

Nature Conservation (Protected Areas) Amendment Regulation 2023

Explanatory notes for SL 2023 No. 172

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Protected Areas) Amendment Regulation 2023

Authorising law

Sections 29, 46, 48, 50 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 2023* (Amendment Regulation) are to:

- increase the area of 11 national parks;
- increase the area of one conservation park;
- revoke part of one nature refuge;
- increase the area of two nature refuges;
- redescribe three nature refuges; and
- declare five new nature refuges.

The core aim of dedicating new or amending existing protected areas is to permanently preserve, to the greatest extent possible, the area's natural condition, to protect the area's cultural resources and values and provide for ecologically sustainable activities and ecotourism. The Amendment Regulation will increase the area of 11 national parks, increase the area of one conservation park, increase the area of two nature refuges and declare five new nature refuges.

This Amendment Regulation also includes minor amendments, such as an updated protected area plan for one nature refuge using contemporary survey and mapping technology to improve clarity, accuracy and transparency for the protected area reporting system.

Achievement of policy objectives

To achieve its objective, the Amendment Regulation amends:

1. Schedule 2: National parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. dedicate an area described as lots 2 to 4 on plan USL38596, containing a total area of about 2.685 hectares, as part of the existing Bowling Green Bay National Park, about 26 kilometres east of Townsville. The additions form part of a bioregional corridor and provide significant bird nesting sites for the white-bellied sea-eagle and black-naped tern;
 - b. dedicate an area described as lots 4 and 5 on AP22768, lot 1 on AP23920, lot 14 on plan USL37787 and lots 13 and 15 on plan USL37788, containing a total area of about 4.011 hectares, as part of the existing Brampton Islands National Park, about 39 kilometres north of Mackay. The additions provide bird nesting sites and are in close proximity to the existing Brampton Islands National Park and will improve strategic management of the area;
 - c. dedicate an area described as lot 2 on plan PS804651, lots 2, 3, 6 to 8 and 10 on plan USL37429, lot 4 on plan USL37430, lots 2, 3, 5 and 9 on plan USL37431, lots 5, 8 and 11 on plan USL37454, lots 63 to 65 and 68 on plan USL42130 and lots 6, 21, 23 and 43 on plan USL42165, containing a total area of about 322.687 hectares, as part of the existing Broad Sound Islands National Park, about 164 kilometres north of Rockhampton. The area contains very high conservation values including breeding sites for various bird, green turtle and flatback turtle species;
 - d. dedicate an area described as lot 1 on AP13142 and lot 1 on AP13141, containing a total area of about 15.22 hectares, as part of the existing Eurimbula National Park, about 47 kilometres south-east of Gladstone. The parcels provide low tide connectivity with the existing Eurimbula National Park and will improve management of the area;
 - e. dedicate an area described as lots 23 to 25 and 37 on AP22764 and lot 13 on plan USL46741, containing a total area of about 16.375 hectares, as part of the existing Gloucester Island National Park, about 39 kilometres south-east of Bowen. The parcels contain regional ecosystems with 'of concern' status and provide habitat for vulnerable species including the green turtle;
 - f. dedicate an area described as lot 2 on SP216433, containing an area of 357.7 hectares, as part of the existing Goosedulla National Park, about 72 kilometres north-west of Rockhampton. This addition is a requirement of the Darumbal People Protected Areas Indigenous Land Use Agreement. 95% of the land parcel is covered by remnant vegetation, eucalypt woodland and wildlife refugia;
 - g. dedicate an area described as lots 1 to 6 on SP339847 and lots 9 and 10 on SP339848, containing a total area of 19.5296 hectares, as part of the existing Main Range National Park, about 42 kilometres north-east of Warwick. The parcels are

- former closed roads that did not align with the constructed road footprint and will improve compliance and management of the national park;
- h. dedicate an area described as lots 4, 8, and 9 on plan USL37428, lots 11 to 13 and 15 on plan USL39191 and lot 3 on plan USL39192, containing a total area of about 231.129 hectares, as part of the existing Northumberland Islands National Park, about 65 kilometres south-east of Mackay. The additions contain habitat for green turtles and provide connectivity to the surrounding existing national park islands that are in excellent ecological condition;
 - i. dedicate an area described as lot 1 on plan USL36900, containing an area of about 5.99 hectares, as part of the existing Repulse Islands National Park, about 81 kilometres north-west of Mackay. The parcel contains a regional ecosystem with ‘of concern’ status and provides habitat for the endangered lesser sand plover;
 - j. dedicate an area described as lots 7, 9, 21 and 22 on AP22768, lot 7 on AP22772, lots 8, 10 to 12, 14, 17 and 23 to 25 on plan USL37788 and lot 15 on plan USL37789, containing a total area of about 16.996 hectares, as part of the existing Smith Islands National Park, about 57 kilometres north of Mackay. The additions will improve management of the nearby national park islands that are in excellent ecological condition and contain important bird nesting sites and habitat for the near threatened plant *Xylosma ovata*;
 - k. dedicate an area described as lots 1 to 6 on AP22769, lot 1 on AP22771, lot 11 on plan CI3969, lots 3 to 5 on plan USL37601, lots 9 and 11 to 13 on plan USL37786, lots 8 to 12 on plan USL37790 and lots 2 and 3 on plan USL39190, containing a total area of about 130.949 hectares, as part of the existing South Cumberland Islands National Park, about 56 kilometres east of Mackay. The additions are in exceptional ecological condition and provide roosting sites for seabirds and the eastern curlew, and nesting sites for green turtle and flatback turtle.
2. Schedule 3: Conservation parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. dedicate an area described as lots 1 to 8 on SP339848, containing a total area of about 17.3907 hectares, as part of the existing Main Range Conservation Park, about 42 kilometres north-east of Warwick. The parcels are former closed roads that did not align with the constructed footprint and will improve compliance and management of the conservation park.
 3. Schedule 5: Nature refuges of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. declare an area described as lot 33 on plan NR7319 and lot 34 on plan NR7434, containing a total area of 64.62 hectares, as the new Coopooroo Creek Nature Refuge, shown on plan PA1153, about 14 kilometres east of Malanda. The area provides connectivity to the Wooroonooran National Park and contains suitable habitat for threatened flora and fauna species including the spotted-tailed quoll and mountain silkwood;
 - b. declare an area described as part of lot 60 on SP238874, containing an area of about 39.7196 hectares, as the new Dundas Nature Refuge, shown on plan PA1145, about 19 kilometres south of Fernvale. The lot contains the critically endangered scrub turpentine and habitat for the vulnerable black-breasted button-quail and provides connectivity to D’Aguilar National Park;
 - c. revoke part of Gyetvay Park Nature Refuge, described as part of lot 1 on RP173061, containing an area of about 19.96 hectares; and subsequently

