

# Nature Conservation (Protected Areas) Amendment Regulation (No.1) 2018

Explanatory notes for SL 2018 No. 48

made under the

*Nature Conservation Act 1992*

## General Outline

### Short title

*Nature Conservation (Protected Areas) Amendment Regulation (No.1) 2018.*

### Authorising law

Sections 29, 33, 46, 48, 50, 64 and 175 of the *Nature Conservation Act 1992* (the Act).

### Policy objectives and the reasons for them

The objective of the *Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2018* (amendment regulation) is to:

- increase the area of four existing national parks by dedicating areas of unallocated State land as national park,
- redescribe four existing national parks due to the amalgamation of areas between national parks,
- redescribe one existing national park after the completion of an up-to-date plan,
- amend the description of one conservation park to rectify the erroneous dedication of a State-controlled road as conservation park,
- declare seven new nature refuges,
- amend the description of two nature refuges, and
- revoke one nature refuge.

Dedicating and declaring 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 areas 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.

There is also the occasional need to revoke the dedication or declaration 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 interests of Aboriginal People and Torres Strait Islander People in the management of protected areas with respect to traditional lore and Island custom, or effect the termination of a nature refuge in accordance with the terms of a conservation agreement.

## **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:
  - a. redescribe an area of about 8,605.2 hectares being the entirety of Bribie Island National Park described as lots 1 to 4, 10, 49, 65, 105 and 120 on AP22462, resulting from the amalgamation of 464.1817 hectares from the national park with Pumicestone National Park (a recalculation of the area of the national park using contemporary survey and mapping technology resulted a decrease in the total area of the national park by 1,054.8 hectares);
  - b. redescribe an area of about 1,074.85 hectares being the entirety of Cape Hillsborough National Park described as lots 1 to 4, 51, 60, 420 and 507 on AP19384, after the completion of an up-to-date plan (a recalculation of the area of the national park using contemporary survey and mapping technology resulted in a decrease in the area of the national park by 28.17 hectares);
  - c. dedicate an area of 95.713 hectares being unallocated State land described as lot 63 on plan C311557 and lot 450 on plan C311673, and combine the area with the existing Conondale National Park, containing an area of about 35,815.713 hectares;
  - d. dedicate an area of 310.394 hectares being unallocated State land described as lot 184 on plan SL599, and combine the area with the existing D'Aguilar National Park, containing an area of about 39,059.1609 hectares (a recalculation of the area of the national park using contemporary survey and mapping technology resulted in a decrease in the area of the national park by 6 hectares);
  - e. redescribe an area of about 116,350.4138 hectares being the entirety of Daintree National Park resulting from the amalgamation of 3,890 hectares from the national park (described as lot 1 on AP23110) with Mount Windsor National Park (a recalculation of the area of the national park using contemporary survey and mapping technology resulted in an increase in the area of the national park by 0.5376 hectares). This amendment is a requirement of the Eastern Yalanji Indigenous Land Use Agreement (ILUA) executed between the Eastern Yalanji People and the State of Queensland;

