

# Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2020

Explanatory notes for SL 2020 No. 39

made under the

*Nature Conservation Act 1992*

## General Outline

### Short title

*Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2020*

### Authorising law

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

### Policy objectives and the reasons for them

The objectives of the *Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2020* (Amendment Regulation) are to:

- increase the area of five existing national parks and one conservation park;
- redescribe one national park after completion of an up to date plan;
- upgrade parts of one existing resources reserve to national park;
- decreasing the area of one existing resources reserve (upgrading to national park);
- declare nine new nature refuges; and
- redescribe two nature refuges due to replacement conservation agreements and the completion of new plans.

As mineral prospectivity has ceased over parts of Rungulla Resources Reserve, these parcels are now available for upgrade to national park tenure to enable greater conservation of these areas.

## 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 16 on plan USL42145, containing an area of about 213 hectares, as part of the existing Byfield National Park, about 19 kilometres north of Yeppoon. The dedication of this parcel is a commitment in the Darumbal Protected Areas Indigenous Land Use Agreement (ILUA) and will simplify and consolidate management of the protected area;
  - b. dedicate an area of unallocated State land described as lot 1 on SP313789, containing an area of about 3,200 hectares, as part of the existing Expedition National Park, about 118 kilometres north of Roma. The parcel was purchased as an acquisition under a National Reserve System funding agreement by the Federal government to purchase the land and dedicate as national park;
  - c. dedicate an area of unallocated State land described as lot 3 on SP126731 and lot 9 on plan USL38632, containing an area of about 846 hectares, as part of the existing Girringun National Park, about 127 kilometres north-west of Townsville. This parcel is part of a long-term project to add numerous unallocated State land parcels to the protected area estate;
  - d. change the class of parts of Rungulla Resources Reserve described as lots 4, 6 and 9 on SP275179, containing an area of about 1,563 hectares, and amalgamate the area with the existing Rungulla National Park, about 307 kilometres north-west of Charters Towers. The cessation of mining interests over this part of the resources reserve allows the upgrade of these parcels to national park, providing a higher level of protection for another portion of this National Reserve System acquisition;
  - e. redescribe the entirety of Springbrook National Park as lots 1 to 8 on AP19371, lot 15 on RP889011 and lot 1 on SP264960, containing an area of about 6,554.079 hectares, using contemporary survey and mapping technology and standards (resulting in a decrease in the total area by about 4.1375 hectares), about 23 kilometres south-west of Gold Coast;
  - f. dedicate an area of unallocated State land described as lot 99 on SP230858, containing an area of 0.1527 hectares, as part of the existing Wooroonooran National Park, about 26 kilometres south-west of Innisfail. This parcel is part of a long-term project to add numerous unallocated State land parcels to the protected area estate.
2. Schedule 3: Conservation parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
  - a. dedicate an area of unallocated State land described as lot 3 on SP233611, containing an area of 2.184 hectares, as part of the existing Calliope Conservation Park, about 11 kilometres south-west of Gladstone. This dedication is an outcome of a compensation agreement between Queensland Rail and Queensland Parks and Wildlife Service for revocations to Mount Stowe State Forest and Calliope Conservation Park for the Wiggins Island Coal Terminal project (Gladstone);

