

Heritage (Decision about Provisional Registration of Molonglo River to Barton Highway Woodland) Notice 2017

Notifiable Instrument NI2017–497

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 Molonglo River to Barton Highway Woodland) Notice 2017*.

2 Decision about provisional registration

On 21 September 2017, the ACT Heritage Council (the **Heritage Council**) decided not to provisionally register the Molonglo River to Barton Highway Woodland (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

Schedule

(See sections 3 and 4)



ACT Heritage Council

STATEMENT OF REASONS

DECISION NOT TO PROVISIONALLY REGISTER MOLONGLO RIVER TO BARTON HIGHWAY WOODLAND IN THE ACT HERITAGE REGISTER

Description

Molonglo River to Barton Highway Woodland is the location (Figure 1) of a place that has been nominated for its natural heritage significance. It represents the original woodland landscape that was once part of a grassy woodland mosaic covering much of inland south-eastern Australia. Extensive examples of this kind that are largely unmodified and have a high level of connectivity are now rare and it includes habitats for a range of native flora and fauna, including threatened species and ecological communities.

Reasons for Decision

The Council considered the nomination at its meeting of 21 September 2017 and decided that Molonglo River to Barton Highway Woodland 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 threatened native species and threatened ecological communities i.e. Yellow Box/Red Gum Grassy Woodland, *Climacteris picumnus* (Brown Treecreeper), *Daphoenositta chrysoptera* (Varied Sitella), *Grantiella picta* (Painted Honeyeater), *Lalage sueurii* (White-winged Triller), *Lathamus discolor* (Swift Parrot), *Melanodryas cucullata* (Hooded Robin), *Polytelis swainsonii* (Superb Parrot), *Prasophyllum petilum* (a leek orchid), and *Xanthomyza phrygia* (Regent Honeyeater); 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 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 is protected under the *Nature Conservation Act 2014* as a part of the protected habitat of a threatened native species or ecological community because all vegetation and other natural features are protected through the provisions of Chapter 9 of the *Nature Conservation Act 2014* which relate to wilderness areas,

national parks, nature reserves and other public land (mainly special purpose reserves) under the *Nature Conservation Regulation 2015*. Management planning for these reserves is undertaken under Part 8.3 of the *Nature Conservation Act 2014*.

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.

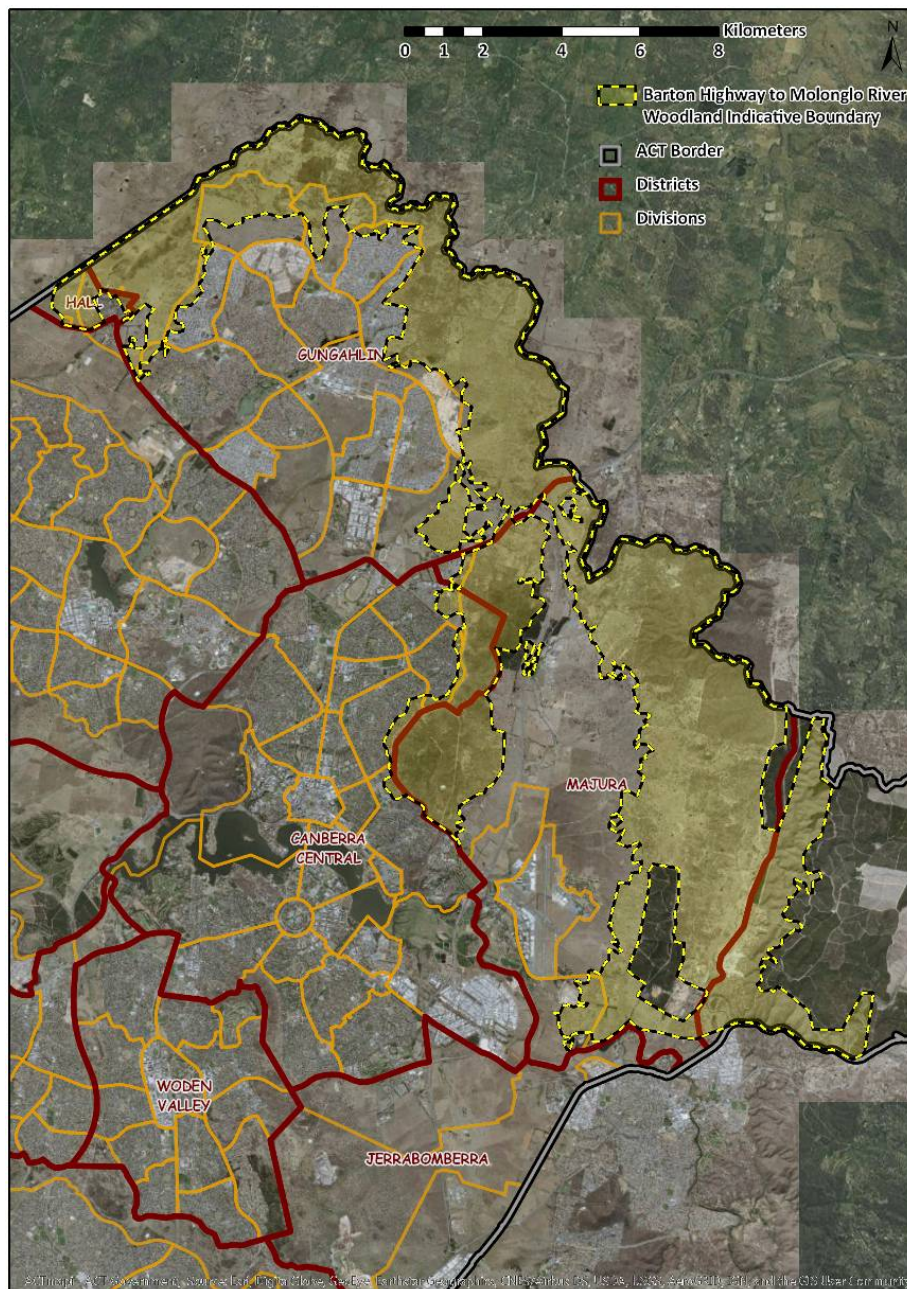


Figure 1 Molonglo River to Barton Highway Woodland location and boundary