

Planning and Development (Conditional Environmental Significance Opinion – Block 1, Section 3, Symonston – Symonston Crematorium and Memorial Park) Notice 2023 (No 2)*

Notifiable instrument NI2023–245

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 2023 (No 2)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 24 April 2023, the Conservator of Flora and Fauna, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007* (the *Act*), gave the Applicant a conditional environmental significance opinion in relation to construction, on Block 1, Section 3, of 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.

Craig Weller
Delegate of the planning and land authority
5 May 2023

*Name amended under Legislation Act, s 60

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, as represented by Mr Bradley Yates, Urban Planning Practitioner.

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 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 proposed Symonston Crematorium and Memorial Park as described in the submission.

LOCATION

The proposed works are located at Block 1 Section 3, Symonston, also known as 99 Mugga Lane, Symonston

MATTERS TO WHICH THIS OPINION APPLIES

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

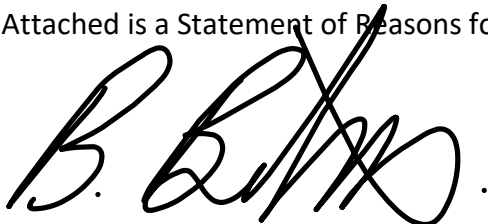
OPINION

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. A Construction Environmental Management Plan (CEMP) is to be endorsed by the Conservator of Flora and Fauna prior to commencement of works.
2. All works are to be undertaken in accordance with the endorsed CEMP.
3. Connectivity between this site and adjacent known populations of Small Ant-blue Butterfly (*Acrodipsas myrmecophila*) must be maintained, including maintaining habitat preferences for the species by:
 - Maintaining active regeneration of Eucalypts
 - Retaining young trees suffering dieback
 - Maintaining an unmanicured understorey (grasses and forbs, logs, fallen branches, twigs and litter)
 - Setting “no mow” areas and/or ecological focussed mowing (i.e. suitable timing and frequency) to achieve a unmanicured understorey with retention of a native understorey with variable natural grass heights
4. A suitably qualified ecologist is to be engaged to inspect trees prior to removal to check for the presence of Coconut Ant (*Papyrius nitidus*) or Small Ant-blue Butterfly larvae.
5. All currently identified (with the exception of nest CA1) and any new Coconut Ant nests discovered during development must be protected and clearly marked as “no-go” areas - in particular, nest CA4, which has been identified as having potential to be indirectly impacted due to proximity to the development footprint.
6. Options for the translocation of the directly impacted remnant tree and associated nest CA1 must be explored in consultation with species experts and the ACT Parks and Conservation Service.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

24 April 2023

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 of 2.96ha 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 proposed development is to provide a crematorium to serve the South of Canberra. The proposal includes several spaces, including an administrative building, chapel, service buildings, crematorium, parking areas, habitat pond and some lawns.

Documentation Submitted

- Notification of Referral Decision – Department of Agriculture, Water and the Environment, dated 26 May 2020
- Letter to Proponent regarding the Notification of Referral Decision – Department of Agriculture, Water and the Environment, dated 26 May 2020
- Proposed development of Block 1, Section 3, Symonston, ACT – Ecological Impact Assessment – report prepared by Capital Ecology, dated 21 October 2022
- DA site plan – prepared by RFA architects, dated 14 September 2022
- Revised ESO – report prepared by Purdon Planning, dated 27 October 2022
- Response to request for further information in relation to breeding habitat for the Small Blue-Ant Butterfly *Acrodipsas myrmecophila* – report prepared by Capital Ecology, dated 9 March 2023
- 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. Coconut Ant nests (the obligate breeding habitat of the Small Ant-blue Butterfly) have been identified on the site.

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 a significant number of hollow bearing trees and is also likely breeding habitat for Gang Gangs.

The site is highly vegetated with Native and Exotic vegetation. There is a patch of moderately intact remnant Box Gum Woodland running along the boundary adjoining Narrabundah Lane in the western side of the site. There are also remnant mature Blakely's Red Gum trees as well and other Eucalyptus trees scattered where the former Mugga Lane Zoo uses were.

Potentially Significant Environmental Impacts

Changes to the proposed built form and overall site layout have reduced the potential impacts on matters of ecological importance including remnant tree removal and impact on Yellow Box Red Gum Woodland. The majority of the proposed development is located within the low diversity, lower ecological value portion of the site.

The revised proposal will result in clearance of 0.33 ha of EPBC listed Box Gum Woodland and removal of up to 7 mature remnant trees, however, retains at least 97 remnant trees.

Populations of Coconut Ants and associated Small Ant-blue breeding sites are known to occur adjacent to the site in Callum Brae Nature Reserve and Mount Mugga Mugga Reserve. As such, the proposed development site and surrounding areas are considered to be potential breeding habitat for the Small Blue-Ant Butterfly.

A total of 11 Coconut Ant nests were recorded on site. One recorded nest occurs within the proposed development footprint and is proposed to be removed as part of the construction works. An additional three nests occur within 20m of the proposed development footprint.

The ESO application contains important mitigation measures including:

- Avoidance of tree felling during peak bird nesting season
- Development and implementation of a conservation management plan for Box Gum Woodland

Conditions have been included to ensure that the adjacent reserve is not indirectly impacted, and to ensure that works are undertaken in a way that minimises the impact on the Coconut Ant nests:

1. A Construction Environmental Management Plan (CEMP) is to be endorsed by the Conservator of Flora and Fauna prior to commencement of works.
2. All works are to be undertaken in accordance with the endorsed CEMP.
3. Connectivity between this site and adjacent known populations of Small Ant-blue Butterfly (*Acrodipsas myrmecophila*) needs to be maintained, including maintaining habitat preferences for the species by:
 - Maintaining active regeneration of Eucalypts
 - Retaining young trees suffering dieback
 - Maintaining an unmanicured understorey (grasses and forbs, logs, fallen branches, twigs and litter)
 - Setting “no mow” areas and/or ecological focussed mowing (i.e. suitable timing and frequency) to achieve a unmanicured understorey with retention of a native understorey with variable natural grass heights
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5. All currently identified (with the exception of nest CA1) and any new Coconut Ant nests discovered during development must be protected and clearly marked as “no-go” areas - in particular, nest CA4, which has been identified as having potential to be indirectly impacted due to proximity to the development footprint.
6. Options for translocation of the directly impacted remnant tree and associated nest CA1, in consultation with species experts and the ACT Parks and Conservation Service, should be explored.

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.