

# Heritage (Decision about Provisional Registration of Grassland Earless Dragon Habitat, Jerrabomberra and Majura) Notice 2017

Notifiable Instrument NI2017–496

made under the

Heritage Act 2004, s32 (Decision about provisional registration) and s34 (Notice of decision about provisional registration)

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**1 Name of instrument**

This instrument is the *Heritage (Decision about Provisional Registration of Grassland Earless Dragon Habitat, Jerrabomberra and Majura) Notice 2017*.

**2 Decision about provisional registration**

On 21 September 2017, the ACT Heritage Council (the **Heritage Council**) decided not to provisionally register the Grassland Earless Dragon Habitat, Jerrabomberra and Majura (the **Place**).

**3 Description of the Place**

The description of the Place is in the schedule.

**4 Reason for the decision**

The Heritage Council decided not to provisionally register the Place because registration of the place is prohibited under s 42A of the *Heritage Act 2004*, as the Place only has natural heritage significance of a kind that is protected under the *Nature Conservation Act 2014*. A detailed statement of reasons is provided in the schedule.

## **5 Date decision takes effect**

The decision not to provisionally register the Place takes effect on 22 September 2017 (being the day after the Heritage Council made its decision in writing as set out in the schedule).

Jennifer O'Connell  
Secretary (as delegate for)  
ACT Heritage Council  
21 September 2017



## ACT Heritage Council

**STATEMENT OF REASONS**  
**DECISION NOT TO PROVISIONALLY REGISTER**  
**GRASSLAND EARLESS DRAGON HABITAT (JERRABOMBERRA AND MAJURA)**  
**IN THE ACT HERITAGE REGISTER**

### Description

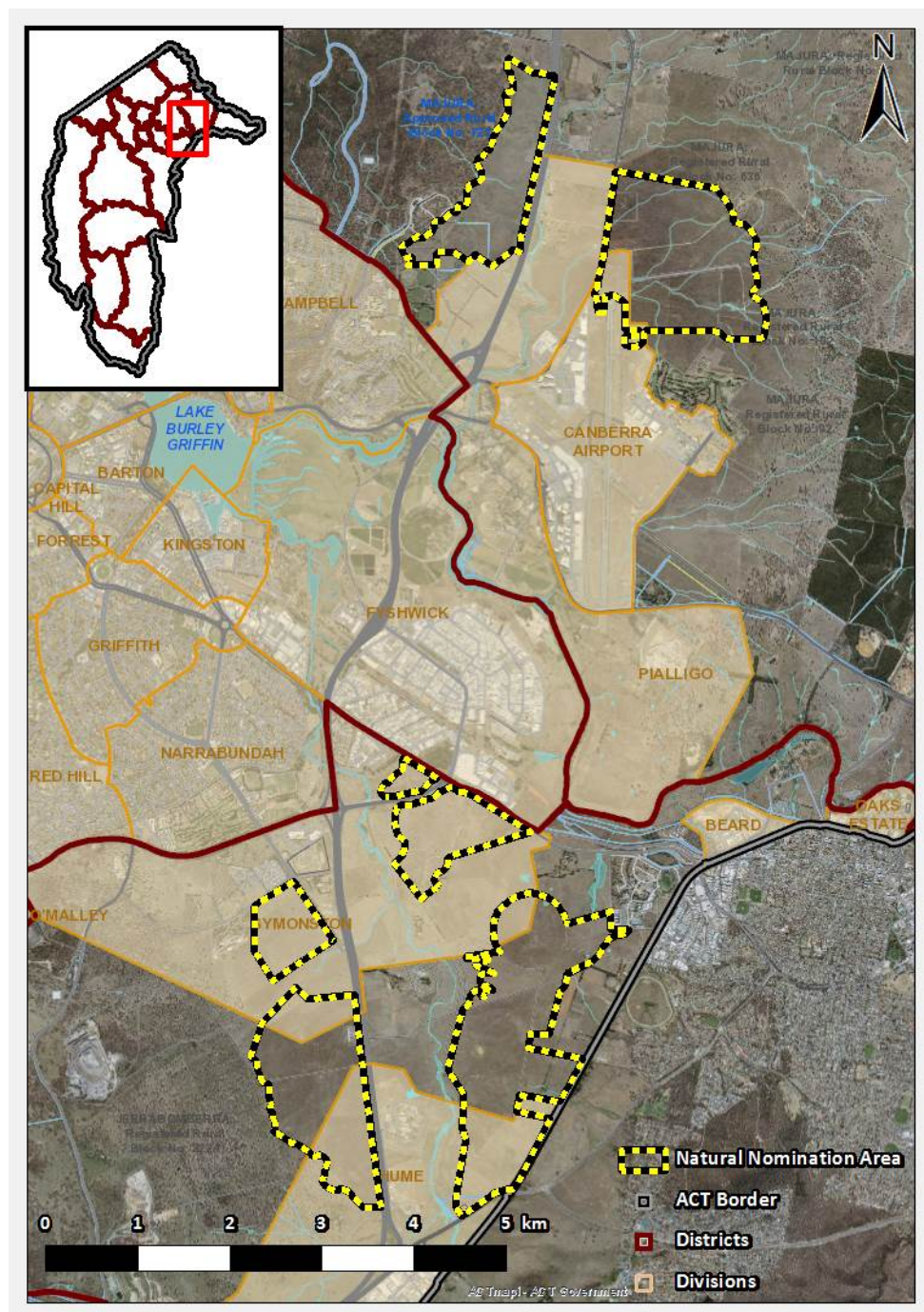
The Grassland Earless Dragon (*Tympanocryptis pinguicolla*) is a nationally endangered small lizard with a stout body and short robust limbs. These lizards have three thin light stripes from their head down to their tail and underneath are either intricately patterned with dark brown or grey markings or immaculate white or cream. Grassland Earless Dragon Habitat (Jerrabomberra Valley and Majura Valley) is the location (Figure 1) of a place that has been nominated for its natural heritage significance. In the past, the Grassland Earless Dragon was found near Melbourne, Rutherglen, Bathurst, Cooma and Canberra. Now the species is known to occur in suitable native grassland habitat in the Majura and Jerrabomberra valleys in the ACT and at 'Letchworth' near Queanbeyan in NSW. It has also been recorded at several sites near Cooma in NSW.

