



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

Our ref: 23/540

Tom Duncan
Clerk
ACT Legislative Assembly
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Dear Mr Duncan *Tom*

Thank you for your letter of 31 May 2023 regarding Petition No. 013-23, lodged by Ms Jo Clay MLA, concerning the Callum Brae Nature Reserve – threatened by proposed crematorium complex.

The ACT Government notes the matters raised in the petition in relation to Development Application DA-202138789 and the Callum Brae Nature Reserve. The following provides information addressing each of the matters raised in the petition.

a) Investigate whether existing capacity of crematoria in the ACT is sufficient.

The ACT Government is committed to ensuring sufficient and equitable availability of publicly owned cremation services and accommodating the faith and cultural needs of the ACT community. Government will continue to consider community needs against the capacity of crematoria available to the ACT community.

This petition relates to a private development proposal which is being assessed through a statutory process.

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- b) Advise on projected greenhouse gas emissions from the crematorium, noting the new EIS trigger that applies to greenhouse gas emissions.

The *Planning and Development Act 2007* (the PD Act) and *Planning and Development Regulation 2008* set out that if the annual amount of expected greenhouse gas emissions from operating the development is more than 250 tonnes, the development application must be accompanied by an expected greenhouse gas emissions statement.

In addition, Schedule 4 of the PD Act also outlines a trigger for the impact track assessment where the annual amount of the expected greenhouse gas emissions from operating the development is more than 1 kilotonne. The documentation that was submitted as part of the DA stated that that the proposal is below this threshold.

Currently, DA202138789 is still under consideration by the independent planning and land authority (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.

This includes consideration to the location, scale and type of development, 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.

- c) Review all licenses and approvals required and advise if these have been provided.

The authority has informed me that prior to the development application 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, stating that provided the works are carried out consistent with a set of conditions outlined in the ESO and the mitigation measures contained in the ESO application, they are unlikely to cause a significant adverse environment impact.

The ACT Heritage Council also granted an ESO for the proposal on 31 August 2020, stating that the development is unlikely to have a significant adverse impacts on heritage values provided it complies with a set of conditions outlined in the ESO.

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 the application 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 Authority will review licences and other approvals required, prior to making a determination.

d) Review whether the proposed crematorium complex complies with NUZ1 broad acre zoning.

The development application (DA202138789) for a privately owned and operated crematorium was lodged with the planning and land authority (the Authority) for Block 1 Section 3 Symonston. DA202138789 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 and therefore the authority must assess the application through the statutory process. The Authority's assessment and decision will determine whether the proposal complies with the Territory plan requirements for a development in the *NUZ1 Broadacre* zone.

e) Incorporate Block 1, Section 3, 99 Mugga Lane (9.27 hectares) into the existing Callum Brae Nature Reserve to protect biodiversity, connectivity and enjoyment by ACT residents and visitors.

As described above, the site is privately owned and not held by the ACT Government. However, The Conservator of Flora and Fauna has advised that from an ecological perspective, Block 1 Section 3 Symonston has values that are consistent with being included in the Callum Brae Nature Reserve. These include areas of Box Gum Woodland endangered ecological community, mature native trees that may provide nesting resources for native fauna and local links providing functional canopy connection between Callum Brae and Mount Mugga Mugga Nature Reserves.

Despite this, managing the site as a nature reserve would have significant challenges and require more resources than most sections of the existing reserve. This is due to 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, while also acknowledging that the land is not held by Government. It is therefore not considered appropriate to explore incorporating this site into the existing Callum Brae Nature Reserve at this time.

In addition, the development application for this proposal is a matter for the independent planning and land authority. The authority makes its decisions at arm's length from Ministers and Members of the Legislative Assembly in an independent statutory capacity.

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


Mick Gentleman MLA
Minister for Planning and Land Management
30/8/2023

Cc: LA Petitions LAPetitions@parliament.act.gov.au