

Heritage (Decision about Provisional Registration of the Canberra Nature Park) Notice 2018

Notifiable Instrument NI2018–172

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 Canberra Nature Park) Notice 2018*.

2 Decision about provisional registration

On 5 April 2018, the ACT Heritage Council (the **Heritage Council**) decided not to provisionally register the Canberra Nature Park (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 6 April 2018 (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
5 April 2018



ACT Heritage Council

STATEMENT OF REASONS DECISION NOT TO PROVISIONALLY REGISTER CANBERRA NATURE PARK IN THE ACT HERITAGE REGISTER

Description

Canberra Nature Park is the location (Figure 1) of a place that has been nominated for its natural heritage significance. Canberra Nature Park is made up of 33 separate areas ranging from bushland hills to some of the best examples of lowland native grassland and endangered ecological community of Yellow Box-Red Gum Grassy Woodland left in Australia. Canberra Nature Park is home to a number of rare and threatened species such as the Hooded Robin, Striped Legless Lizard and the Button Wrinklewort.

Reasons for Decision

The Council considered the nomination at its meeting of 5 April 2018 and decided that Canberra Nature Park 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 Conservator of Flora and Fauna has advised the Council that the place includes, or is likely to include, the habitat of a threatened ecological community and threatened native species, i.e. Yellow box-Blakely's red gum grassy woodland, Natural Temperate Grassland, varied sittella (*Daphoenositta chrysoptera*), white winged triller (*Lalage sueurii*), pink tailed worm lizard (*Aprasia parapulchella*), perunga grasshopper (*Perunga ochracea*), striped legless lizard (*Delma impar*), golden sun moth (*Synemon plana*), button wrinklewort (*Rutidosia leptorrhynchoides*), small purple pea (*Swainsona recta*), superb parrot (*Polytelis swainsonii*), *Allocasuarina verticillata* (as habitat for Glossy Black Cockatoo - *Calyptorhynchus lathami*), little eagle (*Hieraetus morphnoides*), hooded robin (*Melanodryas cucullata*), brown tree creeper (*Climacteris picumnus*), white-winged triller (*Lalage sueuri*), varied sittella (*Daphoenositta chrysoptera*), painted honeyeater (*Grantiella picta*), swift parrot (*Lathamus discolor*), Canberra spider orchid (*Arachnorchis actensis*), 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. Canberra Nature Park consist of reserves that are under the *Nature Conservation Act*

2014 through the *Nature Conservation Regulation 2015*. All vegetation and other natural features are protected through the provisions of the *Nature Conservation Act 2014* Chapter 9 which relate to wilderness areas, national parks, nature reserves and other public land (mainly special purpose reserves). Management Planning for these reserves is undertaken under part 8.3 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.

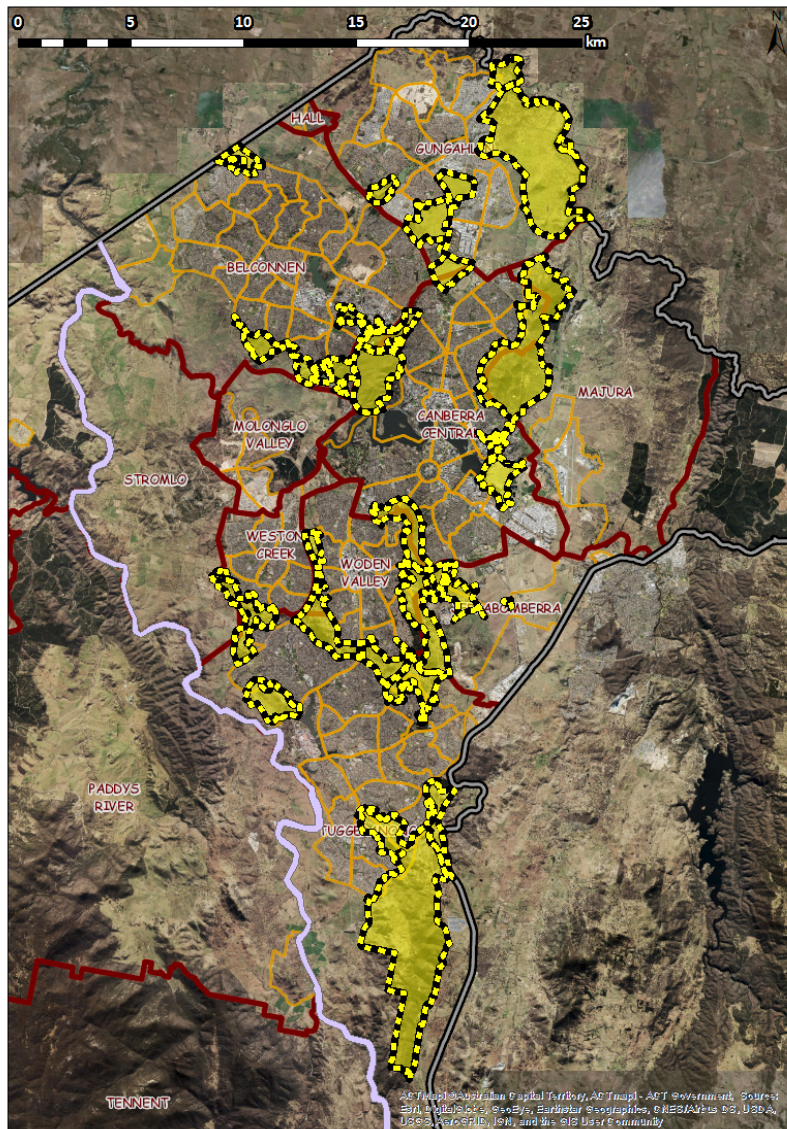


Figure 1 Canberra Nature Park nominated area