Emissions (GHG) Statement?

The GHG Statement is for public information and is not an assessment factor in DA outcomes. The information will be used for climate change policy development including review of the Regulation. The information will be stored in accordance with our Privacy Policies that can be found at <https://www.planning.act.gov.au/about-us/privacy/information-privacy-policy>.

How do I calculate my expected greenhouse gas emissions?

Developers need to estimate the GHG associated with the operations of their development proposal, noting that the ACT has 100 percent renewable electricity supply.

The Greenhouse Gas Emissions Statement should reflect Scope 2 emissions as reported in the Ministers Annual Report for the *Climate Change and Greenhouse Gas Reduction Act 2010* and use the National Greenhouse Accounts and other national standards for Scope 1 emissions. This means that all electricity use (Scope 2) is zero emissions, and most developments only need to estimate how much gas will be used in a year. Industrial developments may need to estimate other GHG sources like diesel use on-site in addition to gas use.

As a first step, an easyACT Development Greenhouse Gas Emissions Estimator is provided to calculate your expected operating GHG from the most substantive sources: gas and diesel use.



What if I don't know how much gas I will use?

Some rules of thumb you may use for your estimation include:

A medium-sized residential dwelling in the ACT, using gas for ducted space and water heating, releases around 4 TCO₂ per year.

For a residential estate with gas available to all dwellings, each dwelling will release 2 TCO₂ per year on average (i.e., number of dwellings x 2 = Residential Estate Gas TCO₂).

A commercial building with gas fueled space heating releases around 8 to 9 kg CO₂ per m² each year (i.e., 8.5 x GFA/1000 = Commercial Gas TCO₂).

What if I have other GHG?

The GHG statement has space to include any other GHG that you may expect to be released. Industry should have the appropriate expertise to ensure they are aware of other GHG present in their operations. The proportion of other GHG should be relatively small. The National Greenhouse Accounts Factors should be used for other sources.

Are there other GHG calculators I can use?

- > The National Greenhouse Energy Reporting (NGER) calculators can be found at <http://www.cleanenergyregulator.gov.au/NGER/Forms-and-resources/Calculators>
- > National Greenhouse Accounts Factors can be found at <https://www.industry.gov.au/data-and-publications/national-greenhouse-accounts-factors>
- > Livestock and agriculture GHG calculators can be found at <https://agriculture.vic.gov.au/climate-and-weather/understanding-carbon-and-emissions/onfarm-greenhouse-gas-accounting-tools>
- > Other industry accepted sources may be used where available.

What are greenhouse gas emissions?

Human activities are causing greenhouse gasses to increase in concentration in the atmosphere. Key GHG include:

- > carbon dioxide (CO₂),
- > methane (CH₄),
- > nitrous oxide (N₂O),
- > sulphur hexafluoride (SF₆),
- > and some fluorocarbons (FCs).

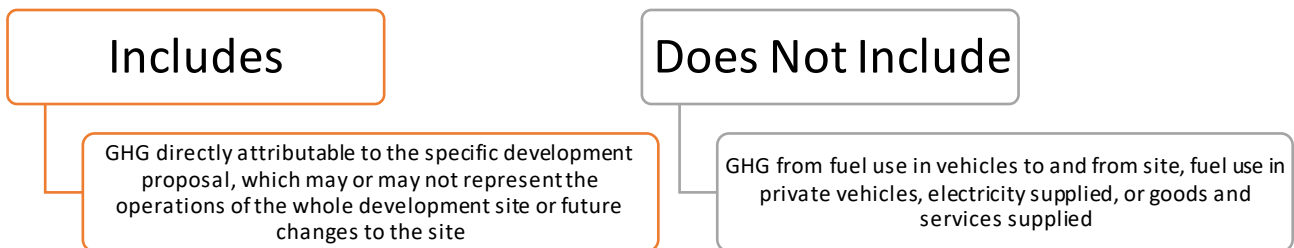
Carbon dioxide makes up around 80 per cent of total global GHG. Carbon dioxide is released from burning fossil fuels (coal, gas, oil), waste, wood, and other biological materials. With the ACT having 100 per cent renewable electricity supply from 2020, GHG from most developments will largely be from gas use, with some diesel used by industry. Some industry may release other GHG as part of their processes and should be aware of these via their respective industry specialists.

What does 'the expected greenhouse gas emissions from operating the development' mean?

Greenhouse gas emissions from operating the development means:

- > direct (known as Scope 1) greenhouse gas emissions released each year,
- > directly attributable to the development's operations,
- > within the development site boundary, and
- > from sources that the developer/organisation owns or controls.

Greenhouse gas emissions from operating the development covers the following:



Definitions

- > **Greenhouse gas emissions** - See the Climate Change and Greenhouse Gas Reduction Act 2010, dictionary.
- > **Greenhouse Gas Emissions Statement** - means written information stating the annual amount of expected greenhouse gas emissions from operating the development. The Greenhouse Gas Emissions Statement is an approved form.
- > **Greenhouse gas emissions from operating the development** - is the:
 - direct greenhouse gas emissions (Scope 1 only)
 - directly attributable to the development's operations,
 - within the development site boundary, and
 - from sources that the developer/organisation owns or controls.



Resources

The Regulation can be viewed at <https://www.legislation.act.gov.au/si/2008-2/>

The Act can be viewed at <https://www.legislation.act.gov.au/a/2007-24/>

The Example Greenhouse Gas Emissions Statement form.

The easy ACT Development Greenhouse Gas Emissions Estimator.

NGER Calculators can be found at <http://www.cleanenergyregulator.gov.au/NGER/Forms-and-resources/Calculators>

The ACT Climate Change Strategy 2019-25 can be found at <https://www.environment.act.gov.au/cc/act-climate-change-strategy>

Where can I go for more information?

Call the Gateway Team on 6205 2888, submit an enquiry online at https://www.accesscanberra.act.gov.au/app/forms/epd_feedback or visit us at the Access Canberra Dickson shopfront (between 8.30 am and 4.30 pm Monday to Friday).