3. Schedule 3A Resources reserves of the *Nature Conservation (Protected Areas) Regulation 1994* to:
- a. changing the class of part of Rungulla Resources Reserve, described as lots 4, 6 and 9 on SP275179, containing an area of about 1,563 hectares, dedicating those lots as part of the existing Rungulla National Park, about 307 kilometres northwest of Charters Towers.
4. Schedule 5 Nature refuges of the *Nature Conservation (Protected Areas) Regulation 1994* to:
- a. declare an area described as lot 29 on SP190500 as Ant Plant East Nature Refuge, containing an area of 78.85 hectares, shown on plan PA1077, about 7 kilometres east of Tully. An executed conservation agreement is in force for this area of land and it is now required under legislation to be declared as a nature refuge in the *Nature Conservation (Protected Areas) Regulation 1994*;
  - b. declare an area described as lot 70 on plan CWL2669 as Ant Plant West Nature Refuge, containing an area of 138.377 hectares, shown on plan PA1076, about 7 kilometres east of Tully. An executed conservation agreement is in force for this area of land and it is now required under legislation to be declared as a nature refuge in the *Nature Conservation (Protected Areas) Regulation 1994*;
  - c. declare an area described as the part of lot 2 on RP59819 as Big Fig Nature Refuge, containing an area of about 35.47 hectares, shown on plan PA1070, about 20 kilometres south-east of Canungra. An executed conservation agreement is in force for this area of land and it is now required under legislation to be declared as a nature refuge in the *Nature Conservation (Protected Areas) Regulation 1994*;
  - d. declare an area described as the part of lot 3 on RP159449 as Birthday Trail Nature Refuge, containing an area of about 31.81 hectares, shown on plan PA1069, about 20 kilometres south-east of Canungra. An executed conservation agreement is in force for this area of land and it is now required under legislation to be declared as a nature refuge in the *Nature Conservation (Protected Areas) Regulation 1994*;
  - e. declare an area described as lot 59 on RP893127 as Burnamup Nature Refuge, containing an area of 20.53 hectares, shown on plan PA1068, about 28 kilometres south of Aratula. An executed conservation agreement is in force for this area of land and it is now required under legislation to be declared as a nature refuge in the *Nature Conservation (Protected Areas) Regulation 1994*;
  - f. declare an area described as the part of lot 634 on SP158825 as Caloola Nature Refuge, containing an area of about 18,072.5 hectares, shown on plan PA1085, about 15 kilometres south-west of Cooktown. An executed conservation agreement is in force for this area of land and it is now required under legislation to be declared as a nature refuge in the *Nature Conservation (Protected Areas) Regulation 1994*;
  - g. declare an area described as the part of lot 87 on plan M37981 as Curramore Farm Forest Nature Refuge, containing an area of about 37.67 hectares, shown on plan PA1066, about 10 kilometres north-west of Maleny. An executed conservation agreement is in force for this area of land and it is now required under legislation to be declared as a nature refuge in the *Nature Conservation (Protected Areas) Regulation 1994*;
  - h. redescribe the entirety of Feathertail Nature Refuge as the part of lot 8 on GTP103494, containing an area of about 7.7263 hectares, shown on plan PA1073, about 20 kilometres west of Brisbane. This amendment is required due to a

replacement conservation agreement and a new protected area plan where the area was recalculated using contemporary survey and mapping technology and standards, resulting in a slight reduction to the total area for the nature refuge (0.5237 hectares) and a change in plan number;

- i. declare an area described as lot 1 on RP59092 as The Bush Block Nature Refuge, containing an area of 200.9391 hectares, shown on plan PA1051, about 28 kilometres south of Aratula. An executed conservation agreement is in force for this area of land and it is now required under legislation to be declared as a nature refuge in the *Nature Conservation (Protected Areas) Regulation 1994*;
- j. declare an area described as lot 81 on plan W312533 as The Glen Nature Refuge, containing an area of about 195.4632 hectares, shown on plan PA1067, about 28 kilometres south of Aratula. An executed conservation agreement is in force for this area of land and it is now required under legislation to be declared as a nature refuge in the *Nature Conservation (Protected Areas) Regulation 1994*;
- k. redescribe the entirety of Thornton View Nature Refuge as lot 126 on plan CC446, lot 54 on plan CC792 and the part of lot 148 on plan CH312013, containing an area of about 353.8823 hectares, shown on plan PA1023, about 47 kilometres south-east of Toowoomba. This amendment is required due to a replacement conservation agreement and a new protected area plan where the area was recalculated using contemporary survey methods and standards, resulting in an increase in the total area for the nature refuge (1.6823 hectares) and a change in plan number.

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

The Amendment Regulation is consistent with the objectives of the NC Act, namely:

- the dedication and declaration of areas representative of the biological diversity, natural features and wilderness of the State as protected areas; and
- the cooperative involvement of landholders in the conservation of nature.

## **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 Amendment Regulation is in the public interest, is not considered to constitute significant subordinate legislation and will have negligible costs.

Costs relating to the Department of Environment and Science's (DES) administration and ongoing management of associated areas are met through existing annual budget allocations.

## 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

The Office of Best Practice Regulation, Queensland Productivity Commission, was not consulted because DES applied a self-assessable exclusion in accordance with *The Queensland Government Guide to Better Regulation* (the Guide) and determined that the regulatory amendment is of a machinery nature in accordance with category (g) of the Guide.

In relation to the Calliope Conservation Park amendment, a resources company was contacted and agreed to relinquish its interests over the affected area to allow its dedication as protected area.

No further external consultation was required on the remaining national park, conservation park or resources reserve amendments under the *Nature Conservation (Protected Areas) Regulation 1994*, as the amendments are considered machinery in nature.

In relation to the amendments to nature refuges under the *Nature Conservation (Protected Areas) Regulation 1994*, parties consulted under section 44 and 45 of the NC 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.

All parties consulted support the amendments.

No changes to the Amendment Regulation were required as a result of the consultation.