

Heritage (Decision about Provisional Registration of the Conder 4A Grassy Woodlands) Notice 2018

Notifiable Instrument NI2018–531

made under the

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

1 Name of instrument

This instrument is the *Heritage (Decision about Provisional Registration of the Conder 4A Grassy Woodlands) Notice 2018*.

2 Decision about provisional registration

On 20 September 2018, the ACT Heritage Council (the **Heritage Council**) decided not to provisionally register the Conder 4A Grassy Woodlands (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 21 September 2018 (being the day after the Heritage Council made its decision in writing as set out in the schedule).

Jennifer O’Connell (as delegate for)
ACT Heritage Council
20 September 2018



ACT Heritage Council

STATEMENT OF REASONS DECISION NOT TO PROVISIONALLY REGISTER CONDER 4A GRASSY WOODLANDS IN THE ACT HERITAGE REGISTER

Description

The Conder 4A Grassy Woodlands nomination area contains Yellow Box–Red Gum Grassy Woodlands which are an endangered ecological community in the ACT and contains an unusually diverse range of flora.

Reasons for Decision

The Council considered the nomination at its meeting of 20 September 2018 and decided that the Conder 4A Grassy Woodlands is not able to be registered under the *Heritage Act 2004* because registration of places or objects under this Act is prohibited if they have only natural heritage significance of a kind that is protected by the *Nature Conservation Act 2014*. The details of this are:

1. the place includes the habitat of a threatened ecological community, i.e. it contains Yellow Box–Red Gum Grassy Woodlands, 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 it is a part of the habitat of a threatened native species or ecological community but not threatened itself, is of a kind of natural heritage significance that is not protected under the *Nature Conservation Act 2014* and:
 - a. the Council considers that any cultural heritage significance is already captured by existing registrations or nominations and that the nomination under assessment does not include any other cultural heritage significance; and
 - b. the nomination is for a kind of natural heritage significance that will be 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.

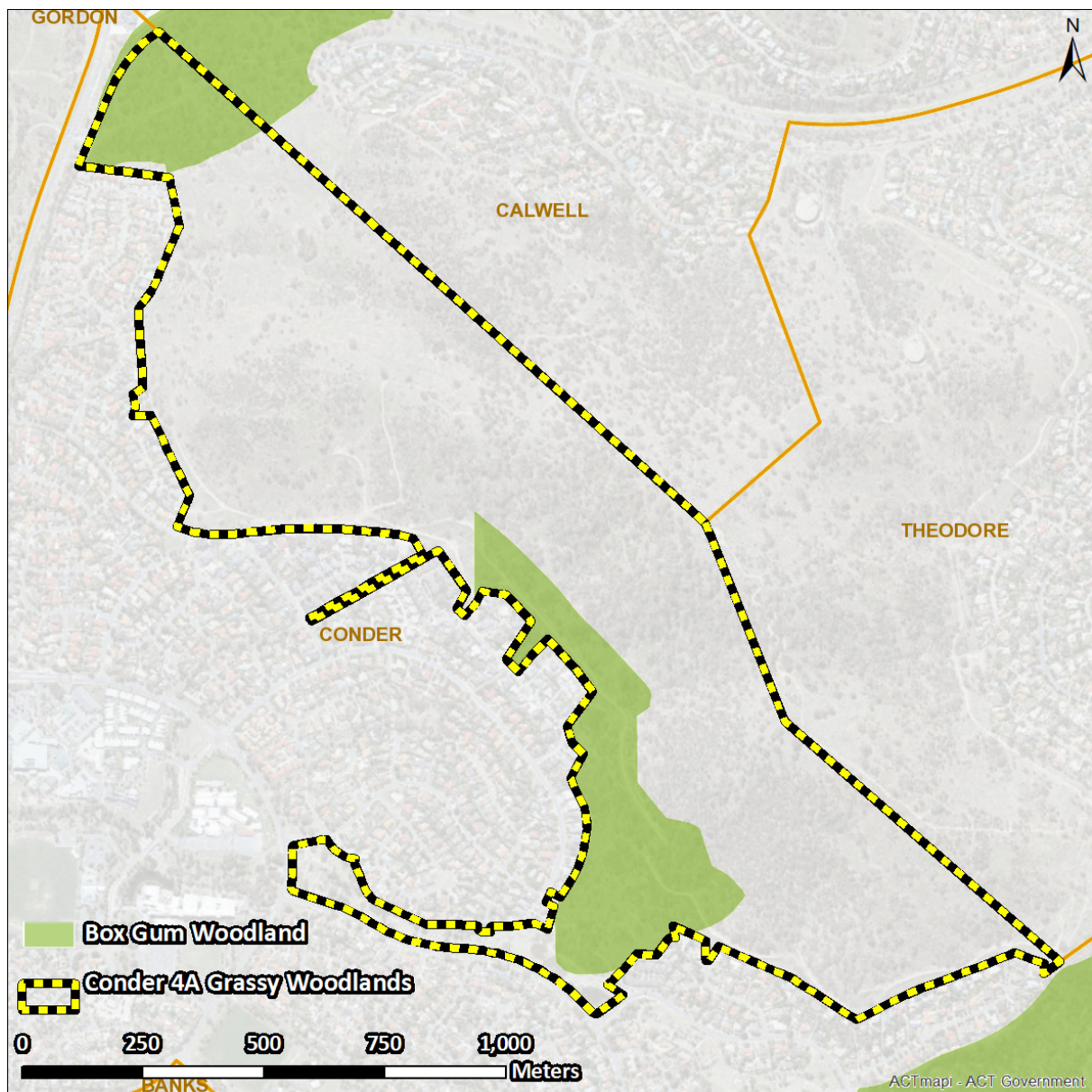


Figure 1 Natural Nomination location (boundary encompasses Section 117 Block 15 which contains the habitat)