



**CONSERVATION
COUNCIL** ACT REGION

Submission to the Australian Government DCCEEW Proposed crematorium near Callum Brae Nature Reserve (South Canberra Memorial Park EPBC Referral 2019/8595 Reconsideration)

September 2024

The Conservation Council ACT Region is the peak non-government environment organisation for the Canberra region. Since 1981, we have spoken up for a healthy environment and a sustainable future for our region. We harness the collective energy, expertise and experience of our more than 40 member groups to promote sound policy and action on the environment.

We campaign for a safe climate, to protect biodiversity in our urban and natural areas, to protect and enhance our waterways, reduce waste, and promote sustainable transport and planning for our city. Working in the ACT and region to influence governments and build widespread support within the community and business, we put forward evidence-based solutions and innovative ideas for how we can live sustainably.

At a time when we need to reimagine a better future, we understand that the changes we need will only happen with the collective support of our community.

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Introduction

The Conservation Council ACT Region appreciates the opportunity to provide comment on Invocare's proposed crematorium in Symonston (EPBC Referral 2019-8595 "South Canberra Memorial Park"), adjacent to the Callum Brae Nature Reserve.

More evidence has become available about the potential negative impacts of the proposed development on the endangered Yellow Box and Blakely's Red Gum Grassy Woodland that provides critical habitat to threatened species. Recent changes in ACT legislation also warrant reconsidering the project which was not required to conduct a full environmental impact assessment despite the presence of threatened species at the site.

Furthermore, the use of LPG (fossil gas) cremators is inconsistent with the ACT Government's target to phase out fossil gas in the Territory as detailed in its 2024 Integrated Energy Plan.

This submission broadly supports the recommendations made by the Friends of Callum Brae Nature Reserve (Request for Reconsideration documents provided in the EPBC Portal and other material), but may vary somewhat in content and perspective.

Critical ecological value

The Conservation Council acknowledges that some parts of the Symonston site were previously cleared for the Mugga Lane Zoo and may currently be of low biodiversity value, however, the site is in the midst of and surrounded by remnant woodland containing endangered Yellow Box and Blakely's Red Gum Grassy Woodland which provides critical habitat and connectivity.

The Council acknowledges that the proponent has revised the original proposal, however, the proponent still proposes removing mature trees from the Box Gum Woodlands. This ecological community, particularly on land surrounding the site, includes nesting sites for endangered Gang-Gang cockatoos and critically endangered Swift Parrots and nests of Coconut Ants, essential for breeding sites for the rare and protected Small Blue-Ant Butterfly.

Conservation advice¹ under the EPBC Act includes to "cease all land clearing of habitat critical to the survival of Gang-gang Cockatoo" and "retain hollow-bearing trees in all known Gang-gang Cockatoo nesting areas".

The proposed development would impact landscape connectivity. The Callum Brae Nature Reserve and the proposed crematorium complex site provide a valuable wildlife corridor, with connectivity to Mugga Mugga, Isaacs Ridge, Red Hill and Wanniasa Hills Nature Reserves. This is readily apparent in aerial views of the region. A long-term management aim for Callum Brae Nature Reserve is to maintain connectivity with other woodland areas to ensure there is ongoing viable habitat for threatened and declining woodland birds².

Development of the Symonston site would be yet another encroachment of urbanisation into diminishing native habitat, unacceptable in the face of an extinction crisis. This specific project may propose to clear only "7 mature remnant trees" and result in only "a small reduction in the

¹ Australian Government Department of Agriculture, Water and the Environment, 2022, Conservation Advice for *Callocephalon fimbriatum* (Gang-gang Cockatoo),

<https://environment.gov.au/biodiversity/threatened/species/pubs/768-conservation-advice-02032022.pdf> ² ACT Government, 2021, Nature Conservation (Canberra Nature Park) Reserve Management Plan 2021, p210.

<https://www.legislation.act.gov.au/View/di/2021-268/current/PDF/2021-268.PDF>

else. Then add that “small” loss to the impacts of previous and subsequent projects in the surrounding area plus the cumulative impacts of extreme weather and a warming climate, bushfires, pollution, invasive species and predation: this is precisely how our precious native ecosystems suffer a slow death by a thousand cuts. Protecting habitat from clearing is the easiest threat to alleviate, the threat that we have direct decision-making power and control over, and by which we can then provide the ecosystem with some measure of resilience to other, harder-to-manage threats.

The ACT Government should be rejecting development applications that would fragment remnant habitat. The site should instead be incorporated into the Callum Brae Nature Reserve.

