

# **Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2018**

Explanatory notes for SL 2018 No. 96

made under the

*Nature Conservation Act 1992*

## **General Outline**

### **Short title**

*Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2018.*

### **Authorising law**

Sections 29, 46, 47, 48, 50, 64 and 175 of the *Nature Conservation Act 1992* (the Act).

### **Policy objectives and the reasons for them**

The objectives of the *Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2018* (amendment regulation) are to:

- increase the area of two existing national parks by dedicating areas of unallocated State land as national park and redescribing one of the national parks after the completion of an up-to-date plan;
- increase the area of one existing conservation park by dedicating areas of unallocated State land as conservation park and redescribing the conservation park after the completion of an up-to-date plan;
- declare eight new nature refuges;
- amend the description of two nature refuges; and
- revoke two nature refuges.

The proposal is consistent with the objectives of the Act, namely “the conservation of nature while allowing for the involvement of Indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom”.

This is achieved by an integrated and comprehensive conservation strategy for the whole of the State that involves, among other things:

- the dedication and declaration of areas representative of the biological diversity, natural features and wilderness of the State as protected areas;
- recognition of Aboriginal and Torres Strait Islander peoples' interests in nature and their cooperative involvement in its conservation; and
- to ensure that no land comprised in a protected area shall be dedicated as another class of protected area other than by the Governor in Council making a regulation changing the dedication of the protected area.

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 and Torres Strait Islander peoples 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 dedicate an area of:
  - a. 1.134 hectares, being unallocated State land, described as lot 1 on SP265487 and combine the area with the existing Great Sandy National Park, containing an area of about 221,464.0242 hectares, about 2.3 kilometres north-west of Noosa Heads; and
  - b. about 450.2 hectares, being unallocated State land, described as lot 181 on SP241420, lot 8 on SP241422, lot 39 on SP241428, lot 1 on SP252527 and lot 4 on SP262585 and combine the area with the existing Magnetic Island National Park, about 16 kilometres north-east of Townsville. After the completion of an up-to-date plan the entirety of the national park is to be redescribed as lots 1 and 456 on AP22485, containing an area of about 3940.6453 hectares (a recalculation of the area of the national park using contemporary survey and mapping technology resulted in a decrease in the previous area of the national park by 132.4893 hectares). This amendment is a requirement of the *Wulgurukaba People Indigenous Land Use Agreement (ILUA)* executed between the Native Title Parties and the State of Queensland.
2. *Schedule 3: Conservation parks of the Nature Conservation (Protected Areas) Regulation 1994* to dedicate an area of:
  - a. 389.6389 hectares, being unallocated State land, described as lot 52 on plan M341182, lot 53 on plan M341243 and lot 49 on plan ML521 and combine the area with the existing Mount Dumaresq Conservation Park, about 21 kilometres north-east of Warwick. After the completion of an up-to-date plan the entirety of the conservation park is to be redescribed as lots 1 and 64 on AP22489, containing an area of about 506.6389 hectares.
3. *Schedule 5: Nature refuges of the Nature Conservation (Protected Areas) Regulation 1994* to:
  - a. amend the description of Carabeen Nature Refuge to the part of lot 9 on plan ML1667, the part of lot 21 on plan M341103 and the part of Spring Creek Road

- commencing from the southern boundary of lot 9 on plan ML1667 extending to a point about 0.4km north of the northern boundary of lot 9 on plan ML1667, containing an area of about 69.02 hectares, shown on plans PA34 and PA34MOU, about 36 kilometres east south-east of Warwick. This amendment is required to rectify an administrative error in the current description of the nature refuge area and to acknowledge the Memorandum of Understanding between the Department of Environment and Science and the Department of Transport and Main Roads over part of Spring Creek Road;
- b. declare an area of about 22.4 hectares as Cassowary Connection Nature Refuge, described as the part of lot 66 on SP164474, shown on plan PA1029, about 115 kilometres south-east of Cairns;
  - c. declare an area of about 78 hectares as Cassowary Crossing Nature Refuge, described as part of lot 308 on plan NR1035, shown on plan PA1047, about 5 kilometres west of Millaa Millaa;
  - d. declare an area of 36.421 hectares as Coolum Creek Nature Refuge, described as lots 3 and 4 on RP27017, shown on plan PA1012, about 26 kilometres north-west of Caloundra;
  - e. declare an area of about 5.9562 hectares as Gil'la Nature Refuge, described as the part of lot 5 on SP221358, shown on plan PA1053, about 16 kilometres south-east of Gympie;
  - f. declare an area of about 64 hectares as Misty Mountain Nature Refuge, described as the part of lot 147 on SP140867, shown on plan PA1046, about 29 kilometres south-east of Atherton;
  - g. declare an area of about 39.34 hectares as Mount Mellum West Nature Refuge, described as the part of lot 11 on SP186812, shown on plan PA1034, about 5 kilometres south-west of Landsborough;
  - h. declare an area of 60.2678 hectares as Mount Ninderry Nature Refuge, described as lot 367 on plan CG286, shown on plan PA1013, about 8 kilometres north-east of Nambour;
  - i. declare an area of 211.195 hectares as Mount Samson Nature Refuge, described as lot 2 on plan SL787 and lot 17 on plan SL844, about 11 kilometres north-west of Samford;
  - j. revoke the entirety of Nibbereena Creek Nature Refuge, described as lot 6 on plan DC112, containing an area of about 202.6 hectares, about 117 kilometres west of Nebo, due to the expiration of the conservation agreement;
  - k. redescribe the entirety of Teemburra Nature Refuge as the part of lot 2 on CP899741, lot 3 on CP899742 and the part of lot 4 on CP899743, containing an area of about 1999.8 hectares, shown on plan PA1038, about 50 kilometres west of Mackay, due to a replacement conservation agreement and protected area plan (a recalculation of the area of the nature refuge using contemporary survey and mapping technology resulted in a decrease in the previous area of the nature refuge by 0.2 hectares); and
  - l. revoke the entirety of Torrlinger Nature Refuge, described as the part of lot 423 on SP146511, containing an area of about 11,387 hectares, shown on plan PA531, about 75 kilometres south-west of Georgetown, due to the expiration of the conservation agreement.

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

The amendment regulation is consistent with the main objectives of the Act.

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

The amendment regulation is not inconsistent with any other legislation.

## **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 is in part a requirement of the 2009 *Wulgurukaba People Indigenous Land Use Agreement* executed between Native Title Parties and the State of Queensland, in the public and private stakeholders' interests, is not considered to constitute significant subordinate legislation and 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).

All parties support the amendments.

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