

Nature Conservation Legislation Amendment Regulation 2024

Explanatory notes for SL 2024 No. 27

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation Legislation Amendment Regulation 2024

Authorising law

Sections 29, 46, 64, 70E and 175 of the *Nature Conservation Act 1992* (NC Act).

Policy objectives and the reasons for them

The objectives of the *Nature Conservation Legislation Amendment Regulation 2024* (Amendment Regulation) are to:

- revoke six forest reserves for dedication as national park;
- increase the area of seventeen national parks;
- redescribe one national park;
- increase the area of two conservation parks; and
- declare four new nature refuges.

The core aim of dedicating new 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 seventeen national parks, increase the area of two conservation parks, and declare four new nature refuges.

The proposal to revoke the forest reserves and subsequently dedicate them as protected area is part of the long-term forest reserve transfer process in Queensland. In accordance with section 70K of the NC Act, public notification of the proposed transfer of these forests

reserves to national park was notified on the Department of Environment, Science and Innovation's website, with comments invited to be received within 35 days, by 16 January 2024. One query was received and there were no objections in response to the proposal.

This Amendment Regulation also includes minor amendments, such as updating of the plans that define the boundaries of national parks or protected areas using contemporary survey and mapping technology. Reasons for these updates include correcting area calculation errors, boundary consolidation following tenure actions and updating plan information to improve clarity, accuracy and transparency for the protected area and forest estate reporting system. Correcting administrative errors and amending descriptions will meet description requirements under the *Land Act 1994*.

Achievement of policy objectives

To achieve its objective, the Amendment Regulation amends:

1. Schedule: Forest reserves of the *Nature Conservation (Forest Reserves) Regulation 2000* to:
 - a. revoke the entirety of Barron Gorge Forest Reserve described as lot 1 on AP19290, containing an area of about 176.34 hectares, for the dedication of the area as part of the existing Barron Gorge National Park, about 18 kilometres north-west of Cairns. The dedication area contains habitat for species of conservation significance including the southern cassowary and Gouldian finch;
 - b. revoke the entirety of Dryander Forest Reserve described as lot 5 on AP19346, containing an area of about 25.92 hectares, for the dedication of the area as part of the existing Dryander National Park, about 15 kilometres north of Proserpine. The forest reserve contains 'of concern' vine forest regional ecosystems providing wildlife refugia and habitat for species including the endangered Proserpine rock-wallaby;
 - c. revoke the entirety of Kelvin Forest Reserve described as lot 4 on AP19344, containing an area of about 1,191 hectares, for the dedication of the area as part of the existing Kelvin National Park, about 49 kilometres south of Mackay. The addition of this parcel to national park tenure increases protection for this significant wildlife corridor in the Connors Range;
 - d. revoke the entirety of Kuranda Forest Reserve described as lots 9, 11, 16 and 21 on AP19345, containing an area of about 55.74 hectares, for the dedication of the area as part of the existing Kuranda National Park, about 38 kilometres north-west of Cairns. The amendment improves management and protection of areas containing habitat for species including the southern cassowary and spotted-tailed quoll;
 - e. revoke the entirety of Macalister Range Forest Reserve described as lots 12 to 15 on AP19345, containing a total area of about 47.75 hectares, for the dedication of the area as part of the existing Macalister Range National Park, about 38 kilometres north-west of Cairns. The amendment enables improved strategic management of an area that contains an endangered regional ecosystem and habitat for threatened species;
 - f. revoke the entirety of Yabba Forest Reserve 2 described as lot 1 on AP19204, containing an area of about 4 hectares, for the dedication of the area as part of the existing Wrattens National Park, about 35 kilometres west of Gympie. The

addition will improve management and protection of an area containing an ‘of concern’ open forest regional ecosystem that is adjacent to Wrattens National Park.

