

Heritage (Decision about Provisional Registration of the Murrumbidgee River Corridor) Notice 2018

Notifiable Instrument NI2018–173

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 Murrumbidgee River Corridor) Notice 2018*.

2 Decision about provisional registration

On 5 April 2018, the ACT Heritage Council (the **Heritage Council**) decided not to provisionally register the Murrumbidgee River Corridor (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 MURRUMBIDGEE RIVER CORRIDOR IN THE ACT HERITAGE REGISTER

Description

The Murrumbidgee River Corridor is the location (Figure 1) of a place that has been nominated for its natural heritage significance. It for 1,600 kilometers from its headwaters in Kosciuszko National Park to its junction with the Murray River near Balranald in NSW. Around 66 kilometers of the river's journey is through the ACT, from Angle Crossing in the south to Uriarra Crossing in the north. The Murrumbidgee River and its catchment are a significant part of the Murray-Darling Basin, supplying water for people, agriculture and wildlife along its length. The river and a narrow strip of land on either side make up the 9,800 hectares known collectively as the Murrumbidgee River Corridor, which includes five nature reserves, eight recreation reserves and a European heritage conservation zone.

Reasons for Decision

The Council considered the nomination at its meeting of 5 April 2018 and decided that the Murrumbidgee River Corridor 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. the Corridor is habitat for a range of threatened species including Yellow Box/Red Gum Grassy Woodland, *Bossiaea grayi* (Murrumbidgee Bossiaea), *Maccullochella macquariensis* (Trout Cod), *Macquaria australasica* (Macquarie Perch), Murray River Crayfish (*Euastacus armatus*) and *Muehlenbeckia tuggeranong* (Tuggeranong Lignum), 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;
2. the Corridor also supports populations of the Murray Cod which has special protection status because it is listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act); and
3. 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. The area is in a Nature Reserve or Special Purpose Reserve. All vegetation and other natural features are protected through the provisions of *Nature Conservation*

Act 2014 Chapter 9 which relate to wilderness areas, national parks, nature reserves and other public land (mainly special purpose reserves) brought into management under the *Nature Conservation Act 2014* through 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.

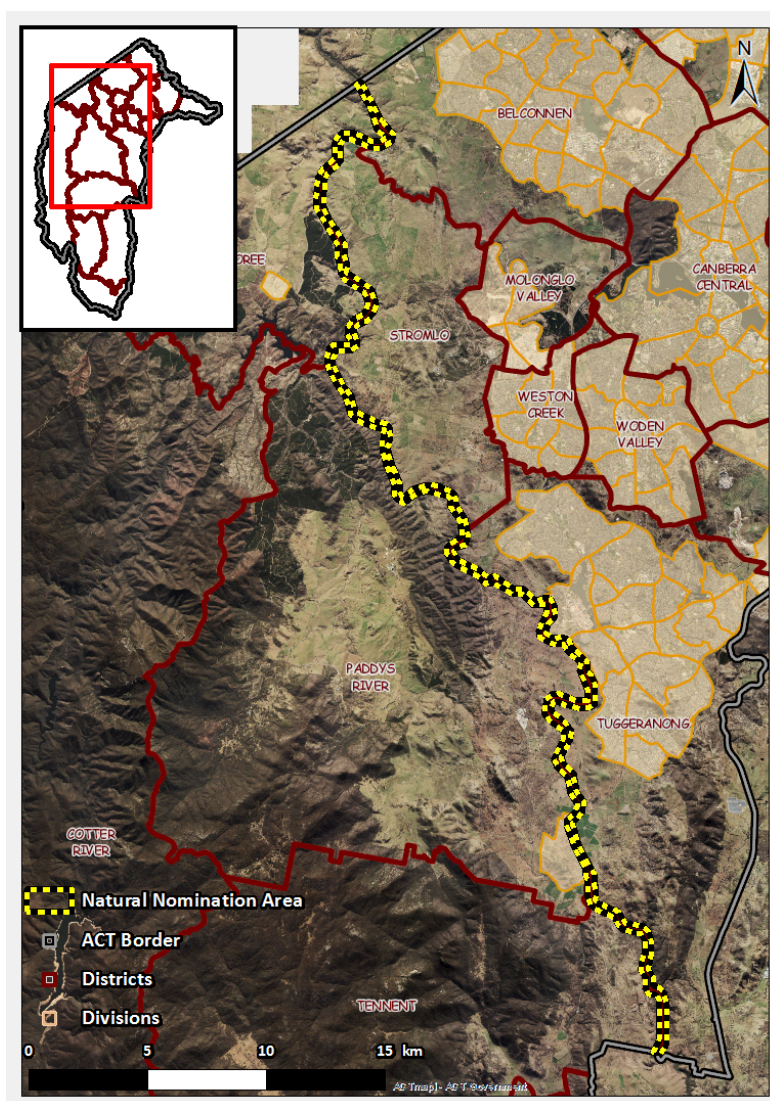


Figure 1 Natural Nomination location (boundary is indicative only and should be read to be restricted to public land surrounding the Murrumbidgee River within the ACT)