

Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2018

Explanatory notes for SL 2018 No. 220

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2018

Authorising law

Sections 29, 32, 46, 48, 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. 3) 2018* (amendment regulation) are to:

- increase the area of three existing national parks and one existing conservation park by dedicating areas of unallocated State land as national park and conservation park; and
- alter the name of two existing national parks; and
- redescribe one existing national park and one existing conservation park after the completion of up-to-date plans; and
- dedicate three new conservation parks; and
- revoke the dedication of parts of one existing resources reserve to rectify an erroneous dedication of state land; and
- declare two new nature refuges; and
- increase the area of two existing nature refuges; and
- rename part of one existing nature refuge; and
- redescribe six nature refuges to rectify administrative errors.

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 of areas from the forest reserve and protected area estates 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 in which they have an interest under Aboriginal tradition or Island custom.

The Queensland Government has recognised the rights and interests of the Wulgurukaba People in Magnetic Island with respect to traditional lore and is committed to work with traditional owners to protect the areas’ natural and cultural values.

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. dedicate an area of unallocated State land, described as lot 293 on plan HR176 containing an area of 93.728 hectares, as part of the existing 13,232.801 hectare Dryander National Park, about 11 kilometres south-west of Airlie Beach; and
 - b. alter the name of Malaan National Park to Maalan National Park and redescribe the entirety of the national park as lot 1 and 175 on plan AP22495 containing an area of about 2,473 hectares, about 50 kilometres west of Innisfail; and
 - c. alter the name of Mount Jim Crow National Park (formerly National Park 893, County of Livingstone) to Baga National Park, described as lot 893 on plan NPW29 containing an area of about 144 hectares, about 15 kilometres south-west of Yeppoon; and
 - d. dedicate an area of unallocated State land, described as lots 454 and 456 on plan LX710 containing an area of 723.651 hectares, as part of the existing 3,490 hectare Oakview National Park, about 35 kilometres west of Gympie; and
 - e. redescribe the entirety of Pumicestone National Park as lots 2, 9, 14, 24 to 26, 28, 105, 128 and 611 on AP22476 containing an area of about 1013.2587 hectares, about 25 kilometres north-east of Caboolture (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 70.38 hectares); and

- f. dedicate an area of unallocated State land, described as lot 55 on plan LX1044 and lot 42 on plan LX2577 containing an area of 758.774 hectares, as part of the existing 21,729 hectare Wrattens National Park, about 35 kilometres west of Gympie.

2. *Schedule 3: Conservation parks of the Nature Conservation (Protected Areas) Regulation 1994 to:*

- a. dedicate as Earl Hill Conservation Park an area of unallocated State land described as lot 202 on SP178664 containing an area of 53.8275 hectares, about 16 kilometres north-west of Cairns; and
- b. dedicate as Magnetic Island Conservation Park 1 an area of unallocated State land described as lot 1 on AP22486 containing an area of about 64.098 hectares (cancelling lot 218 on plan EP191, lots 10 and 40 on SP223224 and lot 1 on plan USL51464), about 16 kilometres north-east of Townsville. This amendment is a requirement of the Wulgurukaba People Indigenous Land Use Agreement executed between the Native Title Parties and the State of Queensland; and
- c. dedicate as Magnetic Island Conservation Park 2 an area of unallocated State land described as lot 1 on AP22487 containing an area of 13.773 hectares (cancelling lot 139 on plan EP2057, lot 5 on plan USL51475 and lot 10 on plan USL51476), about 16 kilometres north-east of Townsville. This amendment is a requirement of the Wulgurukaba People Indigenous Land Use Agreement executed between the Native Title Parties and the State of Queensland; and
- d. redescribe the entirety of Walter Hill Range Conservation Park as lots 1 and 112 on AP22491 containing an area of about 111.576 hectares, about 23 kilometres north-east of Tully (a recalculation of the area of the conservation park using contemporary survey and mapping technology resulted in an increase in the previous area of the conservation park by 0.001 hectares); and
- e. dedicate an area of unallocated State land, described as lot 58 on plan LX799 containing an area of 555.229 hectares, as part of the existing 28 hectare Wrattens Conservation Park, about 30 kilometres west of Gympie.

3. *Schedule 3A Resources reserve of the Nature Conservation (Protected Areas) Regulation 1994 to:*

- a. Revoke the dedication of parts of Heathlands Resources Reserve described as lot 1 on SP288875, lot 2 on SP288876, lot 3 on SP296927 and lots 35 to 37 on SP296936 containing an area of about 9.3831 hectares, about 66 kilometres south of Bamaga, to rectify the erroneous dedication of State land (previously road reserve) as resources reserve and enable the traditional owners to pursue economic opportunities in the Cockatoo Creek and Captain Billy Landing areas and re-establish cultural ties to the land. Additionally, this amendment also corrects an erroneous survey plan (SP288875), resulting in an additional reduction of 2.1775 hectares due to a recalculation of the area via an Identification Survey.