- redescribe the entirety of the nature refuge, as part of lot 1 on RP173061, containing an area of about 60.97 hectares, shown on plan PA1160, about 1 kilometre east of Tamborine. The revocation is required to exclude the former agricultural and domestic zones from the nature refuge;
- d. redescribe the entirety of the existing Helios Hills Nature Refuge, as lot 1 on RP615011, containing an area of 28.98 hectares, shown on plan PA1152, about 33 kilometres north of Yeppoon. The amendment is required due to the establishment of a permanent mixed-use zone and will result in an increase of about 0.58 hectares due to the use of contemporary surveying and mapping technology and standards;
- e. declare the areas described as lot 10 on RP739106, lots 30, 32, 33, 36 and 38 on RP740682, lots 24, 27 and 29 on RP740683 and lots 14 and 19 on RP740684, containing a total area of 14.349 hectares, as part of the existing Milky Pine Nature Refuge; and subsequently redescribe the entirety of the nature refuge as lots 7, 9 and 10 on RP739106, lots 30, 32, 33, 36 and 38 on RP740682, lots 24, 27 and 29 on RP740683 and lots 14, 16 and 19 on RP740684, containing a total area of about 17.5021 hectares, shown on plan PA1142, about 28 kilometres north of Port Douglas. The area contains known habitat for the endangered southern cassowary and provides a significant biodiversity corridor that connects lowland and upland forests of the Daintree National Park;
- f. declare an area described as parts of lot 32 on plan HR2033, containing a total area of about 215.81 hectares, as the new Rangemoore Nature Refuge, shown on plan PA1148, about 21 kilometres west of Proserpine. The area contains known habitat for the endangered Proserpine rock-wallaby and provides connectivity with Proserpine State Forest;
- g. declare an area described as part of lot 335 on plan NR1424, containing an area of about 42.21 hectares, as the new Turangawaewae Nature Refuge, shown on plan PA1144, about 14 kilometres south-east of Malanda. The area contains known habitat for the endangered southern cassowary and waterfall frog and provides connectivity to Wooroonooran National Park;
- h. declare an area described as lot 3 on MPH20029, containing an area of 32.2737 hectares, as the new Wonarro Creek Nature Refuge, shown on plan PA1154, about 16 kilometres east of Malanda. The area contains known and suitable habitat for endangered and vulnerable flora and fauna species such as the notched sundew and southern cassowary.

Consistency with policy objectives of authorising law

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

- the Governor in Council may make regulations under the NC Act;
- 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 the policy objectives of other legislation.

Benefits and costs of implementation

Protected areas provide conservation and ecosystem services which have indirect economic value and positive benefits to society. Protected areas also provide special places for recreation and tourism activities and are often places of important cultural and spiritual significance for Traditional Owners.

Each area of land being added to the protected area estate was transferred for conservation and/or boundary management purposes. As encumbrances have now been resolved, transitioning this land to protected area tenure will formalise tenure for the land to ensure that the Queensland Parks and Wildlife Service within the Department of Environment and Science (DES) can manage it as a protected area completely in accordance with the NC Act for the benefit of the environment and community.

The updating of plans allows the resolution of boundary and area issues and improves clarity, accuracy and transparency of protected areas.

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 DES's administration and ongoing management of associated areas are met through existing annual budget allocations.

Consistency with fundamental legislative principles

The Amendment Regulation has been drafted with regard to, and is consistent with, the fundamental legislative principles as defined in section 4(5) of the *Legislative Standards Act 1992*.

Consultation

Stakeholders that currently have, or are likely to have, an interest in the proposal areas have been consulted such as Energy Queensland and Powerlink Queensland. Feedback from stakeholders consulted about the Amendment Regulation was generally positive.

In relation to the amendment to nature refuges under the *Nature Conservation (Protected Areas) Regulation 1994*, all relevant parties under sections 44 and 45 of the NC Act have been notified and, where relevant, consented to this nature refuge amendment. Landholders have been closely involved in the negotiation and development of their conservation agreement.

The Office of Best Practice Regulation was notified on 11 September 2023 that a self-assessment was undertaken in accordance with *The Queensland Government Better Regulation Policy* (the Policy) and it was determined that the regulatory amendment is

excluded from further regulatory impact assessment as it is of a machinery nature, in accordance with the Policy.

A public notice was published on DES's website on 11 September 2023 regarding consultation on proposed amendments to the protected area estates and seeking views in consideration of the *Human Rights Act 2019*, including Aboriginal peoples' and Torres Strait Islander peoples' cultural rights. Nil written responses were received in the 28 day consultation period ending 9 October 2023, and DES progressed the proposals accordingly.

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

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