

# Nature Conservation Legislation Amendment Regulation (No. 2) 2024

Explanatory notes for SL 2024 No. 110

made under the

*Nature Conservation Act 1992*

## General Outline

### Short title

*Nature Conservation Legislation Amendment Regulation (No. 2) 2024*

### Authorising law

Sections 29, 46, 48, 62, 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 (No. 2) 2024* (Amendment Regulation) are to:

- revoke part of one forest reserve;
- increase the area of seventeen national parks;
- dedicate two new national parks;
- rename one national park;
- increase the area of two conservation parks;
- increase the area of two nature refuges;
- redescribe two nature refuges; and
- declare one new nature refuge.

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 will increase the area of seventeen national parks, dedicate two new national parks, rename one national park, increase the area of two conservation parks,

increase the area of two nature refuges, declare one new nature refuge and redescribe two nature refuges.

The proposal to revoke part of one forest reserve and subsequently dedicate it 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 7 May 2024. 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*.

Another policy objective is to allow fishing and mud crabbing in all tidal areas of Eurimbula National Park, rather than only the estuary of Eurimbula Creek as currently prescribed. This is intended to coincide with the addition of two new properties with tidal areas (where fishing and mud crabbing occur) to Eurimbula National Park so that these activities can occur in all tidal areas of the expanded national park. The NC Act allows the take of fish, invertebrate animals for bait, or mud crabs from a national park where the location is prescribed by regulation.

## 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 part of Kuranda West Forest Reserve described as lots 2, 3 and 24 on AP19345, containing an area of about 3,711 hectares, to allow the area to be dedicated as part of the existing Kuranda National Park, about 33 kilometres north-west of Cairns. The dedication area forms part of a critical environment, containing the endangered Southern cassowary and Spotted-tailed quoll;
2. Schedule 2: National parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
  - a. dedicate an area described as lot 28 on SP105082 and lot 6 on SP297211, containing a total area of about 6,090.9704 hectares, as part of the existing Eurimbula National Park, about 55 kilometres south-east of Gladstone. The area is considered a very high priority aquatic ecosystem, providing a protected habitat for the dugong and Australian snubfin dolphin;
  - b. dedicate an area described as lot 1 on CP862120 and lot 1 on SP124700, containing a total area of about 36.041 hectares, as part of the existing Girringun National Park, about 56 kilometres north-west of Ingham. The dedication area forms part of a terrestrial corridor, increasing the range for various endangered species, including the southern cassowary;

- c. dedicate an area described as lot 116 on plan CWL3612 and lot 10 on RP748539, containing a total area of about 60.14 hectares, as part of the existing Gulngay National Park, about 24 kilometres north of Cardwell. The parcels contain habitats with very high aquatic conservation significance, increasing conservation values in the protected area estate;
- d. dedicate an area described as lot 3 on SP296671, containing a total area of about 4,530 hectares, as part of the existing Homevale National Park, about 73 kilometres south-west of Mackay. The parcels are recorded as one of the largest regional ecosystems of its kind within the bioregion, characterised with significant connectivity and biodiversity values;
- e. dedicate an area described as lot 1 on AP15534, containing an area of 0.04 hectares, as part of the existing Hull River National Park, about 30 kilometres north of Cardwell. The amendment will also correct a previous administrative error of about 0.0937 hectares for the area description. The new total area for the national park following the amendment will be about 3,695.1337 (a net increase of about 0.1337 hectares). This addition contains remnant habitat with Special Biodiversity Values and provides habitat for the endangered lesser sand plover;
- f. dedicate an area described as lots 1 to 2 on AP4579 and lot 548 on plan NR1046, containing a total area of 25.7112 hectares, as part of the existing Japoon National Park, about 27 kilometres south-west of Innisfail. The amendment will also correct a previous administrative error of about 0.5 hectares for the area description. The new total area for the national park following the amendment will be about 24,824.6112 hectares (a net increase of about 25.2112 hectares). The parcel includes a former closed road which improves compliance and management of the national park;
- g. dedicate part of Kuranda West Forest Reserve, described as lots 2, 3 and 24 on AP19345 and also lot 88 on AP12218, containing a total area of about 3,711.23 hectares, as part of the existing Kuranda National Park, about 33 kilometres north-west of Cairns. The additions contain a very high rating of aquatic conservation significance and are a priority refugia for freshwater fish species;
- h. rename the existing Littleton National Park as Tagalaka National Park, containing a total area of 79,444.78 hectares, about 368 kilometres south-west of Cairns. Tagalaka is the traditional name used by the registered native title holders for the area and refers to the Country, which includes Littleton National Park. The name change is part of the National Parks First Nations Naming Project.
- i. dedicate an area described as lot 194 on plan CA311471 and lot 52 on plan CSH942, containing a total area of about 500.3938 hectares, as part of the existing Lockyer National Park, about 26 kilometres north-east of Toowoomba. The area has very high flora and landscape values and contains lowland forests that act as a critical nesting site for varied bird species, including the glossy black cockatoo and powerful owl;
- j. dedicate an area described as lot 48 on AP16233, lot 5 on AP20053, lots 1, 2 and 50 on CP910509, lots 8 to 10, 12 and 18 on plan USL9994, containing a total area of about 17.503 hectares, as part of the existing Macalister Range National Park, about 25 kilometres north-west of Cairns. The addition will improve connectivity and strengthen corridors, improving habitat conditions for vulnerable species, including the greater sand plover;
- k. dedicate an area described as lot 100 on SP336763, containing an area of about 2.155 hectares, as part of the existing Magnetic Island National Park, about

