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Sent: Friday, 1 August 2025 10:31 AM
To: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>
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Subject: ACT Ecological Network Dashboard and environmental advice in the planning space

Dear Committee

As discussed in the hearing today, [this link](#) will take you to the ACT Ecological Network Dashboard, which includes within its layers the mapping of:

Common among all district strategies are five key drivers and 10 targets. One of the drivers is the blue-green corridor (a protected network of natural and semi-natural areas is vital in providing clean air, water and visual amenity to suburbs, serving as native plant and animal habitat and supporting liveability and community wellbeing. The network supports land uses that protect and enhance ecosystem function, maintaining intrinsic cultural value and capacity to mitigate current and future climate risks) and its two targets are (i) More nature and water retention in the city (ii) Expand liveable bluegreen network connections.

I trust this answers Ms Carrick's questions relating to mapping and what is considered through decision-making processes in the planning space.

(I am beginning to step well out of my lane here; district strategies and planning and entity referrals are for the Planning Minister. However, I hope this has given the broad context.)

Warm regards

Tara

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Member for Ginninderra

Attorney-General

Minister for Human Rights

Minister for City and Government Services

Minister for Night-Time Economy

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ACT
Government

Factsheet: Entity referral

Development Application

Territory Planning Authority
June 2024

Glossary

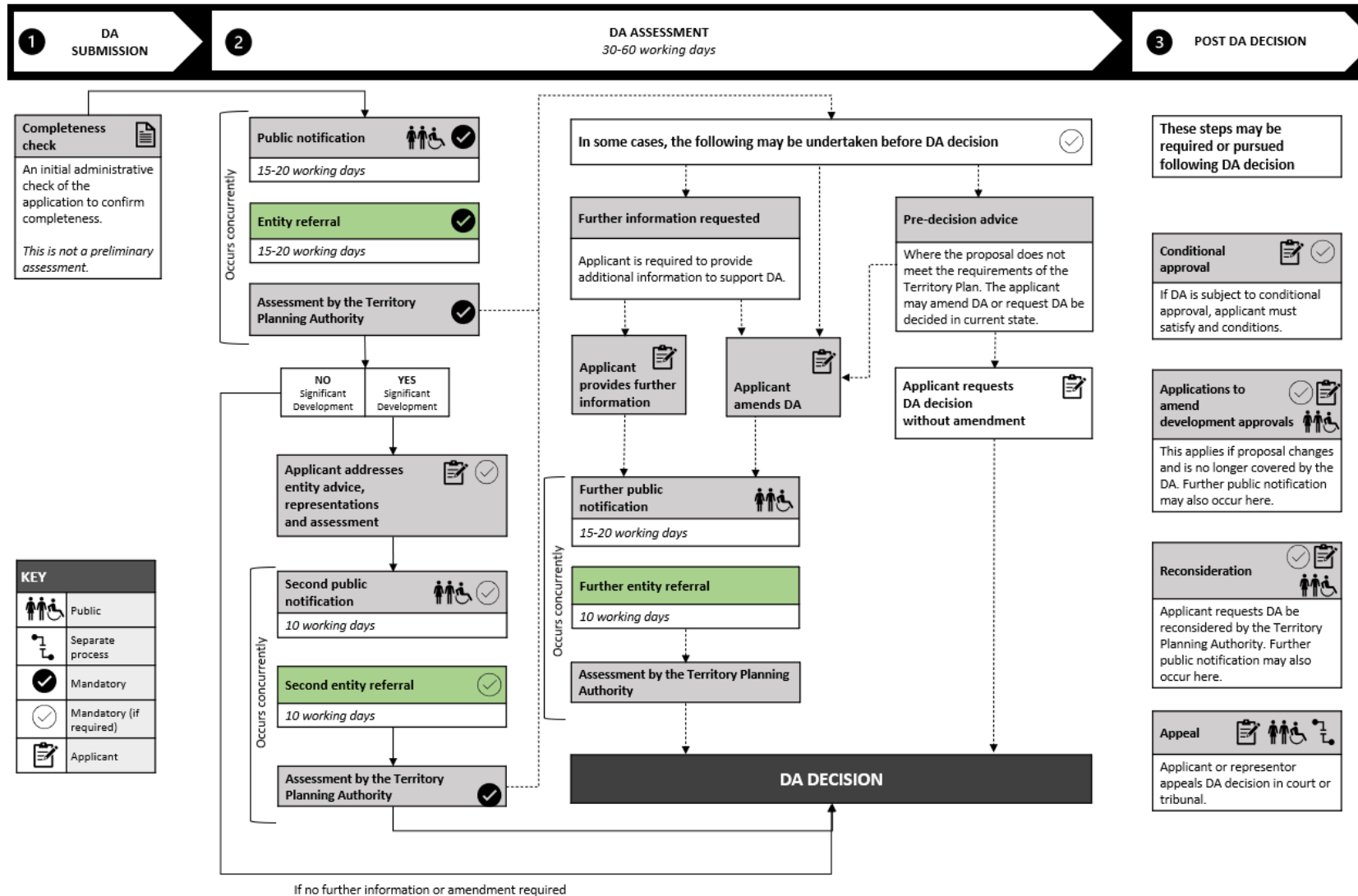
ACT	The Australian Capital Territory
the Authority	The Territory Planning Authority, the authority who assess and decide development applications
Changed application	Where further information is provided on a development application, or the application is amended.
City Renewal Precinct	The declared urban renewal precinct, as outlined in this instrument.
DA	Development Application
Declared site	The protection zone for a damaged and previously registered tree (see the Urban Forest Act 2023 for more details).
Entity	A Government or non-Government agency who is requested to provide advice on a DA
the General Regulation	Planning (General) Regulation 2023
the Planning Act	Planning Act 2023
Protected tree	A registered or regulated tree for the purposes of the Urban Forest Act 2023.
Registered tree	A tree that is registered or provisionally registered under the Urban Forest Act 2023.
Significant adverse environmental impact	For the purposes of the Planning Act 2023, an environmental impact is significant if: <ul style="list-style-type: none">• the environmental function, system, value or entity that might be adversely impacted by a proposed development is significant; or• the cumulative or incremental effect of a proposed development might contribute to a substantial adverse impact on an environmental function, system, value or entity.
Significant development	Any development that requires an environmental impact statement, consultation with the National Capital Design Review Panel or a subdivision design application
Territory Plan	The primary planning instrument that guides planning and development in the ACT
TCCS	Transport Canberra and City Services
Protected matters	Environmental matters, such as threatened species and habitat, protected by relevant ACT and Commonwealth legislation, such as the Nature Conservation Act 2014 or the Environment Protection and Biodiversity Conservation Act 1999.