Climate change impacts

The ACT Government has committed to net-zero emissions by 2045 including phasing out fossil gas. The ACT’s policy direction has been clearly articulated for over three decades through its Climate Change Strategies, legislated emissions reduction targets, and Climate Emergency Declaration.

The Synthesis Report of the IPCC’s Sixth Assessment Report (AR6-SYR) released in March 2023 is unequivocal in its statements about the urgency required in global emissions reductions.

“Keeping warming to 1.5°C above pre-industrial levels requires deep, rapid and sustained greenhouse gas emissions reductions in all sectors. Emissions should be decreasing by now and will need to be cut by almost half by 2030, if warming is to be limited to 1.5°C.”⁴

The documents lodged with ACT Government Environment, Planning and Sustainable Development Directorate under the Development Application 202138789 indicate that gas will not be reticulated to the site, so the Council’s assumption was that the crematorium will be fueled by LPG. This was confirmed by InvoCare Executive General Manager Stephen Nobbs in a Witness Statement for ACT Civil and Administrative Tribunal on 9 April 2024⁵.

The average cremation by fossil gas uses about the same amount of energy and produces about the same emissions as two tanks of fuel in an average car.⁶ The impact of greenhouse gas emissions was not considered in the Development Application 202138789, which was assessed under the Merit Track process without a full Environmental Impact Statement. As noted in the ACT Government’s review of the *Cemeteries and Crematoria Act 2003*, “opportunities for greater use of new technologies and methods like natural burial and alkaline hydrolysis need to be not just contemplated, but facilitated and promoted”.⁷

³ Capital Ecology, 2022, Proposed development of Block 1, Section 3, Symonston, ACT Ecological Impact Assessment Capital Ecology project no. 3176,

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/ENVIRONMENTALREPORT-202138789-S144G-01.pdf>

⁴ IPCC, 2023, ‘Urgent climate action can secure a liveable future for all’, Press release, 20 March, https://www.ipcc.ch/report/ar6/syr/downloads/press/IPCC_AR6_SYR_PressRelease_en.pdf

⁵ ACT Civil and Administrative Tribunal, 2023, Witness Statement by Stephen Nobbs, ACAT File Number AT101/2023

⁶ Little, B, 2019, ‘The environmental toll of cremating the dead’, National Geographic,

<https://www.nationalgeographic.com/science/article/is-cremation-environmentally-friendly-heres-the-science> ⁷ ACT Government, 2019, ‘Report on what we heard: Community engagement on review of the Cemeteries and Crematoria Act 2003’, https://hdp-au-prod-app-act-yoursay-files.s3.ap-southeast-2.amazonaws.com/2015/8198/8553/Listening_report_for_review_of_the_Cemeteries_and_Crematoria_Act.pdf

Regardless of the lack of a “climate trigger” in the EPBC Act and whether or not the crematorium would have greenhouse gas emissions above or below the 1kt threshold for

declaring emissions in an EIS, there is no possible justification for approving a development utilising fossil gas in the face of the climate emergency and the ACT Government's commitment to phase out gas in the Territory. It is imperative that we prevent all new fossil fuel projects, including this crematorium.

Regarding "availability of substantial new information" (paragraph 78(1)(a))

There is substantial new information about the impacts of the proposed action on listed threatened species and communities (sections 18 and 18A) that warrants DCCEEW revoking the "not a controlled action" decision and substituting that with a "controlled action" decision.

Swift Parrot habitat

The Australian Government's 'National Recovery Plan for the Swift Parrot' published in 2024 states that the Swift Parrot is "listed as critically endangered under the EPBC Act, and listed threatened in all parts of its range"⁸. This is a deterioration from its "Endangered" status since the 2011 National Recovery Plan⁹. The 2024 Recovery Plan goes on to unequivocally state that "if habitat continues to be lost across the species' range, ... the species will likely continue its downward trajectory and become extinct in the wild." Although only "small numbers" of Swift Parrots are observed in the ACT, "the migratory nature of the species means that they require a large network of resources" and "habitat critical to the survival of the Swift Parrot should not be destroyed". Also, "actions that have indirect impacts on habitat critical to the survival should be minimised (i.e. noise and light pollution)." The proposed crematorium would certainly have such impacts on surrounding habitat, see further operational details below.

