



Queensland

Nature Conservation (Protected Areas Management) Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 63

made under the

Nature Conservation Act 1992

General outline

Short title

Nature Conservation (Protected Areas Management) Amendment Regulation (No. 1) 2013.

Authorising law

Section 175 of the *Nature Conservation Act 1992*

Policy objectives and the reasons for them

A number of essential service infrastructure sites were lawfully constructed and operated on land that has since been gazetted as national park. In order to legitimise the continued use of these sites, an authority under the *Nature Conservation Act 1992* (the Act) must be granted.

Sections 35 and 37 of the Act enable the granting and renewal of authorities (respectively) in relation to land in a national park or national park (recovery).

In order for a section 35 or 37 authority to be granted under the Act, the use and location must first be prescribed in Schedule 3 or Schedule 4 (respectively) of the *Nature Conservation (Protected Areas Management) Regulation 2006*.

Accordingly, the objective of this Regulation is to amend Schedule 3 and Schedule 4 of the *Nature Conservation (Protected Areas Management) Regulation 2006* to prescribe communication uses, a marine navigation use, water infrastructure, a water flow gauging station, a sewage pipeline, and other minor associated infrastructure to be permitted in the identified national parks.

Achievement of policy objectives

To achieve its objective, the Regulation will amend Schedule 3 ‘Permitted uses in prescribed national parks’ of the *Nature Conservation (Protected Areas Management) Regulation 2006* to include:

- a communications use as a permitted use in parts of:
 - D’Aguilar Range National Park
 - Koombooloomba National Park
 - Mount Windsor National Park
 - Tewantin National Park
 - Woowoonga National Park
- a marine navigation use as a permitted use in part of:
 - Whitsunday Islands National Park
- water infrastructure as a permitted use in part of:
 - Noosa National Park
 - Tuchekeoi National Park
- a water flow gauging station as a permitted use in part of:
 - Koombooloomba National Park

The Regulation will also allow the renewal of an expired *Land Act 1994* lease by amending Schedule 4 ‘Permitted uses in national parks’ of the *Nature Conservation (Protected Areas Management) Regulation 2006* to include:

- the operation, maintenance and use of a sewage pipeline, a water pipeline, water tanks and an associated pumping station as permitted uses in part of:
 - Molle Islands National Park.

These amendments will allow for section 35 and section 37 authorities to be granted under the *Nature Conservation Act 1992* to legitimise the existing uses. Amending the *Nature Conservation (Protected Areas Management) Regulation 2006* in this manner is the only means to grant the necessary authorities for the existing uses.

Consistency with policy objectives of authorising law

The Regulation is consistent with the policy objective of the Act - the conservation of nature. Section 35 and section 37 of the Act limit the granting and re-issuing of authorities in relation to land in a national park or national park (recovery) to those uses that meet criteria outlined under these provisions. The national park or national park (recovery) and the use for which an authority is sought under section 35 or section 37 must first be assessed against the criteria in the Act by the Chief Executive. If the criteria are met, the details of the use must be added to the appropriate Schedule (either Schedule 3 or Schedule 4) of the *Nature Conservation (Protected Areas Management) Regulation 2006*. This process provides consistency with the objective of the Act.

Inconsistency with policy objectives of other legislation

This Regulation is not inconsistent with any State or Commonwealth legislation.

Benefits and costs of implementation

This Regulation will allow for the granting of Section 35 and Section 37 authorities for service infrastructure uses that were lawfully constructed either prior to the area being gazetted as national park, or with a lease under the *Land Act 1962*. This will give legitimacy to the operators of those facilities. There are no associated implementation costs.

Consistency with fundamental legislative principles

This regulation is consistent with the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

While there is no statutory requirement to undertake formal consultation in relation to the making of this regulation, consultation has occurred between applicants and the Queensland Parks and Wildlife Service throughout the application process. No broader community consultation was undertaken, however any potential impact on stakeholders were considered during standard planning and assessment processes. In this case, no impacts requiring broader consultation in the community were identified. Native title procedures have been complied with.

A regulatory principles checklist and preliminary impact assessment have been completed as part of the development of this regulation, and Queensland Office of Best Practice Regulation has advised that the regulation does not impose a significant adverse effect on the community, business or government. Consequently a Regulatory Impact Statement is not required.

Copies of maps indicating the location of the infrastructure associated with the permitted uses prescribed by this regulation may be obtained by contacting the head office of the Queensland Parks and Wildlife Service in the Department of National Parks, Recreation, Sport and Racing.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of National Parks, Recreation, Sport and Racing.