- 14 kilometres north of Townsville. The parcel contains core habitat for priority taxa, containing species at risk of management or concern;
- l. dedicate an area described as lot 105 on plan NR5260 and lots 1, 4, 5, 8, 12 to 14, 21 to 100, 201 to 220, 301 to 320, 601 to 620, 701 to 720 and 901 to 920 on plan W3091, containing a total area of about 620.0846 hectares, as the new Malbon Thomson Range National Park, about 38 kilometres south-east of Cairns. 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;
  - m. dedicate an area described as lot 1 on SP339124, containing an area of about 1.997 hectares, as part of the existing Mount Coolum National Park, about 99 kilometres north of Brisbane. This area contains habitat for the endangered koala and vulnerable grey-headed flying fox;
  - n. dedicate an area described as lots 18 and 19 on AP11737 and lot 126 on plan CWL3516 as shown on plan NPW935, containing a total area of about 67.18 hectares, as part of the existing Paluma Range National Park, about 68 kilometres north-west of Townsville. The parcels in this dedication contain suitable habitat to support the endangered southern cassowary and spotted tail quoll;
  - o. dedicate an area described as lot 526 on plan C124656, containing an area of about 64.7497 hectares, as part of the existing Pioneer Peaks National Park, about 26 kilometres south-west of Mackay. The dedication area forms part of a threatened regional ecosystem in which the vulnerable *Eucalyptus raveretiana* creates habitat for a range of fauna species;
  - p. dedicate an area described as lots 81 and 116 on plan USL21821, containing a total area of about 11.82 hectares, as part of the existing Russell River National Park, about 47 kilometres south-east of Cairns. The addition of these parcels to the national park increases connectivity, supporting endemic species in the region;
  - q. dedicate an area described as lot 8 on SP248068 and lot 10 on SP345586, containing a total area of about 43,260 hectares, as the new The Lakes National Park, about 210 kilometres west of Charters Towers. The addition of this area to the protected area estate increases protection for the regional ecosystem that contains significant breeding and feeding sites for waterbirds with an ‘of concern’ biodiversity status;
  - r. dedicate an area described as lot 1 on AP22840, lot 5 on AP23598, lot 33 on plan CWL1738 and lots 32 to 34 on SP188129, containing a total area of about 246.0105 hectares, as part of the existing Tully Gorge National Park, about 56 kilometres north-west of Cardwell. The amendment will improve management and protection of areas containing habitat for species including the southern cassowary and spotted-tailed quoll;
  - s. dedicate an area described as lot 100 on SP299991, containing an area of about 8.436 hectares, as part of the existing Venman Bushland National Park, about 25 kilometres south-east of Brisbane. The dedication area holds significant biodiversity values as it contains lowland rainforest and wet sclerophyll forest providing wildlife refugia and critical habitat for a range of species;
  - t. dedicate an area described as lot 30 on AP16251, lot 416 on AP16256, lot 16 on plan NR3737, lot 288 on plan NR5622, lot 55 on plan USL21836, lot 32 on plan USL21839, lot 19 on plan USL21843 and lot 38 on plan USL21867, containing a total area of about 246.6931 hectares, as part of the existing Wooroonooran National Park, about 27 kilometres west of Innisfail. The additions are in good

ecological condition and provide habitat for a range of endangered species, including the southern cassowary and common mistfrog;