Version history

Version number	Approved by	Date
1.0	A/g Senior Director, DA Services and Support, Statutory Planning Division, EPSDD	20/09/2023
2.0	A/g Senior Director, DA Services and Support, Statutory Planning Division, EPSDD	17/05/2024
3.0	A/g Senior Director, DA Services and Support, Statutory Planning Division, EPSDD	18/06/2024

Flowchart

Figure 1. The DA process



Entity referrals

This factsheet provides details on entity referrals which are undertaken throughout the development application process, including how entity advice is considered in the decision-making process.

Who is a referral entity?

A referral entity is a Government or non-Government agency who is requested to provide advice on a development application (DA). They provide expert advice in their area of regulatory responsibility or interest.

Who are referral entities and what to expect from their advice

The entities who are asked to provide advice on each DA will change depending on the nature of the proposed development, the location and other variables.

Entities are requested to advise on whether they are generally supportive or not supportive of a DA, or whether they require further information. In providing this advice, entities will focus on their area of regulatory and advisory responsibilities.

The list below outlines the most common referral entities and what to expect from their advice. However, most DAs will be referred to utility providers and Transport Canberra and City Services (TCCS) for consideration as they will have an interest most developments being proposed.

- [Evoenergy](#) will usually be referred DAs to comment on any proposed electrical or gas works or impacts, including:
 - if they can provide a connection
 - how it fits into the wider network, and
 - how the development will meet relevant standards.
- [Icon Water](#) will usually be referred DAs to comment on:
 - how a proposed development may impact on water and sewerage infrastructure, including:
 - the availability and capacity of the network, and
 - how the development will meet relevant standards.
- [Transport Canberra and City Services \(TCCS\)](#) will usually be referred DAs to comment on:
 - road and verge infrastructure
 - traffic impacts
 - parking impacts
 - street trees
 - waste enclosures
 - stormwater, and
 - other municipal issues.

