

Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2017

Explanatory notes for SL 2017 No. 53

made under the

Nature Conservation Act 1992

General Outline

Short title

This regulation may be cited as the *Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2017*.

Authorising law

Sections 32, 173Q and 175 of the *Nature Conservation Act 1992* (the Act).

The authorising law is the Act which stipulates that:

- the Governor in Council may, by regulation, revoke the dedication of a protected area in whole or part only if the Legislative Assembly has, on a motion of which at least 28 days' notice has been given, passed a resolution requesting the Governor in Council to make the revocation (section 32); and
- within 10 days after the notice of motion for the revocation is given, the chief executive must publish notice of the proposed revocation in a newspaper circulating in the locality of the relevant area and a newspaper circulating generally throughout the State (section 173Q); and
- the Governor in Council may make regulations under this Act (section 175).

Policy objectives and the reasons for them

On 15 February 2017, the Legislative Assembly of Queensland agreed to a resolution requesting the Governor in Council revoke part of one national park and part of two conservation parks for public road purposes.

The objective of the *Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2017* (amendment regulation) is to revoke part of:

- Lamington National Park to align the Lamington National Park Road road reserve with the actual constructed road that occurred as a result of historical surveying and construction errors;
- Hays Inlet Conservation Park 2 to ratify the construction of a drain culvert for the Anzac Avenue–Moreton Bay Rail Link Rothwell train station intersection; and

- Palmview Conservation Park to allow for the upgrade of the Pignata Road off-ramp as a component of the Bruce Highway–Caloundra Road to Sunshine Motorway Upgrade Project as alternative options for access to the western service road and Aussie World tourism precinct have been deemed unfeasible by the Department of Transport and Main Roads due to safety issues. The amendment regulation will also further decrease the area of the conservation park due to a recalculation of the area using contemporary survey and mapping technology.

Achievement of policy objectives

To achieve its objective, the amendment regulation will amend:

1. *Schedule 2 National parks* of the *Nature Conservation (Protected Areas) Regulation 1994* to revoke the dedication of part of Lamington National Park, containing an area of 0.1849 hectares described as lot 99 on SP274809, about 35 kilometres south-west of the Gold Coast.
2. *Schedule 3 Conservation parks* of the *Nature Conservation (Protected Areas) Regulation 1994* to revoke the dedication of part of:
 - a. Hays Inlet Conservation Park 2, containing an area of 0.0069 hectares described as lot 10 on SP285607, about 27 kilometres north of Brisbane; and
 - b. Palmview Conservation Park, containing an area of 0.7793 hectares described as lot 100 on SP284502, about 10 kilometres north-west of Caloundra, and further decrease the area of the conservation park by 0.0387 hectares due to a recalculation of the area using contemporary survey and mapping technology.

Consistency with policy objectives of authorising law

The amendment regulation is machinery in nature and consistent with the objectives of the Act, namely to ensure that no land comprised in a protected area shall be revoked other than by the Governor in Council making a regulation revoking the dedication of a protected area in whole or part.

The amendment proposals were tabled in the Queensland Parliament on 1 December 2016 in accordance with section 32 of the Act.

The amendment proposals were advertised in *The Courier Mail*, *Gold Coast Bulletin*, *Redcliffe and Bayside Herald* and *Sunshine Coast Daily* on 7 December 2016 in accordance with section 173Q of the Act.

The amendment proposals were passed by a Resolution agreed to by the Legislative Assembly of Queensland on 15 February 2017.

Inconsistency with policy objectives of other legislation

The amendment regulation provides for the revocation of part of one national park and part of two conservation parks consistent with the policy objectives of other legislation relating to State land use and allocation.

Benefits and costs of implementation

Implementing the amendment regulation is in the public interest, is not considered to constitute significant subordinate legislation and will have negligible costs. The revocation of part of one national park and part of two conservation parks will not increase costs to the State.

Consistency with fundamental legislative principles

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

Consultation

Consultation has occurred with the public, private stakeholders, the Department of National Parks, Sport and Racing, the Department of Transport and Main Roads, the Department of Natural Resources and Mines, the Department of the Premier and Cabinet and Queensland Treasury.

As a consequence of the advertised Public Notices, one enquiry was received regarding Hays Inlet Conservation Park 2 and two enquiries were received regarding Palmview Conservation Park; however no public submissions were made as a result of the advertised notices.

The Department of Environment and Heritage Protection agency-assessed the amendment regulation in accordance with *The Queensland Government Guide to Better Regulation* (the Guide) and determined that it was excluded from further regulatory impact analysis as it is a regulatory proposal of a machinery nature in accordance with category (g) of the Guide.

All parties support the amendments.

No changes to the amendment regulation were required as a result of the consultation.