

Nature Conservation (Protected Areas) Amendment Regulation (No. 4) 2017

Explanatory notes for SL 2017 No. 180

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. 4) 2017*.

Authorising law

Sections 29, 32, 173Q and 175 of the *Nature Conservation Act 1992* (the Act).

Policy objectives and the reasons for them

Dedicating areas that protect the biological diversity of native wildlife and its habitat, provide for the ecologically sustainable use of protected wildlife and areas, recognise the interests of Indigenous people in protected area and native wildlife, and encourage the cooperative involvement of landholders in the conservation of nature is a core component in achieving the conservation of nature.

The objective of the *Nature Conservation (Protected Areas) Amendment Regulation (No. 4) 2017* (the Amendment Regulation) is to dedicate as part of:

- Jardine River National Park, areas of unallocated State land that was previously road reserve, about 21 kilometres south of Bamaga;
- Heathlands Resources Reserve, areas of unallocated State land that was previously road reserve, about 66 kilometres south of Bamaga.

There is also the occasional the need to revoke the dedication of areas from the protected area estate to correct boundary inconsistencies or historic incursions, achieve more effective management boundaries, allow for the upgrade or expansion of public infrastructure or to recognise the rights and interest of Indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom.

Consequently, a further objective of the Amendment Regulation is to revoke:

- part of Curtain Fig National Park to ratify the alignment of the Dowling Road road reserve with the actual constructed road, about 9 kilometres east of Atherton;

- part of Great Sandy National Park to ratify the alignment of the Papertree Track road reserve with the actual constructed track, about 36 kilometres east of Maryborough;
- parts of Jardine River National Park to ratify the alignment of Ussher Point Road road reserve with the actual constructed road and for Aboriginal freehold land purposes, about 21 kilometres south of Bamaga;
- part of Millstream Falls National Park to ratify the alignment of the Millstream Falls National Park Day Use Area Road road reserve with the actual constructed road, about 4 kilometres south-west of Ravenshoe;
- parts of Wooroonooran National Park to allow for the realignment of Gillies Range Road encroachments (road shoulders and drainage infrastructure) and existing roadside disturbance with the road reserve, about 59 kilometres south of Cairns;
- parts of Eumundi Conservation Park to allow for the realignment of the road geometry, upgrade and bitumen sealing of North Arm–Yandina Creek Road road reserve, about 18 kilometres south-west of Noosa Heads;
- parts of Heathlands Resources Reserve to ratify road reserve alignments and create new road reserves over the existing constructed road network and for Aboriginal freehold land purposes, about 66 kilometres south of Bamaga; and
- parts of Jardine River Resources Reserve to extend the Ussher Point Road road reserve over an existing constructed road and for Aboriginal freehold land purposes, about 42 kilometres south-east of Bamaga.

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* by:
 - a. revoking the dedication of part of Curtain Fig National Park, being an area of 0.3678 hectares described as lot 5 on SP280087;
 - b. revoking the dedication of part of Great Sandy National Park, being an area of 0.9281 hectares described as lot 2 on SP265488;
 - c. dedicating as part of Jardine River National Park an area of 21.36 hectares, being unallocated State land described as lots 1 to 5 on SP269694;
 - d. revoking the dedication of parts of Jardine River National Park, being an area of about 37.8105 hectares described as lot 100 on AP23103, lots 6 to 10 on SP269695 and lot 4 on SP292288;
 - e. revoking the dedication of part of Millstream Falls National Park, being an area of about 3.08 hectares described as lot 2 on SP282409; and
 - f. revoking the dedication of parts of Wooroonooran National Park, being an area of about 0.3633 hectares described as lots 2 to 4 on SP261140.
2. *Schedule 3 Conservation parks of the Nature Conservation (Protected Areas) Regulation 1994* by revoking the dedication of parts of:
 - a. Eumundi Conservation Park, being an area of 1.6214 hectares described as lots 1 to 3 on SP278635.
3. *Schedule 3A Resources reserves of the Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. dedicating as part of Heathlands Resources Reserve an area of about 17.935 hectares, being unallocated State land described as lot 1 on SP288875, lot 2 on SP288876 and lots 3 to 5 on SP296927;

- b. revoking the dedication of parts of Heathlands Resources Reserve, being an area of about 34,370.37 hectares described as lots 9 and 10 on AP22756, lot 11 on AP22758, lot 7 on AP23098, lot 8 on AP23100, lot 6 on AP23101, lots 1 to 6 on AP23102, lot 7 on AP23104, lots 1 to 3 on AP23105 and lots 1 and 2 on AP23107; and
- c. revoking the dedication of parts of Jardine River Resources Reserve, being an area of about 6760.6 hectares described as lots 1 and 2 on AP23106.

Consistency with policy objectives of authorising law

The Amendment Regulation is machinery in nature and consistent with the objectives of the Act, namely the conservation of nature achieved by an integrated and comprehensive conservation strategy for the whole of the State that includes the dedication and declaration of areas representative of the biological diversity, natural features and wilderness of the State as protected areas; and 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 Revocation proposals were tabled in the Queensland Parliament on 11 May 2017 in accordance with section 32 of the Act.

The Amendment Revocation proposals were advertised in *The Tablelander* on 23 May 2017 and *The Cairns Post*, *Cape York News*, *The Courier Mail*, *Sunshine Coast Daily* and *the Torres News* on 24 May 2017 in accordance with section 173Q of the Act.

The amendment revocation proposals were passed by a Resolution agreed to by the Legislative Assembly of Queensland on 14 June 2017.

Inconsistency with policy objectives of other legislation

The Amendment Regulation provides for the revocation of parts of five national parks, parts of one conservation park and parts of two resources reserves 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 and traditional owner's interests, is not considered to constitute significant subordinate legislation and will have negligible costs.

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, Tablelands Regional Council, Noosa Shire Council, Aboriginal people particularly concerned with the land and other relevant Aboriginal people, Cape York Land Council Aboriginal Corporation, Balkanu Cape York Development Corporation, Telstra Corporation Limited, Cook Shire Council, and Sunshine Coast Regional Council. The Australian Conservation Foundation, the Wilderness Society and the National Parks Association of Queensland have also been consulted.

No public enquiries or submissions were made as a result of the advertised Public 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.