

Planning and Development (Conditional Environmental Significance Opinion – Block 2 Section 54, Division of Mitchell – Norwood Park Crematorium expansion) Notice 2016 (No 1)

Notifiable Instrument NI2016–45

Made under the

Planning and Development Act 2007 s 138AD(4) (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 2 Section 54, Division of Mitchell – Norwood Park Crematorium expansion) Notice 2016 (No 1)*.

2 Conditional Environmental Significance Opinion

- (1) On 22 December 2015, 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 the construction, on Block 2 Section 54, Division of Mitchell, of an extension to the Norwood Park Crematorium.
- (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 this notice is notified.

Dorte Ekelund
Chief Planning Executive
25 January 2016

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

Stephen Beer, General Manager, Norwood Park Crematorium, Mitchell, ACT.

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 extension of the memorial garden at Norwood Park Crematorium as described in the submission.

LOCATION

Block 2 Section 54 Mitchell

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

Provided the works are undertaken in the manner consistent with the following conditions, 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. That:

- the development is essentially in accordance with the indicative layout plan dated 15 December 2015;
- the site is not irrigated;
- fertilisers are not used;
- no indigenous trees are removed;
- plants used in the landscaping will be indigenous species found in the ecological community that they are planted in; and

- rocks to be used for memorial purposes are located in areas of lower conservation value as determined by the ecological report contained in the submission.

Attached is a Statement of Reasons for the decision.



Dr Annie Lane
Conservator of Flora and Fauna

22 December 2015

**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

proposal that is likely to have a significant adverse environmental impact on 1 or more of the following, unless the conservator of flora and fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact:

- (a) a species or ecological community that is endangered;
- (b) a species that is vulnerable;
- (c) a species that is protected;

Block 2 Section 54 Mitchell contains endangered Box Gum Woodland and Natural Temperate Grassland, a population of the endangered Golden Sun Moth and probably relatively small numbers of the vulnerable Striped Legless Lizards and Perunga Grasshopper.

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 for an environmental significance opinion (ESO) 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

Expansion of the memorial gardens at Norwood Park Crematorium in Mitchell to incorporate the currently vacant block immediately to the west of the crematorium. Development within the block is proposed to be of low impact, and generally consist of the construction of pathways, and some minor landscaping to establish low profile memorials.

Activities associated with the development would include management of the understorey through slashing or mowing where required, selective planting and ongoing maintenance of vegetation for amenity and safety. Where new plantings are required to enhance the features of the site, indigenous species are to be used.

Documentation Submitted

- Report titled Application for an Environmental Significance Opinion, Supporting Documentation October 2015 (Umwelt);
- Indicative layout plan;
- Landscape Species List;
- Explanatory note regarding supporting documentation for the application for an Environmental Significance Opinion;
- Form 1M.

Natural conservation values present

As noted in the report, Block 2 contains 0.7 hectares of natural temperate grassland (NTG) and 0.6 hectares of box gum woodland. It is recognised that vegetation communities grade into each other and that boundaries between the two are not hard and fast. The definition of NTG excludes areas with more than 10% tree cover so the extent of this community within the development area is as mapped. However, in transition areas, such as in the development area, vegetation is not mutually exclusive as mapped in the ESO application, rather the vegetation in one area could correctly be mapped as to be consistent with more than one vegetation community. Although a species list is not provided in the application, the development area was inspected on 29 March 2011 and 39 native plant species recorded.

Striped Legless Lizard

The Gungahlin Valley is a national stronghold of the Striped Legless Lizard. Although the site has not been surveyed for the lizard, it does provide 0.9 ha of suitable habitat

(as mapped in the ESO application) and the lizard has been recorded nearby in Crace Nature Reserve and on land immediately to the East of Norwood Park.

Golden Sun Moth

The proposed development area contains around 0.9 ha of suitable habitat for Golden Sun Moth though the site has not been surveyed for this species.

Perunga Grasshopper

This grasshopper is largely restricted to the ACT region and is listed as a vulnerable species in the ACT. It has been recorded from about 25 locations, including the nearby Crace Reserve and north Kaleen grasslands. It has been recorded in similar vegetation as that within the proposal area and may be present.

Potentially Significant Environmental Impacts

In comparison to other areas, the Natural Temperate Grassland on the site has a high plant diversity and the Box Gum Woodland supports a low to medium diversity. The vegetation meets the Box Gum and Natural Temperate Grassland definitions under the *Commonwealth's Environment Protection and Biodiversity Conservation Act 1999* (EPBC). There are over 8000ha of EPBC Box Gum woodland remaining in the ACT and over 1000 ha of NTG, so a loss of this area is a minor component of the vegetation remaining. The proponents assessed whether the loss of 0.6 ha of relatively isolated Box Gum woodland and 0.7 ha of NTG could have a significant impact under the EPBC, and concluded that it wouldn't.

Within Gungahlin the population density of Striped Legless Lizard has consistently been found to be high, with up to 35 lizards per hectare. Even if it is assumed that the development site supports a high density, a maximum of 30 individuals would be present. This is only a small percentage of the total Gungahlin population estimated to at least number 6,000 individuals and may be greater than 10,000. As noted in the application there is a tenuous connection of habitat within the proposal area to known habitat in Crace Nature Reserve which is weedy and about 5-10m in width.

The Golden Sun Moth has been observed 500m south of the proposed development area, within Crace Nature Reserve, and is reasonably widespread across the native grasslands and open or secondary woodlands of Mitchell and East Gungahlin. The development area has not been specifically surveyed for this moth, but a site visit in early December 2015 on a day where moths should have been flying, did not locate any moths.

Further information was sought from the proponent as to the type of development that is proposed. The proponent submitted an indicative drawing showing proposed locations of footpaths etc and stated that:

- The footpath shown will have minimal impact and will meander through the vegetation;
- No irrigation;
- No fertilisers;
- No indigenous trees will be removed;
- Plants will be per local and existing species; and
- Rocks will be placed along the footpath for memorial purposes but these will be carefully placed to avoid impact to the environment.

Irrigating or fertilising the site would adversely impact on the existing native vegetation. Enhancing the planting with local species and managing the native vegetation appropriately means that the existing values and any species found on the site will be able to persist into the future.

The scale and location of proposed works as defined in the notated map is such that significant impact on important wildlife and vegetation will be avoided. The use of stepping stones in the paths are a good idea for maintaining connectivity for grassland fauna, and the proposed landscaping list uses appropriate species.

Weed management, particularly of invasive perennial tussock grasses such as Chilean Needle Grass and Serrated Tussock is an important component of management to retain the ecological values of the area.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO, they are unlikely to cause a significant adverse environmental impact.