Swift Parrot expert Dr Deborah Saunders provided new and substantial advice to the ACT Civil and Administrative Tribunal regarding ACT Development Application 202138788¹⁰. Saunders notes that "...an EPBC ACT referral for the site (2019-8595) ... does not consider the impacts on critically endangered Swift Parrots despite this ecological community being listed as key habitat in the National Swift Parrot Recovery Plan". The expert advice lists several factors "indicating the potential for the proposed development to have significant impacts on critically endangered Swift Parrots".

Dr Saunders reports that BirdLife Australia's 2021 national survey recorded a flock of up to 65 Swift Parrots at Callum Brae Nature Reserve, "the largest flock ever recorded in the ACT", equivalent to "10% of the global population" and "indicative of the growing importance of the region for the species", particularly "as changing environmental conditions are influencing habitat resource availability across the species' range".

⁸ DCCEEW 2024, National Recovery Plan for the Swift Parrot (*Lathamus discolor*), Department of Climate Change, Energy, the Environment and Water, Canberra. CC BY 4.0.

⁹ Saunders, D.L. and Tzaros, C.L. 2011. National Recovery Plan for the Swift Parrot *Lathamus discolor*, Birds Australia, Melbourne.

¹⁰ Saunders, D., 2024, 'Swift Parrot expert advice report', prepared for Friends of Callum Brae Nature Reserve, 11 March 2024

Dr Saunders notes winter foraging range sizes for this species are (or at least can be) very small at between 250-500 ha of habitat for the entire winter period, making every known site important.

Conservation biologist at the Fenner School of Environment and Society, ANU, Professor Robert Heinsohn also provided an 'Expert Witness Statement' on the importance of Callum Brae Nature Reserve for critically endangered Swift Parrots.¹¹ The key recommendation is that

“Our research together with observations by local ornithologists confirm that Callum Brae Nature Reserve is an essential patch of habitat used regularly by critically endangered Swift Parrots while they are on migration to SE Australia. Disturbance to the integrity of Callum Brae Nature Reserve will further limit the availability of essential, high quality habitat to this species across its winter range.”

Heinsohn observes that “cumulative impacts of persistent, small-scale habitat loss are a pervasive threat” and that “there will need to be major efforts to minimise the cumulative impacts that habitat loss in their wintering grounds might have”. “Callum Brae is likely to continue to be of high importance to Swift Parrots in the future and its ecological integrity must be preserved”. Heinsohn urges decision-makers to “avoid any actions that will impact on the integrity of this patch of habitat”.

Professor Heinsohn tendered the same advice to the ACT Civil and Administrative Tribunal in an expert statement dated 23 April 2024¹². Heinsohn states:

“The proposed development adjacent to Callum Brae is likely to undermine the network of key Swift Parrot habitat in the ACT that is becoming increasingly important. Small patches of habitat such as that of Callum Brae Nature Reserve are often only viable because of remaining habitat (in this case mature trees) bordering the reserve. Even single mature trees outside of a reserve may prove essential to maintain the quality of the habitat inside the reserve. The proposed development will exacerbate habitat loss and increase fragmentation and degradation of a site now known to be of great importance to at least 10 percent of the remaining Swift Parrot population.”

“Therefore, the proposed development ... is likely to have a significant adverse impact on the critically endangered Swift Parrot given it would: Exacerbate habitat loss, fragmentation and degradation of a known Swift Parrot site.”

In Capital Ecology's report for InvoCare's EPBC Act referral 2019-8595, the Swift Parrot *Lathamus discolor* is listed in Table A1 (on p. 42)¹³, incorrectly listed as “endangered” on the EPBC status and as “vulnerable” on the NC ACT status, rather than “critically endangered” on both the EPBC and the ACT status. The Capitol Ecology advice stated “the species may move through the site during winter, however this is unlikely due to the paucity of records of the species in the region.”

¹¹ Heinsohn, R, 2023, 'Importance of Callum Brae Nature Reserve, A.C.T., for critically endangered Swift Parrots (*Lathamus discolor*): Expert Witness Statement by Professor Robert Heinsohn', 15 December 2023

¹² ACT Civil and Administrative Tribunal, 2024, COLLETT & ORS v ACT PLANNING AND LAND AUTHORITY (Administrative Review) [2024] ACAT 39 AT 101/2023, paragraph 23, https://www.acat.act.gov.au/__data/assets/pdf_file/0005/2460443/COLLETT-and-ORS-v-ACT-PLANNING-AND-LAND-AUTHORITY-2024-ACAT-39.pdf

