

Australian Capital Territory

Heritage (Decision about Provisional Registration of the Pin Oak, Griffith) Notice 2011 -

Notifiable Instrument NI2011-629

made under the

***Heritage Act 2004* s34 Notice of decision about Provisional Registration**

1. Name of instrument

This instrument is the Heritage (Decision about Provisional Registration of the Pin Oak, Griffith) Notice 2011 -

2. Commencement

This instrument commences on the day after notification.

3. Notice of Decision

Pursuant to Section 32 of the *Heritage Act 2004* the ACT Heritage Council has decided not to provisionally register the Pin Oak, Griffith to the ACT Heritage Register.

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Mr Gerhard Zatschler
Secretary
ACT Heritage Council
GPO Box 158
Canberra ACT 2601

20 October 2011



ACT Heritage Council

STATEMENT OF REASONS

DECISION NOT TO PROVISIONALLY REGISTER PIN OAK AT 13 WELLS GARDENS

(Block 18 Section 26 Griffith)

IN THE ACT HERITAGE REGISTER

Background

The Pin Oak at 13 Wells Gardens, Griffith was nominated to the ACT Heritage Register on 6 November 2000.

At Meeting # 39 on 20 October 2011 the ACT Heritage Council endorsed a Statement of Reasons which does not find the Pin Oak eligible for provisional registration.

Assessment

Section 3A(1) of the *Heritage Act 2004*, notes that the ACT Heritage Council (the Council) must not register an individual tree in a built up urban area unless it forms part of the heritage significance of a place.

The *Tree Protection Act 2005* includes provision for the protection of trees of heritage significance in built-up urban areas. For trees of heritage significance, it provides for the Heritage Council to be told about approved activities, tree management plans and provisional registration under that Act. It also provides for the Heritage Council's advice to be taken into account in deciding whether to register a tree of heritage significance under that Act.

A key objective of the *Tree Protection Act 2005* is to protect individual trees of exceptional qualities within the urban area because of natural or cultural values or their contribution to the urban landscape.

Description

The Pin Oak is located in the rear yard of 13 Wells Gardens, Griffith. While the tree may form part of the significance of a larger heritage place, on its own it does not, and the only nomination before the Council is for the tree itself. That is, there is no nomination for a larger heritage place of which this tree might form part.

Conclusion

This Statement of Reasons finds that the Pin Oak at 13 Wells Gardens, Griffith must not be registered by the ACT Heritage Council in accordance with Section 3A(1) of the *Heritage Act 2004*.

The Council recommends that this tree be nominated for registration in accordance with the provisions of the *Tree Protection Act 2005*.

Gerhard Zatschler (Secretary)
ACT Heritage Council

20 October 2011