

Nature Conservation Legislation Amendment Regulation (No. 4) 2013

Explanatory Notes for SL No. 233

made under the

Nature Conservation Act 1992

General Outline

Short title

This Regulation may be cited as the *Nature Conservation Legislation Amendment Regulation (No. 4) 2013*.

Authorising law

Sections 32 and 70E of the *Nature Conservation Act 1992*.

Policy objectives and the reasons for them

The objective of the Regulation is to revoke parts of Tamborine National Park and Eungella National Park, part of Maria Creek National Park and Kelvin Forest Reserve, and the whole of Glastonbury Forest Reserve and Monkhouse Forest Reserve.

The Regulation will:

- correct a surveying error which occurred when part of a private individual's land was incorrectly added to the national park and open a public road;
- locate the gazetted alignment for part of Dalrymple Road onto its actual physical location and for important road safety and alignment upgrades of parts of Crediton Loop Road;
- resolve a dedication error which occurred when part of a privately-owned prawn farm was incorrectly gazetted national park;
- enable the partial duplication of the existing Goonyella rail corridor connecting the northern Bowen Basin with the Port of Hay Point;
- resolve a longstanding land use agreement between the State and a private individual;
- enable land to be granted as Aboriginal freehold land to the Jabalbina Yalanji Land Trust in accordance with the Eastern Kuku Yalanji People native title determination.

Achievement of policy objectives

To achieve its objective, the Regulation will amend:

1. Schedule 2 of the *Nature Conservation (Protected Areas) Regulation 1994* to redescribe –
 - a. Tamborine National Park so as to exclude the areas (0.0103 hectares described as lot 1 on SP149051 and 0.0205 hectares described as road to be opened on SP149051) to be revoked
 - b. Maria Creek National Park so as to exclude the area (3.027 hectares described as lot 1 on SP239450) to be revoked
 - c. Eungella National Park so as to exclude the areas (4.119 hectares described as lots 7 and 8 on SP249157 and lots 1, 2 and 3 on SP235546) to be revoked
2. the Schedule of the *Nature Conservation (Forest Reserves) Regulation 2000* to redescribe Kelvin Forest Reserve so as to exclude the area (3.931 hectares described as lot 10 on SP253071) to be revoked
3. the Schedule of the *Nature Conservation (Forest Reserves) Regulation 2000* to revoke entirely –
 - a. Glastonbury Forest Reserve, comprising an area of 55.9 hectares (described as lot 1 on AP19303)
 - b. Monkhouse Forest Reserve, comprising an area of 0.0900 hectares (described as lot 14 on SP252498).

Consistency with policy objectives of authorising law

The amendment Regulation is consistent with the objectives of the *Nature Conservation Act 1992*.

Inconsistency with policy objectives of other legislation

The regulation provides for the revocation of parts of three national parks and three forest reserves and is consistent with the policy objectives of other legislation relating to State land use and allocation.

Benefits and costs of implementation

The benefits of the Regulation are the correction of surveying and dedication errors, important road safety and alignment upgrades, partial duplication of an existing rail corridor to accommodate increased coal volumes and higher freight demands, resolution of a longstanding land use agreement between the State and a private individual and the grant of Aboriginal freehold land to Traditional Owners in accordance with a native title determination.

Implementing the Regulation is not considered to constitute significant subordinate legislation and will have negligible costs. The revoked portions of national park and forest reserve will temporarily be unallocated State land which will not increase costs to the State.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles in accordance with section 4(5) of the *Legislative Standards Act 1992*.

Consultation

Consultation has taken place with the Department of National Parks, Recreation, Sport and Racing, Department of Agriculture, Fisheries and Forestry, Department of Natural Resources and Mines, Department of the Premier and Cabinet, Scenic Rim Regional Council, Mackay Regional Council and private stakeholders. All parties support the amendments.

The Office of Best Practice Regulation, Queensland Competition Authority has advised that a Regulatory Impact Statement is not required.

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