¹³ Capital Ecology, 2022, Proposed development of Block 1, Section 3, Symonston, ACT Ecological Impact Assessment Capital Ecology project no. 3176, <https://dafinder.blob.core.windows.net/dadocuments/DOCs/ENVIRONMENTALREPORT-202138789-S144G-01.pdf>

A more recent expert report by Capital Ecology acknowledges these errors and notes that “the referral of the proposed action under the EPBC Act ... did not specifically assess the impact of the proposed action on the Swift Parrot”¹⁴. This 2024 report acknowledges more recent observations of migratory movements and concludes that “Callum Brae Nature Reserve and other adjoining areas of woodland, including the site, clearly supports foraging habitat for the

Swift Parrot during the autumn-winter migration period” and “the actions relevant to the WCMP [committed under the EPBC Act referral] alone do not address material ongoing mitigation measures for the loss/degradation of habitat connectivity and foraging habitat within the remainder of the site, including the development area, for species reliant on high quality Box-Gum Woodland in the locality, such as the Swift Parrot”.

Based on the recent evidence and advice tendered by Saunders and Heinsohn, Dr Laura Rayner, Senior Ecologist at ACT Parks and Conservation Service, also altered her advice to the ACT Planning and Land Authority via the ACAT investigation¹⁵.

“My opinion expressed on 24 August 2023 has changed. I believe that the development will have a significant impact on Swift Parrots as it will result in the fragmentation of important and limited foraging habitat, which has been identified by experts as a threatened process and contributor to decline of the species. ... my advice is that an alternate site is located for the development.”

The ACAT Tribunal itself “is satisfied that the issue is real and not merely colourable”, ie it found this new evidence compelling enough to order the ACT Planning and Land Authority “to send a written request to the Commonwealth Department of Climate Change, Energy, the Environment and Water” asking “does any of the material provided with this request change the Department’s views?”¹⁶.

Greenhouse gases, pollutants and toxic emissions

The EPBC Referral 2019-8595 and Development Application 202138789 provided no information about the type of cremators to be installed at the site.

Substantial new information about the proposed cremator and its operation has been provided by InvoCare Executive General Manager Stephen Nobbs in a Witness Statement for the ACT Civil and Administrative Tribunal¹⁷. It states the following regarding cremators:

“The currently favoured cremator proposed for this Site will be one of the newest generations, produced by Facultatieve Technologies, which will have the ability to be gas fuelled and electric/alternative gas hybrid fuelled once the supply of alternative gas (i.e. Hydrogen) becomes available. The fuel for the cremator will be LPG (bottled gas) stored onsite. There will be no mains gas connection on the Site.”

The Australasian Cemeteries & Crematoria Association (ACCA) notes that

¹⁴ Capital Ecology, 2024, ‘Administrative review of the conditional approval of Development Application 202138789 in respect of Block 1 Section 3, Symonston, ACT (ACAT reference AT101/2023): Expert report by Mr Robert Speirs regarding the probable impact of the conditionally approved development of Block 1, Section 3, Symonston, ACT on the Swift Parrot Lathamus discolor habitat and Callum Brae Nature Reserve’, 9 April 2024, Capital Ecology project no. 3314.

¹⁵ Rayner, L, 2024, Witness Statement, ACT Civil and Administrative Tribunal, ACAT File Number AT101 of 2023, 22 April 2024

¹⁶ ACT Civil and Administrative Tribunal, 2024, Collet & Ors v ACT Planning and Land Authority (Administrative Review) [2024] ACAT 39, ACAT File Number AT101/2023,

https://www.acat.act.gov.au/__data/assets/pdf_file/0005/2460443/COLLETT-and-ORS-v-ACT-PLANNING-AND-LAND-AUTHORITY-2024-ACAT-39.pdf

¹⁷ ACT Civil and Administrative Tribunal, 2023, Witness Statement by Stephen Nobbs, ACAT File Number AT101/2023

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“The ACCA members that operate crematoria will discover that carbon emission contribution from their gas fired cremators is a significant percentage of their total carbon footprint.¹⁸”

“... over 70% of Australians who pass away chose to be cremated – a process that consumes over 35 kg (285 kilowatt hours) of natural gas or LPG ... The total equivalent carbon cost/person cremated is ≈400kg CO₂e-, equating to ≈47.4 million kg

CO₂e being released annually.”

The Cemetery Development Services (CDS) Group estimates that the UK’s crematoriums release approximately 245 kg of carbon [dioxide] into the atmosphere for every gas cremation¹⁹, and observes that

“emissions of this scale are not only a danger to our environment but the NO_x [nitrous oxide] emissions are also a potential danger to public health - particularly to young children”.