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

- a. dedicate the former Barron Gorge Forest Reserve, described as lot 1 on AP19290, containing an area of about 176.34 hectares, as part of the existing Barron Gorge National Park, about 18 kilometres north-west of Cairns. The dedication area contains habitat for species of conservation significance including the southern cassowary and Gouldian finch;
- b. dedicate an area described as lot 1 on AP23587, containing an area of about 6.86 hectares, as part of the existing Broad Sound Islands National Park, about 142 kilometres south of Mackay. This island is located in a significant estuary system containing important bird nesting sites;
- c. dedicate an area described as lot 29 on plan DS546, lot 1 on plan USL36622 and lots 102 and 103 on plan USL39717, containing a total area of about 66.417 hectares, as part of the existing Curtis Island National Park, about 21 kilometres north of Gladstone. These areas contain significant wetland and threatened ecological communities. They provide wildlife refugia and important roosting sites for the eastern curlew and great knot;
- d. dedicate the former Dryander Forest Reserve, described as lot 5 on AP19346, containing an area of about 25.92 hectares, as part of the existing Dryander National Park, about 15 kilometres north of Proserpine. The amendment will also correct an administrative error of about 0.0003 hectares for the previous area description for the national park. These amendments will result in an overall increase of about 25.9197 hectares for the area description of the national park. The dedication area contains ‘of concern’ vine forest regional ecosystems providing wildlife refugia and habitat for species including the endangered Proserpine rock-wallaby;
- e. dedicate an area described as lot 88 on AP15769 and lot 49 on plan USL21851, containing a total area of about 629.2 hectares, as part of the existing Ella Bay National Park, about 6 kilometres north of Innisfail. These lots contain riverine wetlands of high conservation significance, and habitat for endangered species including the southern cassowary and spectacled flying-fox;
- f. dedicate an area described as lot 283 on AP16255, lots 88 and 89 on plan NR4809 and lots 9 and 27 on plan USL21999, containing a total area of about 544.6794 hectares, as part of the existing Eubenangee Swamp National Park, about 19 kilometres north of Innisfail. The parcels contain endangered regional ecosystems and contain habitat for threatened species including the southern cassowary and Macleay’s fig-parrot;
- g. redescribe the entirety of Eungella National Park as lots 1 to 5 on AP23768, containing a total area of about 62,194.365 hectares, about 70 kilometres west of Mackay. A new plan has been drawn to correct an error where a portion of closed road was incorrectly excluded from the national park. The plan has been drawn using contemporary survey and mapping technology and standards, resulting in an increase of about 1.355 hectares to the area description of the national park due to a recalculation;
- h. dedicate an area described as lot 19 on SP342973, containing an area of about 1.38 hectares, as part of the existing Gloucester Island National Park, about 129 kilometres north-west of Mackay. This parcel is a former esplanade that has

- now been incorporated into the protected area estate to provide connectivity and management benefits to the adjacent Gloucester Island National Park which provides habitat for the endangered Proserpine rock-wallaby;
- i. dedicate the former Kelvin Forest Reserve, described as lot 4 on AP19344, containing an area of about 1,191 hectares, as part of the existing Kelvin National Park, about 49 kilometres south of Mackay. The addition of this parcel to national park tenure increases protection for this significant wildlife corridor in the Connors Range;
 - j. dedicate an area described as lots 49, 147 and 148 on AP23401, lot 2 on AP23588, lot 3 on AP23589 and lot 16 on SP342971, containing a total area of about 17.44 hectares, as part of the existing Keppel Bay Islands National Park, about 76 kilometres north-east of Rockhampton. The islands contain significant breeding sites for birds including the Caspian tern. One parcel is a former esplanade that has been incorporated into the protected area estate to provide connectivity and management benefits to the adjacent protected area;
 - k. dedicate the former Kuranda Forest Reserve, described as lots 9, 11, 16 and 21 on AP19345, containing a total area of about 55.74 hectares, as part of the existing Kuranda National Park, about 38 kilometres north-west of Cairns. The amendment will improve management and protection of areas containing habitat for species including the southern cassowary and spotted-tailed quoll;
 - l. dedicate the former Macalister Range Forest Reserve, described as lots 12 to 15 on AP19345, and also lot 1 on SP146525, containing a total area of about 47.7509 hectares, as part of the existing Macalister Range National Park, about 38 kilometres north-west of Cairns. The amendments will consolidate the boundaries of the national park and provide management benefits for the protected area estate.
 - m. dedicate an area described as lot 1 on AP15948, containing an area of about 3.4 hectares, as part of the existing Northumberland Islands National Park, about 65 kilometres south-east of Mackay. The area is surrounded by Northumberland Islands National Park and contains ‘of concern’ woodlands and scrub regional ecosystems. The dedication will improve strategic management of the national park;
 - n. dedicate an area described as lot 17 on SP342972, containing an area of about 193 hectares, as part of the existing Percy Isles National Park, about 126 kilometres south-east of Mackay. This parcel is a former esplanade that has now been incorporated into the protected area estate to provide connectivity and management benefits to the adjacent Percy Isles National Park;
 - o. dedicate an area described as lots 1 and 2 on AP15770, lot 49 on plan NR144, lot 85 on plan NR4807, lot 30 on plan NR5359, lots 14 and 35 on plan NR6649 and lot 49 on plan USL21999, containing a total area of about 453.6292 hectares, as part of the existing Russell River National Park, about 27 kilometres north of Innisfail. The addition of the parcels will improve management and connectivity with nearby protected areas. The areas contain significant ecological and biodiversity values including habitat for vulnerable species including the beach stone-curlew, Macleay’s fig-parrot and the southern cassowary;
 - p. dedicate an area described as lots 10 to 12 on SP342968 and lots 13 and 14 on SP342969, containing a total area of about 139.83 hectares, as part of the existing South Cumberland Islands National Park, about 56 kilometres east of Mackay. The parcels are former esplanades that have now been incorporated into the protected area estate to provide connectivity and management benefits to the