- the [ACT Heritage Council](#) will usually be referred DAs to comment on:
 - impacts to heritage-listed items and places, and
 - other Heritage Act 2004 considerations.
- the [Conservator of Flora and Fauna](#) will usually be referred DAs to comment on:
 - the general environmental impacts of a development,
 - consideration of the Biodiversity Sensitive Urban Design Guide
 - any impacts to protected matters and protected trees.
- the [Environment Protection Authority](#) will usually be referred DAs to comment on:
 - erosion risks, and
 - contamination impacts and associated remediation
 - noise impacts, and
 - other forms of potential pollution.
- The [ACT Emergency Services Agency](#) will usually be referred DAs to comment on:
 - bushfire risks
 - the capacity of fire hydrants for use during emergencies, and
 - accessibility for emergency service engines, etc.
- [ACT Health](#) will usually be referred DAs to comment on proposed septic systems and developments that propose commercial grade kitchen or medical facilities.
- The [City Renewal Authority](#) will be referred DAs within the Urban Renewal Precinct. They will generally focus their advice on the design quality of the development.
- The [Suburban Land Agency](#) will be generally be referred DAs that are on land under their custodianship. They will generally focus comments on impacts to their land and interrelation with any anticipated land release or associated infrastructure.
- The [National Capital Authority](#) (NCA) will be referred DAs in Designated Area or subject to Special Requirements under the National Capital Plan (NCP). The NCA will generally focus comments on the consistency of the proposal with the NCP.
- [Worksafe](#) will generally be referred applications to provide advice on developments that involve a hazardous industry or that propose the storage of large quantities of hazardous chemicals.
- [ACT Valuation Office](#) will be referred DAs to comment on valuation reports provided, where a lease variation charge will apply.
- [Education](#) will generally be referred applications proposing new childcare centres and schools. They will generally focus comments on compliance of the proposed development with the required infrastructure standards that apply to the development.
- [Utilities Technical Regulation](#) will generally be referred applications to provide advice on the construction or decommissioning of water storage dams, and proposals for utility-scale power generation.
- The [Climate Change, Water and Energy](#) Division in EPSDD will generally be referred applications to provide advice:
 - greenhouse gas emissions produced by a development

- major energy infrastructure, such as electrical substations, power generation stations and electricity storage facilities
- technical water modelling.
- The Planning and Urban Policy Division in [EPSDD](#) will generally be referred DAs to provide advice when an application was presented to the [National Capital Design Review Panel \(NCDRP\)](#), and for major infrastructure works such as road duplications, and utility and water supply works.
- [Loose Fill Asbestos Coordination](#) will generally be referred applications to provide advice on developments on asbestos affected blocks.

Mandatory referral entities

The *Planning Act 2023*, the *Planning (General) Regulation 2023* and Territory Plan require that a DA be referred to certain entities in particular scenarios, these include:

- For DAs for significant developments, all of the following:
 - utility providers, such as Evoenergy and Icon Water
 - the Conservator of Flora and Fauna
 - the Emergency Services Agency
 - the Environment Protection Authority
 - the ACT Heritage Council
 - ACT Health
 - TCCS
 - The land custodian – where the development is on unleased Territory land.
- For all other DAs:
 - the Conservator of Flora and Fauna, when:
 - » there is likely to be a *significant adverse environmental impact* on a *protected matter* or
 - » if the DA relates to any part of a *declared site*
 - the ACT Heritage Council, if the DA relates to a place or object on the heritage register
 - the City Renewal Authority – where the development is within the *city renewal precinct*
 - the land custodian – where the development is on unleased Territory land.

In addition to the above, the Territory Planning Authority (the Authority) will refer a DA to any other Government entity if they are satisfied a DA will have an adverse impact on a matter which they have an interest in.

When does entity referral occur?

Entity referrals occur following DA lodgement and runs concurrent to public notification and the assessment by the Authority. In other words, a full assessment of the DA does not occur before the application is referred to entities for advice.

The Authority also has the ability to make additional referrals if, at any time during the assessment, they are satisfied the application will adversely impact on a matter which the entity has an interest in.

Time to provide entity advice

On a DA, entities are required to provide advice to the Authority in the following timeframes:

- A DA for a significant development entity advice will be requested in two stages:
 - Stage 1 – within **20 working days**
 - Stage 2 – within **10 working days**
- For any other DA – within **15 working days**

If entity advice is provided after the specified timeframe, it carries less weight in the assessment and decision-making process than advice provided in time. Similarly, advice that is not provided will not delay the making of the decision. Details on how entity advice is considered is discussed below in more detail.

When referral to an entity is not required

In some instances, referral to an entity may not be required.

This will occur when the applicant has adequately consulted with the entity in relation to the development proposal within a 6-month period before lodgement. The entity is also required to agree in writing to the proposed development. This written agreement is taken to be their advice on the DA.