Nobbs’ statement gives no timeline for the possible switch from fossil gas to hydrogen, nor is “the ability” to be fuelled by alternative gas a firm commitment to doing so. There is no information about how much this switch would reduce greenhouse gas emissions from the proposed facility. Truly “green” zero-emissions hydrogen gas is not currently widely available nor economically feasible for many commercial purposes in Australia, so it may be many years before this switch is contemplated. Indeed, the feasibility of replacing LPG with hydrogen for cremations is still in early stages of investigation, such as a project being led by Austeng in Victoria²⁰. Copeland observes that “waiting ... in the hope that a switch to hydrogen becomes viable is simply avoiding the issue when viable alternatives to gas exist now”, such as electric cremators in Europe “run on a green energy tariff” that release “around 90% less carbon than an conventional gas cremator with only carbon from the combustion of the body and the coffin entering the local environment”²¹.

Furthermore, regardless of the fuel providing the heat, the chemical process of cremating organic (carbon-rich) material (i.e. coffin and body) unavoidably produces and releases to the atmosphere carbon dioxide, a key contributor to climate change. There is no information about what the residual greenhouse gas emissions would be from the facility after a switch to hydrogen.

All cremators emit heat and pollutants, including mercury and fine particulate matter²², and even radioactive particles from deceased cancer patients²³. The data sheet about the preferred (but not confirmed) FTIII cremator supplied with Nobbs’ ACAT Witness Statement (Annexures SN3 and SN4) claims that the design of the combustion chambers:

¹⁸ Australasian Cemeteries & Crematoria Association, 2023, ‘Geelong company leads the way with renewable hydrogen cremation for sustainable death’,

<https://accaweb.com.au/geelong-company-leads-the-way-with-renewable-hydrogen-cremation-for-sustainable-death>

/ ¹⁹ Copeland, B, 2020, ‘The UK cremation industry emissions’, The CDS Group (Cemetery Development Services),

<https://www.thecdsgruop.co.uk/news/the-uk-cremation-industry-emissions>

²⁰ Australasian Cemeteries & Crematoria Association, 2023, ‘Geelong company leads the way with renewable hydrogen cremation for sustainable death’,

<https://accaweb.com.au/geelong-company-leads-the-way-with-renewable-hydrogen-cremation-for-sustainable-death>

/ ²¹ Copeland, B, 2020, ‘The UK cremation industry emissions’, The CDS Group,

<https://www.thecdsgruop.co.uk/news/the-uk-cremation-industry-emissions>

²² Mari, M & Domingo, JL, 2010, ‘Toxic emissions from crematories: A review’, Environmental International, vol 36 iss 1 pp131-7,

<https://doi.org/10.1016/j.envint.2009.09.006>

²³ O’Keeffe, J, 2020, ‘Crematoria emissions and air quality impacts’, National Collaborating Centre for Environmental Health (Canada), <https://ncceh.ca/resources/evidence-reviews/crematoria-emissions-and-air-quality-impacts>

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- “ensures very low levels of Carbon Monoxide and Volatile Organic Compounds in the resulting flue gases from the cremator”
- “ensures excellent destruction of gaseous micropollutants such as Dioxins and Furans to very low levels”
- “ensure particulate emission levels do not exceed the requirements of local legislation”
- Pollutants such as Hydrogen Chloride, Hydrogen Fluoride and Sulphur Dioxide are limited by careful consideration of coffin construction materials
- Other pollutants [such as mercury from dental amalgam, oxides of nitrogen] require post

combustion treatment such as reagent addition and filtration to achieve lower emissions limits.

Nobbs states that there are “generally no plumes of smoke”, but these “very low levels” are not zero, meaning that there is the possibility of toxins being released to the local environment even if the cremator is operated correctly, at optimum efficiency and applying the highest possible standards for coffin materials and “personal memorial items included in the casket”²⁴.

While each individual crematorium may produce “relatively low total emissions compared to other types of incineration facilities such as municipal waste incinerators or industrial processes”²⁵, the aggregate carbon pollution from all of the ACT’s crematoria and the predicted increase in the number of cremations as Canberra’s population grows²⁶ cannot be dismissed.

Impact from operations

The EPBC Referral 2019-8595 and Development Application 202138789 provided little detail about operation of the proposed crematorium.