- f. dedicate an area of about 7.49 hectares being unallocated State land described as lot 1 on plan RA5568, and combine the area with the existing Lamington National Park. The entirety of the national park is also to be redescribed as lots 54, 496 and 617 on AP22466, containing a total area of about 21,257.7995 hectares (a recalculation of the area of the national park using contemporary survey and mapping technology resulted an increase in the area of the national park by 128.5483 hectares);
  - g. dedicate an area of 2,284.766 hectares being unallocated State land described as lot 173 on plan CC870, lot 94 on plan CH312521 and lot 1 on SP283819, and combine the area with the existing Main Range National Park, containing a new area of about 34,689.622 hectares (a recalculation of the area of the national park using contemporary survey and mapping technology resulted in a decrease in the area of the national park by 16.4424 hectares);
  - h. redescribe an area of about 48,190 hectares being the entirety of Mount Windsor National Park resulting from the amalgamation of 3,890 hectares from Daintree National Park (described as lot 1 on AP23110) with the existing Mount Windsor National Park. This amendment is a requirement of the Eastern Yalanji ILUA executed between the Eastern Yalanji People and the State of Queensland;
  - i. redescribe an area of about 1,083.6387 hectares being the entirety of Pumicestone National Park described as lots 2, 9, 14, 24 to 26, 28, 105, 128 and 611 on AP22461, resulting from the amalgamation of 464.1817 hectares from Bribie Island National Park with the national park.
2. *Schedule 3 Conservation parks of the Nature Conservation (Protected Areas) Regulation 1994* to:
- a. repeal the dedication of parts of Walter Hill Range Conservation Park, described as lots 1 and 2 on SP261134, an area of 4.155 hectares, to rectify the erroneous dedication of a State-controlled road as conservation park.
3. *Schedule 5 Nature Refuges of the Nature Conservation (Protected Areas) Regulation 1994* to:
- a. revoke the entirety of Astrea Nature Refuge, an area of about 62,400 hectares, described as lot 3874 on plan PH2173, shown on plan PA509, due to the expiration of the conservation agreement;
  - b. declare an area of about 28.02 hectares as Beach Road Nature Refuge, described as lot 900 on SP186169;
  - c. declare an area of about 10 hectares as Boonjie Nature Refuge, shown on plan PA1017, described as part of lot 1 on RP738262;
  - d. redescribe the entirety of Braehead Nature Refuge, an area of about 100.6104 hectares described as lot 11 on SP188180, shown on plan PA1008, due to a replacement conservation agreement and protected area plan;
  - e. declare an area of about 10,920 hectares as Bromley Yuuka Nature Refuge, shown on plan PA1033, described as part of lot 153 on SP288864;
  - f. declare an area of about 98.62 hectares as Bulimbah Nature Refuge, shown on plan PA1027, described as part of lot 86 on plan W312527;
  - g. declare an area of about 61.7 hectares as Dirran's End Nature Refuge, shown on plan PA1039, described as part of lot 103 on plan NR840;

- h. redescribe the entirety of Maple Leaf Nature Refuge as Lemuroid Leap Nature Refuge, an area of about 39.8 hectares described as part of lot 21 on SP186130 and part of lot 22 on SP186130, shown on plan PA1043. The replacement conservation agreement amended the name of Maple Leaf Nature Refuge to Lemuroid Leap Nature Refuge and increased the area of the nature refuge by 13.96 hectares;
- i. declare an area of about 32,744 hectares as Michingun Nature Refuge, shown on plan PA1032, described as part of lot 153 on SP288864;
- j. declare an area of about 924.72 hectares as Whilaloo Nature Refuge, shown on plan PA1004, described as part of lot 5 on plan CVE262.

## **Consistency with policy objectives of authorising law**

The amendment regulation is machinery nature and consistent with the policy 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, among other things, 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 or declaration of a protected area in whole or part.

## **Inconsistency with policy objectives of other legislation**

The amendment regulation provides for the increase in area four existing national parks, amalgamation of areas of four existing national parks, redescription of one existing national park; amending the description of one existing conservation park; declaration of seven new nature refuges, amending the description of two existing nature refuges and revocation of one nature refuge consistent with the policy objectives of other legislation relating to State land use and allocation.

## **Benefits and costs of implementation**

The benefits of the amendment regulation are that areas representative of the biological diversity, natural features and wilderness of the State will be added to the protected area estate.

Implementing the amendment regulation will have negligible costs. The areas to be dedicated as protected area will temporarily be unallocated State land which 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

Parties consulted under section 44 and 45 of the Act, where relevant, include native title claimants, holders or their representatives, ILUA parties, mining interest holders, financial institutions, sublessees, covenant holders and easement holders. Landholders have been closely involved in the development of their conservation agreements. Responses and consent have been received from consulted parties where relevant.

In accordance with *The Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The Department of Environment and Science applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category (g) — Regulatory proposals that are of a machinery nature).

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