More information on when entity referral is not required, including what is required from an applicant, is available in advisory note **AN02 – Waiving entity referral** on the [Planning](#) website.

Further entity referrals

Further entity referrals may be undertaken where further information is provided on a DA or where the application is amended. Where either of these apply, the new information is referred to as the 'changed application'.

If the original DA was referred to entities the changed application will (by default) be re-referred to the entities who received the original application.

However, the Authority will not re-refer the changed application to an entity if satisfied that the change does not impact on the part of the application which the entity made comments, and if the entity is unlikely to raise an issue about the changes. More information on waiving entity referrals is available in advisory note **AN02 – Waiving entity referral** on the [Planning](#) website.

The Authority may also refer a changed application to entities who did not receive the original application if they consider that the changed application is likely to have an adverse impact on a matter in which the entity has an interest, including in any advisory role they may hold.

If the Authority decides not to re-refer a changed application to an entity who received the original application, this decision and associated reasons will be published on the Authority's website.

Entities have a shorter period of time to respond to further entity referrals – they have **10 working days** to respond.

Considering entity advice

During the assessment process, the Authority will consider all entity advice that is received. However, whether it is provided within time changes its weight.

Entity advice provided on time

Entity advice provided within the relevant timeframe carries significant weight in the decision-making process. That is, a decision-maker is generally only able to approve a DA where it is consistent with entity advice. This does not include any suggested conditions from the entity.

Approving DAs contrary to entity advice

Notwithstanding the above, an approval decision can be made contrary to entity advice, but only where very specific criteria are met, and considerations are made.

These include:

- The decision-maker must consider the relevant desired planning outcomes outlined in the Territory Plan.
- For a proposal requiring in EIS, the decision-maker must consider any reasonable alternate development options.
- The proposal or project does not involve a protected matter.
- The decision-maker must be satisfied that acting contrary to the advice will significantly improve the planning outcome to be achieved.

Entity advice provided out of time

If entity advice is received outside of the relevant timeframe, a decision-maker is only required to consider the entity advice. In other words, an approval decision contrary to that entity's advice is able to be freely made without meeting the criteria outlined above.

However, the Authority are able to exercise their judgement as to the importance of the entity's advice to the development being proposed.

Entity advice not provided

If a DA is referred to an entity for advice but they do not respond within the timeframe and the Authority are to issue development approval – the decision is able to be made. The validity of the approval is not affected by the entity's failure to provide advice.

Special entity advice and considerations

Registered trees or declared sites

Where a development will affect a registered tree or declared site, an approval decision on a DA cannot be made by the Authority where it would be inconsistent with entity advice from the Conservator of Flora and Fauna.

In this situation, approval is only able to be given inconsistent with the Conservator's advice where the project is a **territory priority project** (more information on territory priority projects is available in the ***Territory priority project factsheet*** on the [Planning](#) website), and:

- The decision-maker must consider the relevant desired planning outcomes outlined in the Territory Plan.
- For a proposal requiring in EIS, the decision-maker must consider any reasonable alternate development options.
- The proposal or project does not involve a protected matter.
- The decision-maker must be satisfied that acting contrary to the advice will significantly improve the planning outcome to be achieved.

Protected matters

Where a development is likely to have a significant adverse environmental impact on protected matter an approval decision on a DA cannot be made by the Authority where it would be inconsistent with entity advice from the Conservator of Flora and Fauna.

In this situation, approval is only able to be made inconsistent with the Conservator's advice where the decision-maker is the chief planner or the Minister and they are satisfied that the proposal is:

- Consistent with the offsets policy; and
- Would provide a substantial public benefit.

Despite this, the chief planner or Minister's approval must be consistent with approvals required or obtained under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

Referral to the Commonwealth

If it is proposed to approve a DA for a development that is likely to have a significant adverse environmental impact on a matter protected by the Commonwealth (i.e. under the *Environment Protection and Biodiversity Conservation Act 1999*), the proposed approval decision will be referred to the Commonwealth for advice.

The Commonwealth has **10 working days** to provide advice on the proposed decision.

Where the Commonwealth provide advice in time, development approval is not able to be given unless it is consistent with the advice.

If the Commonwealth do not provide advice in time, the decision-maker is able to approve the application.

Got questions?

If you have any queries, please contact the new planning system hotline at:

Email: newplanningsystem@act.gov.au

Phone: 02 6205 0580

The DA Gateway team are also available on the following:

Email: planningenquiries@act.gov.au

Online: <https://services.accesscanberra.act.gov.au/s/forms/land-planning-and-building-enquiry>

Phone: 02 6205 2888