Again, Nobbs’ Witness Statement to ACAT provides substantial new information. It states the following regarding operation of the proposed crematorium:

“The Site is proposed to be operational 7 days per week. ... taking guidance from other InvoCare existing Memorial Parks, the chapel could host up to 4-6 services per day. Regarding attendance, this varies from one funeral service to another. The proposed development has a capacity of 100 for the new chapel.”

With a projected four to six cremations per day, seven days a week with up to 100 people coming and going with each cremation, the noise, traffic and general disruption has the potential to have a serious impact on foraging and visits by birds, insects and small mammals, both on the proposed development site as well as the adjoining Callum Brae Nature Reserve.

Southern Memorial Park and Boral Mugga Quarry Extension

On the EPBC Referral 2019-8595, question 1.16 Is the proposed action related to other actions or proposals in the region? InvoCare answered “No”, yet there is a planned ACT Government-owned public Southern Memorial Park, Mugga Lane, Hume, less than 5 km from Block 1 Section 3 Mugga Lane, Symonston, ACT. InvoCare has been aware of and involved in the planning of that nearby Southern Memorial Park since at least 2018.

²⁴ibid.

²⁵ibid.

²⁶ ACT Civil and Administrative Tribunal, 2023, Witness Statement by Stephen Nobbs, ACAT File Number AT101/2023

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The critically endangered Yellow Box and Blakely’s Red Gum Grassy Woodlands are also under threat to the south where the Boral Mugga Quarry was given approval in 2019 to expand, removing approximately 50 trees (determined as a Controlled Action under the EPBC Act, reference 2018/8151). This would also likely have been known to InvoCare, yet was not acknowledged in its EPBC referral.

Whilst best-practice management of cemeteries has the potential to enhance biodiversity (such as Project Cultivate at Melbourne General Cemetery²⁷ and Wirra Wonga in Adelaide²⁸, the aggregate effect of these multiple projects in Symonston will exacerbate edge effects and worsen the tenuous connectivity Callum Brae has with the other remnant wooded vegetation in the area.

The possible impact on critically endangered Yellow Box and Blakely's Red Gum Grassy Woodland, threatened bird populations as well as other flora and fauna is dismissed in the EPBC 2019-8595 referral with the statement that "the operation of the crematorium has potential to have a minor impact on the environment".

Regarding "substantial change in circumstances" (paragraph 87(1) (aa))

Urban Forest Act 2023 (ACT), ACT Nature Conservation Action Plan 2023, and updated conservation advice

On 1 January 2024, the ACT *Urban Forest Act 2023* replaced the *Tree Protection Act 2005*:

"classifying all trees on public land as protected, reducing the size requirements for protected trees on private land, and protecting dead native trees that provide essential habitat elements for local fauna."²⁹

This protects all trees more than 8 metres tall, with a canopy over 8 metres wide, or 1 metre in circumference measured at 1.4 metres above the ground (reduced from 12 metres tall, or with a canopy 12 metres wide).³⁰ The Act also protects dead native trees with a circumference of 1.88 metres or more at 1.4 metres above ground level.

The loss of mature native trees (including hollow-bearing trees) and a lack of recruitment was added to the List of Key Threatening Processes under section 87 of the ACT *Nature Conservation Act 2014*.

²⁷ Australasian Cemeteries & Crematoria Association, 2024, 'Project Cultivate - Melbourne Cemetery's groundbreaking grasslands approach 'priceless'',

<https://accaweb.com.au/project-cultivate-melbourne-cemeterys-groundbreaking-grasslands-approach-priceless/> ²⁸ Australasian Cemeteries & Crematoria Association, 2023, 'Sustainability success grows for industry leader - Adelaide Cemeteries',

<https://accaweb.com.au/sustainability-success-grows-for-industry-leader-adelaide-cemeteries/> ²⁹ ACT Government, 2024, 'Canberra's tree protection laws have changed', Environment, Planning and Sustainable Development Directorate - Environment, <https://www.environment.act.gov.au/home/home-news-listing/canberras-tree-protection-laws-have-change>

³⁰ ACT Government, 2024, 'Tree protection laws', City Services, <https://www.cityservices.act.gov.au/trees-and-nature/trees/tree-protection-laws>

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The ACT Conservator of Flora and Fauna in its Conditional Environmental Significance Opinion dated 5 May 2023³¹ notes that "the proposed development is a ... proposal for an activity requiring an EIS Schedule 4, being: ... a development that may impact on a species or ecological community that is endangered". The Conservator further notes that the site contains the endangered Yellow Box-Blakely's Red Gum Woodland and four animal species listed as threatened under the *Nature Conservation Act 2014*, as well as many regionally threatened or declining species.