4. *Schedule 5 Nature Refuges of the Nature Conservation (Protected Areas) Regulation 1994 to:*

- a. redescribe the entirety of Barrine Park Nature Refuge as the part of lot 69 on plan NR4733, containing an area of about 4.95 hectares, shown on plan PA432, about

18 kilometres east of Atherton. This amendment is required to rectify an administrative error in the current description of the nature refuge area. The amendment will correct the error by changing the nature refuge area description from about 5 hectares to about 4.95 hectares; and

- b. redescribe the entirety of Benaiah Nature Refuge as lot 182 on SP105122, containing an area of about 32 hectares, shown on plan PA26, about 7.5 kilometres north of Ingham. This amendment is required due to a recalculation of the area using contemporary survey methods resulting in a slight reduction (1 hectare) and a change in plan number; and
- c. declare an area of about 8.237 hectares as Cluster Fig Nature Refuge described as lot 2 on RP737058, shown on plan PA1050, about 44 kilometres north of Port Douglas; and
- d. declare an additional area of about 9.4 hectares as part of the existing Dilkusha Nature Refuge, described as part of lot 0 on plan GTP2679, containing a new total area of about 25.2 hectares, shown on plan PA1064, about 8 kilometres north-east of Maleny, due to a replacement conservation agreement and protected area plan; and
- e. redescribe the entirety of Edward Corbould Reserve and Retreat Nature Refuge as The land, containing an area of 485.3409 hectares, consisting of—
 - (a) lot 69 on RP865173; and
 - (b) lot 258 on plan WD943 and lot 495 on plan W311031, shown on plan PA5; and
 - (c) lot 2 on RP59849; and
 - (d) lot 3 on RP866822 and lot 511 on plan CC1866, shown on plan PA6; and
 - (e) lots 2, 3, 5 and 6 on RP59942, lot 1 on RP83001, lot 2 on RP114185 and lot 4 on plan WD3209, shown on plan PA7.

This amendment is required to rectify an administrative error in the current description of the nature refuge area. This amendment will correct the error by changing the nature refuge area description from 485.3431 hectares to 485.3409 hectares; and

- f. redescribe the entirety of Gaia Nature Refuge as lot 53 on plan S313002, containing an area of 459.2170 hectares, about 13 kilometres west of Dayboro. This amendment provides for the renaming of about 48 hectares of Gaia Nature Refuge as Green Catbird Nature Refuge. The proposed changes result in the split of one nature refuge into two nature refuges. Additionally, this amendment is required due to a recalculation of the area using contemporary survey methods which has resulted in a slight reduction in area of 0.063 hectares; and
- g. declare an additional area of about 31,333 hectares as part of the existing Gilberton Nature Refuge, described as the part of lot 329 on plan OL158 and the whole of lot 330 on plan OL159, containing a new total area of about 34,217 hectares, shown on plan PA1040, about 110 kilometres south of Georgetown, due to a replacement conservation agreement and protected area plan; and
- h. rename about 48 hectares of Gaia Nature Refuge as Green Catbird Nature refuge, described as the part of lot 11 on plan S312691, containing an area of about 48 hectares, shown on plan PA1057, about 13 kilometres west of Dayboro. This amendment provides for the renaming of about 48 hectares of Gaia Nature Refuge as Green Catbird Nature Refuge. The proposed changes result in the split of one nature refuge into two nature refuges; and

- i. redescribe the entirety of Mooloolah River Nature Refuge as lot 9 on SP163512, containing an area of about 12.7984 hectares, shown on plan PA257, about 5 kilometres east of Mooloolah. This amendment is required to rectify an administrative error in the current description of the nature refuge area. The amendment will correct the error by changing the nature refuge area description from about 12.8 hectares to 12.7984 hectares; and
- j. redescribe the entirety of Numala Community Nature Refuge as the part of lot 0 on SP183670, containing an area of 35.5309 hectares, shown on plan PA249, about 1.5 kilometres south of North Tamborine; and
- k. declare an area of about 3,489 hectares as Ulcanbah Nature Refuge, described as the part of lot 686 on SP227322, containing an area of about 3,489ha, shown on plan PA1045, about 240 kilometres north-east of Longreach.

Consistency with policy objectives of authorising law

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

The Heathland Resources Reserve amendment proposal was tabled in the Legislative Assembly of Queensland on 22 August 2018 in accordance with the Act and was passed by a Resolution agreed to by the Legislative Assembly of Queensland on 20 September 2018.

This proposal was advertised in The Courier-Mail and Cairns Post on 1 September 2018 in accordance with section 173Q of the Act which stipulates that within 10 days after the notice of motion for the revocation is given the chief executive will 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.

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, nature features and wilderness of the State will be added to the protected area estate.

Implementing the Magnetic Island Conservation Park 1 and Magnetic Island Conservation Park 2 proposals of this 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, is in the public interest, 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, Indigenous Land Use Agreement 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 relation to the proposed revocation of part of Heathlands Resources Reserve, this proposal was advertised in *The Courier-Mail* and *Cairns Post* on 1 September, in accordance with section 173Q of the Act. No public submissions were received as a result of the advertised Public Notices.

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 consulted support the amendments.

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