### Reasons for Decision

The Council has considered the nomination at its meeting of 21 September 2017 and decided that Grassland Earless Dragon Habitat, Jerrabomberra and Majura, is not able to be registered under the *Heritage Act 2004* because registration of places or objects under this Act is prohibited if they only have natural heritage significance of a kind that is protected by the *Nature Conservation Act 2014*. The details of this are:

1. the Conservator of Flora and Fauna has advised the Council that the place includes, or is likely to include, the habitat of a threatened native species/threatened ecological community/key threatening process, i.e. Natural Temperate Grassland, *Aprasia parapulchella* (Pink-Tailed Worm Lizard), *Delma impar* (Striped Legless Lizard), *Perunga ochracea* (Perunga Grasshopper), *Rutidosis leptorhynchoides* (Button Wrinklewort), *Synemon plana* (Golden Sun Moth) and *Tympanocryptis pinguicolla* (Grassland Earless Dragon), which means that the place has protection under the *Nature Conservation Act 2014* and section 42A of the *Heritage Act 2004* applies and therefore limits the ability of the place to be added to the Heritage Register; and
2. with section 42A applying to the place, the Council may only register it if it also has cultural heritage significance (as defined under section 10B of the *Heritage Act 2004*), or, if the habitat of a threatened native species or ecological community has natural heritage significance of a kind that is not protected under the *Nature Conservation Act 2014* and:
  - a. the Council considers that this nomination does not have any cultural heritage significance, and areas of cultural heritage significance within the geographic area of the nomination are already captured by existing registrations or nominations; and
  - b. the nomination is for a kind of natural heritage significance that is protected under the *Nature Conservation Act 2014* as a part of the protected habitat of a threatened native species or ecological community.

This decision respects the protection and management of the natural heritage of the place under the *Nature Conservation Act 2014*, which is integrated into the land planning and development system, and as such is consistent with the functions of the Council under section 18(c) of the *Heritage Act 2004* to work within the land planning and development system to achieve appropriate conservation of the ACT's natural and cultural heritage places and objects. This includes protection for Aboriginal places and objects, as well as addressing the function in section 18(e) of the *Heritage Act 2004* to encourage and assist in appropriate management of heritage places and objects. As detailed in section 42A, many places of natural heritage significance are appropriately protected by the *Nature Conservation Act 2014* and further protection measures under the *Heritage Act 2004* are not appropriate.



**Figure 1** Nomination boundary for Grassland Earless Dragon Habitat (Jerrabomberra and Majura)