"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 – Blakely'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.”

Despite this, the Conservator granted the ESO and the proponent has consistently avoided having to conduct a full environmental assessment.

However, in the ACAT hearing in late May 2024³², the Conservator stated:

“I note that Dr Rayner has considered new scientific information made available [by Dr Saunders and Prof Heinsohn] during ACAT process and confirmed that this would have altered her advice to the Conservator. There is therefore the potential that the Conservator’s original decision may have been different on granting an ESO, or the nature and type of conditions imposed, if Dr Rayner’s advice was different.”

The Conservation Advice for the White Box - Yellow Box - Blakely’s Red Gum Grassy Woodland and Derived Native Grassland³³ was updated in April 2023 and advises to “protect the ecological community to prevent further losses”, “protect key habitat features such as mature trees with hollows” and “ensure that cumulative impacts on the ecological community are reduced as part of broader strategic planning or large projects”. These actions should occur regardless of the current zoning of the land. The Conservation document also advises to “retain other native vegetation remnants, near patches of the ecological community, where they are important for connectivity, diversity of habitat and act as buffer zones between the ecological community and threats or development zones”.

The ACT Government’s ‘Loss of Mature Native Trees Key Threatening Process: Action Plan’ published in 2023³⁴ is clear about the value of mature and dead native trees, even isolated trees or small remnant patches. The first action recommended is developing policy to “avoid lopping

³¹ Planning and Development (Conditional Environmental Significance Opinion – Block 1, Section 3, Symonston – Symonston Crematorium and Memorial Park) Notice 2023 (No 2), <https://legislation.act.gov.au/DownloadFile/ni/2023-245/20230512-80941/PDF/2023-245.PDF>

³² ACT Civil and Administrative Tribunal, 2024, COLLETT & ORS v ACT PLANNING AND LAND AUTHORITY (Administrative Review) [2024] ACAT 39 AT 101/2023, paragraph 39, https://www.acat.act.gov.au/__data/assets/pdf_file/0005/2460443/COLLETT-and-ORS-v-ACT-PLANNING-AND-LAND-AUTHORITY-2024-ACAT-39.pdf

³³ Australian Government Department of Climate Change, Energy, the Environment and Water, 2023, Approved Conservation Advice for the White Box - Yellow Box - Blakely’s Red Gum Grassy Woodland and Derived Native Grassland, <https://environment.gov.au/biodiversity/threatened/communities/pubs/43-conservation-advice.pdf>

³⁴ ACT Government, 2021, Nature Conservation (Loss of Mature Native Trees Key Threatening Process) Action Plan 2023, Environment, Planning and Sustainable Development Directorate, <https://www.legislation.act.gov.au/View/di/2023-230/current/PDF/2023-230.PDF>

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or felling non-registered native trees in urban public spaces to extend standing life of trees, particularly through to hollow development and beyond”. Action 22 says “ensure additional reserves ... and regeneration activities are planned to maximise connectivity where possible”.

Given the tightening of these protections, any further clearing of native vegetation or removal of mature trees within the Callum Brae precinct should be considered a Key Threatening Process under the ACT *Nature Conservation Act 2014* and should not be allowed to proceed.

TPG takeover InvoCare

On 9 August 2024, InvoCare announced that it had entered into a Scheme Implementation Deed with TPG to acquire 100% of InvoCare shares via a Scheme of Arrangement.³⁵ There is no readily available information about whether or how this acquisition might affect the proposed development at Symonston or the environmental management plan into the future.

New regulation prohibiting fossil gas

Since the original EPBC referral and “not a controlled action” decision by DCCEEW on 26 May 2020, the ACT Government elected in October 2020 committed in the Parliamentary and Governing Agreement for the 10th Legislative Assembly³⁶ to phase out fossil-fuel gas. This has been actioned through regulation banning new gas connections (December 2023)³⁷ and in the 2024-2030 Integrated Energy Plan released in June 2024³⁸.

Because the Development Application was submitted and approved before the 2023 regulation came into effect, the project is technically not prohibited from using gas. That approval should be revoked, given the industrial-scale consumption of gas by the cremators and the likelihood that the site will be in operation for decades to come and years beyond the ACT Government’s target of net zero emissions by 2045.

