

**Mick Gentleman MLA**

Manager of Government Business
Minister for Planning and Land Management
Minister for Police and Emergency Services
Minister for Corrections
Minister for Industrial Relations and Workplace Safety

Member for Brindabella

Tom Duncan
Clerk
ACT Legislative Assembly
By email: Tom.Duncan@parliament.act.gov.au

Dear Clerk 

Thank you for your letter of 2 August 2022 providing Petition No. 16-22, lodged by Ms Jo Clay MLA, concerning the Callum Brae Nature Reserve.

The ACT Government notes the concerns raised in the petition in relation to Callum Brae Nature Reserve.

As you may be aware, a development application (DA-202138789) for a privately owned and operated crematorium, was lodged with the independent planning and land authority (the authority) on Block 1 Section 3 Symonston. The development application is currently being assessed in accordance with the *Planning and Development Act 2007*, which includes protection for environment and heritage matters. A crematorium/cemetery is an assessable development in the NUZ1 Broadacre zone under the current Territory Plan.

The authority has informed me that prior to the DA being lodged, environmental impact assessments were conducted to understand the potential effects of the development proposal. This resulted in two Environmental Significance Opinions (ESOs) being given for this development. An ESO was provided by the Conservator of Flora and Fauna on 18 August 2020, subject to conditions and mitigation measures, as the proposal would not have a significant impact on the environmental values.

The ACT Heritage Council also granted an ESO for the proposal on 31 August 2020, subject to conditions, as the development is unlikely to have a significant impact on heritage values.

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The proponent of the subject development also referred the proposal to the now Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) under application 2019/8595. DCCEEW considered application 2019/8595 in relation to matters of national environmental significance and on 26 May 2020 determined that the development was not a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999*.

The Conservator has advised that from an ecological perspective, Block 1 Section 3 Symonston has values that are consistent with being included in the reserve estate. These include areas of Box Gum Woodland endangered ecological community, mature native trees that provide nesting resources for native fauna and local links providing functional canopy connection between Callum Brae and Mount Mugga Mugga Nature Reserves. However, managing the site as a nature reserve would have significant challenges and require more resources than most sections of the existing reserve as there is a quite a large weed load on the site resulting from past disturbance and likely a significant issue with rabbits. These challenges would need to be carefully considered against the potential benefits of inclusion in the reserve estate.

The Government is committed to ensuring sufficient and equitable availability of cremation services and accommodating the faith and cultural needs of the ACT community. We continue to review alternative burial methods and monitor developments in the industry. The proposed crematorium will be a privately owned and operated facility and not a government managed public facility. Private sector decisions about investing in a new business are based on their assessment of the market and need for a service. Sufficient demand for a specific type of permitted commercial proposal will continue to depend on market factors and community needs that the Government will consider appropriately at the time.


Currently, DA202138789 is still under consideration by the authority and a decision will be made based on the merits of the proposal after a thorough assessment is undertaken in accordance with the statutory requirements of the *Planning and Development Act 2007*. This includes the location, scale and type of development permissible within the Territory Plan zone, suitability of the land for the development proposed, and the probable cumulative impacts (including environmental, traffic, noise, amenity of adjacent developments etc.) of the proposal.

The authority has requested the proponent to apply for new ESOs, as both have now expired. The authority is currently awaiting further information from the proponent.

Development Applications of this kind are a matter for the independent authority. The authority makes its decisions at arm's length from Ministers and Members of the Legislative Assembly. In doing so, the authority takes great care in ensuring proper consideration and assessment of all matters required under the *Planning and Development Act 2007* and its subordinate legislation.

I trust this information is of assistance.

Yours sincerely


13/11/2022

Mick Gentleman MLA
Minister for Planning and Land Management

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