- adjacent South Cumberland Islands National Park which provides important nesting sites for flatback and green turtles;
- q. dedicate an area described as lots 6 and 7 on SP342966, containing a total area of about 69.4 hectares, as part of the existing Wild Cattle Island National Park, about 23 kilometres south-east of Gladstone. This parcel is a former esplanade that has now been incorporated into the protected area estate to provide connectivity and management benefits to the adjacent Wild Cattle National Park which provides important nesting sites for green turtles;
 - r. dedicate the former Yabba Forest Reserve 2, described as lot 1 on AP19204, containing an area of about 4 hectares, as part of the existing Wrattens National Park, about 35 kilometres west of Gympie. The addition will improve management and protection of an area containing an ‘of concern’ open forest regional ecosystems that is adjacent to Wrattens National Park.
3. Schedule 3: Conservation parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. dedicate an area described as lots 8 and 9 on SP342967, and lot 15 on SP342970, containing a total area of about 50.3 hectares, as part of the existing Broad Sound Islands Conservation Park, about 147 kilometres north of Rockhampton. The lots are former esplanades that have now been incorporated into the protected area estate to provide connectivity and management benefits to the adjacent Broad Sound Islands Conservation Park;
 - b. dedicate an area described as lot 18 on SP342972, containing an area of about 3.2 hectares, as part of the existing Middle Percy Island Conservation Park, about 126 kilometres south-east of Mackay. This parcel is a former esplanade that has now been incorporated into the protected area estate to provide connectivity and management benefits to the adjacent Middle Percy Island Conservation Park.
 4. Schedule 5: Nature refuges of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. declare an area described as part of lot 5 on RP209559, containing an area of 39.14 hectares, as the new Bimboola Nature Refuge, shown on plan PA1157, about 1 kilometre south of Beechmont. This area contains suitable habitat for threatened flora and fauna such as Coxen’s fig-parrot, and provides connectivity to Lamington National Park;
 - b. declare an area described as part of lot 3 on NR192, containing an area of 64.6354 hectares, as the new Maraverde Nature Refuge, shown on plan PA1159, about 10 kilometres north of Mossman. This area contains important habitat for threatened species and is known to have presence of the endangered southern cassowary. Additionally, it provides connectivity with Daintree National Park;
 - c. declare an area described as part of lot 76 on CC789, containing an area of 132.22 hectares, as the new Under Milkweed Nature Refuge, shown on plan PA1161, about 18 kilometres south-east of Toowoomba. The area provides habitat for threatened species including the koala and glossy black-cockatoo;
 - d. declare an area described as part of lot 72 on SP178213, containing an area of 63.25 hectares, as the new Wyangan Springs Nature Refuge, shown on plan PA1156, about 3 kilometres south-east of Mudgeeraba. This lot contains presence of an endangered regional ecosystem and habitat for threatened species including the koala, Coxen’s fig-parrot and *Endiandra wongawallanensis*.

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 revocation of forest reserve may occur for dedication to a protected area if the chief executive has reviewed the reserve and after a notice of the proposed designation is published and any feedback is considered;
- 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, Science and Innovation (DESI) 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 and will have negligible costs.

Costs relating to DESI'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 Legislation 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 7 December 2023 that a self-assessment was undertaken in accordance with *The Queensland Government Better Regulation Policy*.

The proposal to revoke six forest reserves and subsequently dedicate them as national park is part of the long-term forest reserve transfer process in Queensland. In accordance with section 70E(3) of the NC Act, the purpose of revoking the dedication of the forest reserves is to allow the forest reserves to become protected areas. In accordance with section 70K of the NC Act, public notification of the proposed transfer of the forest reserves to national park was notified on DESI's website, with comments invited to be received within 35 days, by 16 January 2024. One query was received and there were no objections to the proposal.

A public notice was published on DESI's website on 12 December 2023 regarding consultation on proposed amendments to the forestry and 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 January 2024, and DESI progressed the proposals accordingly.

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