

Planning and Development (Conditional Environmental Significance Opinion – Block 1 Section 3, Symonston – Symonston Crematorium and Memorial Park) Notice 2020

Notifiable instrument NI2020–527

made under the

Planning and Development Act 2007, s 138AD (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 1 Section 3, Symonston – Symonston Crematorium and Memorial Park) Notice 2020*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 18 August 2020, the Conservator of Flora and Fauna, pursuant to section 138AB (4) of the *Planning and Development Act 2007* (the *Act*), gave the Applicant a conditional environmental significance opinion in relation to the construction, on Block 1 Section 3 Symonston, of a crematorium and memorial park.

- (2) In this section:

conditional environmental significance opinion means the opinion in the schedule.

Note Under section 138AD (6) of the Act, the conditional environmental significance opinion and this notice expire 18 months after the day the notice is notified.

Brett Phillips
Delegate of the Planning and Land Authority
31 August 2020

Schedule

See section 3(2)

ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007* (the Act), I provide the following environmental significance opinion:

APPLICANT

Purdon Planning Pty Ltd, as represented by Merissa Devine, Operations Manager.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 138AA of the Act to the Conservator of Flora and Fauna for an Environmental Significance Opinion (ESO) to the effect that the development proposal set out in the submission is not likely to have a significant adverse environmental impact (the application).

The development proposal is for the construction of a crematorium and memorial park as described in the submission.

LOCATION

The proposed works are located at Block 1 Section 3 Symonston.

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only to the development proposal as described in the application.

OPINION

Provided the works are undertaken in a manner consistent with the following conditions in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.

This opinion is granted subject to the following conditions made under s138AB(4) of the Act:

1. Fire management/protection must not require any specific or additional management within the adjoining Callum Brae Nature Reserve, nor the

clearing of any remnant trees additional to those marked in the referral documents;

1. Landscape plans, including lists of species that will be used in landscape plantings, must be submitted for the approval of the Conservator of Flora and Fauna; and
2. Discussions must be held with the Parks and Conservation Service regarding possible synergies regarding carparking and connections from the Crematorium into the adjoining reserve.

Attached is a Statement of Reasons for the decision.

A handwritten signature in dark ink, appearing to read 'Ian Walker', with a long horizontal flourish extending to the right.

Ian Walker
Conservator of Flora and Fauna

18 August 2020

STATEMENT OF REASONS REASONS FOR THE DECISION

The proposed development is a proposal mentioned in Schedule 4 of the *Planning and Development Act 2007* – Development proposal for an activity requiring an EIS Schedule 4, being:

Part 4.3, item 1(a) development that may impact on a species or ecological community that is endangered, a species that is vulnerable; protected; or has special protection status;

Block 1 Section 3 Symonston contains:

One community listed as endangered:

- Yellow Box-Blakely's Red Gum Woodland.

Records of four animal species listed as threatened under the Nature Conservation Act 2014:

- Scarlet Robin (*Petroica boodang*);
- Varied Sitella (*Daphoenositta chrysoptera*);
- White-winged Triller (*Lalage tricolor*); and
- Little Eagle (*Hieraaetus morphnoides*).

Part 4.3, item 2(a) the clearing of more than 0.5ha of native vegetation other than on land that is designated as a future urban area

The proposal will impact on 5.11ha of native vegetation.

The proponent wants the application for the development approval assessed in the merit track on the grounds that the proposal is not likely to have a significant adverse environmental impact, and has applied to the Conservator of Flora and Fauna to that effect.

Meaning of *significant* adverse environmental impact

An adverse environmental impact is ***significant*** if—

- (a) the environmental function, system, value or entity that might be adversely impacted by a proposed development is significant; or
- (b) the cumulative or incremental effect of a proposed development might contribute to a substantial adverse impact on an environmental function, system, value or entity.

In deciding whether an adverse environmental impact is ***significant***, the following matters must be taken into account:

- (a) the kind, size, frequency, intensity, scope and length of time of the impact;
- (b) the sensitivity, resilience and rarity of the environmental function, system, value or entity likely to be affected.

In deciding whether a development proposal is likely to have a significant adverse environmental impact it does not matter whether the adverse environmental impact is likely to occur on the site of the development or elsewhere.

It has been determined that the proposal is unlikely to have a significant environmental impact, based on the documentation submitted, known values of the site, and provided the works and ongoing management are carried out in accordance with the conditions attached to this ESO.

Project description

The proposal is located on the site of the former Mugga Zoo, adjacent to Callum Brae Nature Reserve and aims to provide a crematorium to serve the south of Canberra. The works will include construction of an administrative building, chapel, service buildings, crematorium, parking areas, habitat pond and lawns.

Documentation Submitted

- South Canberra Memorial Park Request for Environmental Significance Opinion;
- Proposed development of Block 1, Section 3, Symonston ACT – Ecological Impact Assessment;
- Cultural Heritage Assessment and Statement of Heritage Effects;
- Notification of EPBC Referral Decision;
- Decision of EPBC referral letter;
- Letter of Authorisation;
- Form 1M.

Natural conservation values present

The site, although disturbed, is an integral part of the Callum Brae Woodland. This larger woodland complex is of national conservation importance as one of the largest remnant patches of Yellow Box – Blakley’s Red Gum woodland anywhere, as one of the best remaining examples of where woodland transitions to Natural Temperate Grassland, as one of the more important woodland bird habitats in the region, and as it supports most of the known global breeding locations of the Small Ant Blue Butterfly.

Four threatened bird species have been observed within the block (White-winged Triller, Varied Sittella, Little Eagle and Scarlet Robin), as well as many regionally threatened or declining species. The site contains 106 hollow bearing trees and is also likely breeding habitat for Gang Gangs.

There is also the potential for Coconut Ant nests (the obligate breeding habitat of the Small Ant-blue Butterfly) to be present in woodland on the site, as the largest ever known breeding population of this species occurs in fairly disturbed woodland just to the north, while another of the six known breeding locations of this species is close-by within Callum Brae Reserve.

Potentially Significant Environmental Impacts

The proposal maintains all but 0.31ha of the Box Gum Woodland on site and removes only 14 hollow bearing trees, while allowing for natural regeneration. The retention of woodland and remnant trees combined with the proposed landscaping should maintain the area as an important habitat component of the larger remnant.

The supporting documentation includes several important mitigation measures including:

- Tree felling will not occur during peak September–January season;
- A conservation management plan for Box Gum Woodland will be prepared and implemented; and
- No species with moderate to high weed risk will be used for landscaping.
- Runoff from the site will not flow directly into Callum Brae Nature Reserve, but will be redirected to the onsite ponds or the street network

Conditions have been included to ensure that works and ongoing management of the site will not impact the adjacent nature reserve:

1. Fire management/protection must not require any specific or additional management within the adjoining Callum Brae Nature Reserve, nor the clearing of any remnant trees additional to those marked in the referral documents
2. Landscape plans, including lists of species that will be used in landscape plantings, must be submitted for the approval of the Conservator of Flora and Fauna
3. Discussions must be held with the Parks and Conservation Service regarding possible synergies regarding carparking and connections from the Crematorium into the adjoining reserve.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.