The Conservation Council understands that the EPBC Act does not contain a “climate trigger”. However, given that successive State of the Environment reports continue to identify climate change as a key threat to the environment, any project that includes the burning of fossil fuels should be considered to be a threat to the environment. There are other far less impactful methods of dealing with human remains: there is no need to incinerate them, especially with atmosphere-polluting fossil fuel energy.

New policy rejecting waste-to-energy

In March 2020, the ACT Government released the ACT Waste-to-Energy Policy 2020-25 under which “thermal treatment of waste including, incineration, gasification and pyrolysis will not be

³⁵Invocare, (2024), ‘For shareholders: Acquisition of InvoCare now complete’, <https://www.invocare.com.au/investor-relations/for-shareholders/>

³⁶Barr, A, Berry Y, & Rattenbury, S, 2020, Parliamentary and Governing Agreement: 10th Legislative Assembly for the Australian Capital Territory, https://www.cmtedd.act.gov.au/__data/assets/pdf_file/0003/1654077/Parliamentary-Agreement-for-the-10th-Legislative-Assembly.pdf

³⁷Rattenbury, S, 2023, ‘Regulation to prevent new gas connections starts in December’, ACT Government Media Release, 30 November 2023, https://www.cmtedd.act.gov.au/open_government/inform/act_government_media_releases/rattenbury/2023/regulation-to-prevent-new-gas-connections-starts-in-december

³⁸ACT Government, 2024, The Integrated Energy Plan: Our pathway to electrification 2024-2030, Environment, Planning and Sustainable Development Directorate, https://www.climatechoices.act.gov.au/__data/assets/pdf_file/0006/2509458/integrated-energy-plan-2024-2030.pdf

Conservation Council ACT Region: Submission to DCCEEW re Crematorium near Callum Brae Nature Reserve 10 permitted in the ACT³⁹, based on community concerns about greenhouse gas emissions and respect for the resource management hierarchy.

Human and animal bodies are generally classified as “medical waste” which is most often “disposed of” by incineration. However, if considered as organic material, there are several less-energy-intensive methods gaining popularity by which bodies could contribute their carbon-rich matter back to the ground, usefully cycling their nutrients as nature intends⁴⁰.

Continuing to cremate bodies is inconsistent with both the ACT’s waste management policy and circular economy strategy.

Summary and Recommendations

Developing the Block 1 Section 3 Symonston site bounded by Mugga Lane, Narrabundah Lane and Callum Brae Nature Reserve would unacceptably impact threatened bird species and the Yellow Gum and Blakely's Red Gum Grassy Woodland ecological community and habitat connectivity across the landscape.

Building a facility that would consume significant amounts of fossil gas is also unacceptable given the global climate emergency and recent policy and legislation by the ACT Government.

The Conservation Council supports the assertion by the Friends of Callum Brae Nature Reserve that InvoCare's proposed crematorium project should be determined **a controlled action** and should be subject to a full environmental impact assessment.

The Conservation Council recommends that:

- InvoCare's proposed crematorium project should be determined **a controlled action** and should be subject to a full environmental impact assessment;
- Valuable habitat containing mature trees on the Symonston site should be incorporated into the Callum Brae Nature Reserve, protected from any future development, and managed to enhance its regeneration and biodiversity value to maximise connectivity with other local habitat;
- No new crematorium in the ACT should be permitted to use fossil gas;
- Alternative sites and burial methods should be investigated; and
- At the least, in the event that a facility for treating human remains is approved for the Symonston site, the avoidance/mitigation measures recommended by Capital Ecology⁴¹ should be implemented in full and ongoing compliance be ensured by the ACT Government.

³⁹ ACT Government, 2020, ACT Waste-to-Energy Policy 2020-25, https://hdp-au-prod-app-act-yoursay-files.s3.ap-southeast-2.amazonaws.com/3815/8509/9072/TCCS_ACT_Waste_to_Energy_Policy.pdf

⁴⁰ Yang, A, 2023, 'Rest in ... compost? These 'green funerals' offer an eco-friendly afterlife', National Geographic, <https://www.nationalgeographic.com/environment/article/rest-in-compost-these-green-funerals-offer-an-eco-friendly-afterlife> ⁴¹ Capital Ecology, 2024, 'Administrative review of the conditional approval of Development Application 202138789 in respect of Block 1 Section 3, Symonston, ACT (ACAT reference AT101/2023): Expert report by Mr Robert Speirs regarding the probable impact of the conditionally approved development of Block 1, Section 3, Symonston, ACT on the Swift Parrot Lathamus discolor habitat and Callum Brae Nature Reserve', 9 April 2024, Capital Ecology project no. 3314.