



Inner South Canberra Community Council

The Manager
ACEPD Customer Services
ACEPDcustomerservices@act.gov.au

DA 202138789 (S144), Block 1. Section 3, Symonston, ACT

Dear Sir/Madam,

The Inner South Canberra Community Council is concerned that this DA - originally from September 2021, amended in March 2022, now amended further in May 2023 - is being pursued inappropriately in the Merit Track.

Like incineration facilities generally, which we understand are prohibited in Broadacre zones (NUZ1), crematoriums emit toxins. The applicant should be required to provide information on the quantity and type of emissions from typical cremations, and the monitoring devices that will be used. This is particularly important because there is no air quality monitoring station in this area. The proximity of Callum Brae Nature Reserve clearly triggers an Impact Track Assessment due to the potential for significant adverse environmental impact for the activity (crematorium), the Area involved (proximity to threatened species habitat), and the proposed infrastructure.

Section 124 of the Planning and Development Act gives the Minister the power to make this decision if satisfied on reasonable grounds that there is a significant adverse environmental impact from the development proposed.

To support our view we advise:

NI2023-205 - Planning and Development (Conditional Environmental Significance Opinion – Block 1, Section 3, Symonston – Symonston Crematorium and Memorial Park) Notice 2023 - ACT Heritage Council conditional ESO re Aboriginal Places

We note that the Heritage Council was disbanded on 31 December 2022 and that the ESO was signed on 16 March 2023, before the Interim Heritage Council was appointed by the Minister in April 2023. We query the validity of this ESO.

NI2023-245 - Planning and Development (Conditional Environmental Significance Opinion – Block 1, Section 3, Symonston – Symonston Crematorium and Memorial Park) Notice 2023 (No 2) - Conservator of Flora and Fauna

The ESO states 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'.

While the Conservator found for the proposal, it appears that the impact of the initial building process and the manner in which it is to be undertaken was the only consideration. There is no consideration of the Activity that will be undertaken once built. Cremators are known to emit toxins - the impact of the ongoing cremation services on air quality and on species in the Callum Brae Nature Reserve must, at the very least, be appropriately considered.

Crematorium furnaces are fuelled by fossil gas, with the average cremation using about the same amount of energy and producing about the same emissions as two tanks of fuel in an average car. (National Geographic) The impact of greenhouse gas emissions has not been considered in the development application. There should be an investigation into the likely amount of greenhouse gas emissions.

Furthermore, the plans are only for Stage 1. There is no ability to consider the impact of stage 2 of the plans as they are not available for consideration.

The zoning for the land is NUZ1 which specifically prohibits car parks, incineration facilities and funeral parlours.

As noted in our last submission, attached, from May 2022:

- It is a NUZ1 broad acre zoning and a car park is not allowed. Their documents clearly state burials are not planned for the site so why do they need car parking for 103 cars?
- Under the heading 'Need for Crematorium' Purdon Planning stated 'The commercial demand for a private crematorium is not a planning issue. Should the demand not exist, the site will not provide the commercial returns expected, and will stop operating.' Clearly, the sale price on this site with its proximity to Narrabundah, Fyshwick and Symonston is likely to improve considerably once there is a provision for 103 car parking spaces.(Note: The 2022 documentation even made reference to this predicted increase in land value!).
- Under response to public representations there is a heading Bad Location - to which the proponents responded that 'There is need for additional Crematoria services in the South of Canberra.' The ISCCC asserts that the opposite is true. A National Cremation Capacity Survey 2020 undertaken as a reaction to the Coronavirus Pandemic by the Australasian Cemeteries and Crematoria Association (note: undertaken before the ACT Government cremator opened in Gungahlin) states that the ACT is operating cremations at 18% of capacity. Furthermore, the intended ACT Government Southern Memorial Park will be located in Canberra's South and will include a cremator.
- The ISCCC believes that there are many individuals and community groups who would have views on this proposal which has been amended for a second time. The question has to be asked: How often are proponents able to amend DAs without a decision being made? At what point does the assessment process have to recommence?
- Under Other Comments, Purdon has noted that 'Tenure arrangements of the specific site are not a planning matter'. We disagree - the conditions under which this lease variation and crematorium development are considered are important. Transparency and integrity in the process is essential. This large parcel of land zoned NUZ1 is in a sensitive area adjacent to an environmentally important site.
- With respect to transparency, there is current uncertainty about the future direction of proponent InvoCare, Australia's largest private deathcare provider. It is currently under a

takeover offer by TPG Capital, which owns 19% of InvoCare (<https://funeraldirectordaily.com/tpg-capital-back-in-the-game-for-incare/>).

The ISCCC recommends that this Merit Track DA be withdrawn in view of significant underlying issues which have not been acknowledged comprehensively. If the proposal, in its present form, is still on the table, there is clearly a need for an Impact Track assessment which would require a comprehensive EIS including genuine transparent community consultation.

Kind regards



Marea Fatseas
Chair ISCCC

Attachments:

1) ISCCC submission re DA 202138789 dated May, 2022

The ISCCC commends the submissions lodged by

2) Pamela Collett, Friends of Callum Brae, dated 29 May, 2023

3) Tuggeranong Community Council submission, dated 29 May 2023



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DA 202138789, Block 1. Section 3, Symonston, ACT

Dear Sir/Madam

The Inner South Canberra Community Council is concerned that this DA - originally from September 2021, amended March 2022 - is being pursued inappropriately in the Merit Track. Crematoria emit toxins, and the proximity of Callum Brae Nature Reserve makes this worthy of an Impact Track Assessment because of the potential for significant adverse environmental impact for both the Activity (crematorium) and the Areas and Processes (proximity to threatened species habitat).

Section 124 of the Planning and Development Act allows for the Minister to make this decision if satisfied on reasonable grounds that there is a significant adverse environmental impact from the development proposed.

In their 'Response to Entity Comments' summary, Purdon Planning note the Conservator of Flora and Fauna recommends that further information is required to support this application.

They also state in the same document under EPSDD impact 're-stated the ESO conditions and other advice received during the referral process.'

We note that ESO's are only valid for 18 months and both ESOs for this site expired in March as per below, an excerpt from the listings at: https://www.planning.act.gov.au/development_applications/da_assessment/environmental_assessment/environmental_significance_opinions#Current

Notifiable Instrument Number	Title	ESO given by	ESO Expiry
NI2020-578	Planning and Development (Conditional Environmental Significance Opinion – Block 1 Section 3, Symonston – Symonston Crematorium and Memorial Park) Notice 2020 (No 2)	ACT Heritage Council	10 March 2022

Notifiable Instrument Number	Title	ESO given by	ESO Expiry
<u>NI2020-527</u>	Planning and Development (Conditional Environmental Significance Opinion – Block 1 Section 3, Symonston – Symonston Crematorium and Memorial Park) Notice 2020	Conservator of Flora and Fauna	3 March 2022

We also understand that the EPBC Act approval may have lapsed.

The Callum Brae Nature Reserve is a 143-hectare protected area in Symonston, located on the lower eastern slopes of Mount Mugga Mugga. It is part of an extensive landscape of remnant wooded vegetation that enables wildlife movement through to NSW in the east, the Murrumbidgee River in the west and the southern ACT through Tuggeranong Hill and Rob Roy Range nature reserves.

The Callum Brae Nature Reserve protects:

- Part of one of the largest, best-connected and most diverse areas of critically endangered Yellow Box - Blaklely's Red Gum Grassy Woodland remaining in Australia
- high-quality breeding and foraging habitat for woodland birds, including threatened or regionally declining species such as Diamond Firetail (*Stagonopleura guttata*), White Winged Triller (*Lalage sueurii*), Varied Sittella (*Daphoenositta chrysoptera*) and Southern Whiteface (*Aphelocephala leucopsis*)
- good habitat for small numbers of [Scarlet Robin \(*Petroica boodang*\)](#) and Flame Robin (*Petroica phoenicea*) – especially in autumn and winter – as well as the migratory Dusky Woodswallow (*Artamus cyanopterus*), which makes seasonal visits
- habitat of the vulnerable [Perunga Grasshopper \(*Perunga ochracea*\)](#), one of a few known locations for this species

It is one of the few places where the ecological gradient from natural temperate grassland - Box-Gum woodland - dry open forest exists, and is one, of only a handful of places, where the Small-Ant Blue butterfly is known to breed.

Beyond the invalid ESOs, the original DA, and associated documents are not available on the amendment DA listing so we cannot compare them to get a proper picture of how this amendment changes from the original. The degree of change from the original also contributes to the need for further scrutiny.

Pushing this DA through the Merit Track avoids appropriate Impact Track scrutiny:

- It is a NUZ1 broad acre zoning which means a car park is not allowed, however if they include a cemetery then it is. Purdon's documents clearly state burials are not planned for the site (Response to Public Representations under Burial/Cemetery use) so why do they need car parking for 103 car parks?
- In the aforementioned response there is also a heading Bad Location - to which Purdon's have responded that 'There is need for additional Crematoria services in the South of Canberra.' Yet, a National Cremation Capacity Survey 2020 undertaken as a reaction to the Coronavirus Pandemic by the Australasian Cemeteries and Crematoria Association (note, undertaken before the ACT Government cremator opened in Gungahlin) states that the ACT is operating cremations at 18% of capacity. There is also the intended ACT Government Southern Memorial Park which will be located in Canberra's South and include a cremator.
- Why would there be a need for a total of four crematoria in the ACT (2 in the north and 2 in the south) and the associated greenhouse gas emissions in the context of the ACT Government's declaration in 2019 of a Climate Change Emergency?
- We believe there are more individuals and community groups who would have views on this amendment proposal, however the signage placement was poor - none at the Callum Brae entrance - and so have not had the opportunity to comment. Information on the original DA was sufficiently poor that that too was a section in the response under the title Public Notification/DA Submission process.
- Again, the same response, under the heading 'Need for Crematorium' Purdon Planning have stated 'The commercial demand for a private crematorium is not a planning issue. Should the demand not exist, the site will not provide the commercial returns expected, and will stop operating.' The sale price on this site with its proximity to Narrabundah, Fyshwick and Symonston will change considerably with a 103 car park compared to none.
- Purdon have noted that 'Tenure arrangements of the specific site are not a planning matter' under Other Comments. We disagree - the conditions under which this lease variation and cemetery development are considered are important and that is why community consultation is required. Transparency and integrity in the process is very important and this is a large block of land adjacent to an important site.

We urge you to determine the need for an Impact Track assessment, requiring a comprehensive EIS to be done and new community consultation.



Marea Fatseas
Chair
31 May 2022