3. Schedule 3: Conservation parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
  - a. dedicate an area described as lot 1 on SP343815, containing an area of about 213.2 hectares, as part of the existing Daisy Hill Conservation Park, about 25 kilometres south-east of Brisbane. The former freehold land is of high conservation value, connecting Venman Bushland National Park with Daisy Hill Conservation Park;
  - b. dedicate an area described as lot 42 and 73 on plan FD391 and lots 24 to 26 and 30 on plan USL43110, containing a total area of about 81.9399 hectares, as part of the existing Mouth of Baffle Creek Conservation Park 2, about 50 kilometres north-west of Bundaberg. The dedication of the former freehold land increases protected area that provides important nesting sites for leatherback and loggerhead turtles;
4. Schedule 5: Nature refuges of the *Nature Conservation (Protected Areas) Regulation 1994* to:
  - a. declare an area described as part of lot 171 on plan EI835473 and lot 4716 on SP273457, containing a total area of about 244,647.07 hectares, as the new Abingdon Downs North Nature Refuge, shown on plan PA1177, about 85 kilometres north-west of Georgetown. The area contains threatened and underrepresented regional ecosystems, significant riparian corridor and riverine wetland values, habitat for several threatened species, and landscape connectivity with the adjoining Torwood Nature Refuge and the nearby Bulleringa National Park Staaten River National Park;
  - b. declare an area described as part of lot 1 on SP177772, containing an area of about 64,314.23 hectares, as part of the existing Crystalvale Nature Refuge; and subsequently redescribe the entirety of the nature refuge as part of lot 1 on SP177772, containing an area of about 90,286.23 hectares, shown on plan PA1178, about 15 kilometres south-west of Coen. The dedication area contains threatened and underrepresented regional ecosystems, significant catchment protection of riverine and wetland values, habitat for several threatened species, and landscape connectivity with the adjoining Oyala Thumotang National Park, Yarraden Nature Refuge and Holroyd Nature Refuge, and the nearby Kulla National Park, Kulla Resources Reserve and Mount Croll Nature Refuge;
  - c. rename and redescribe the entirety of Rifle Range Nature Refuge as Emerald Rifle Range Nature Refuge, described as part of lot 301 on SP242692, containing an area of about 79.4 hectares, shown on PA1006, within the township of Emerald. The redescription is required due to a replacement of conservation agreement and change in lot on plan numbers, increasing the area of the nature refuge 0.4 hectares. The area contains one of the last remaining patches of Brigalow within the Emerald Irrigation Area, threatened and underrepresented regional ecosystems, and habitat for several threatened species;
5. Schedule 6: Prescribed national parks within which fish, invertebrate animals and mud crabs may be taken of the *Nature Conservation (Protected Areas Management) Regulation 2017* to:
  - a. In column 2, opposite the entry for Eurimbula National Park in column 1, replace the words ‘the part within the estuary of Eurimbula Creek’ to ‘all parts that are tidal’.

## **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.

The *Fisheries Act 1994* continues to apply to any fishing and mud crabbing in tidal areas of Eurimbula National Park, so the amendment to schedule 6 of the *Nature Conservation (Protected Areas Management) Regulation 2017* is not inconsistent with this legislation.

## **Alternative ways of achieving policy objectives**

There are no alternative ways of achieving the policy objectives.

In relation to the amendment being made to schedule 6 of the *Nature Conservation (Protected Areas Management) Regulation 2017* with respect to fishing and crabbing in tidal areas of Eurimbula National Park, section 62 of the NC Act provides for this to be prescribed in regulation.

## **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, is not considered to constitute significant subordinate legislation and will have negligible costs.

Costs relating to DESI's administration and ongoing management of associated areas are met through existing annual budget allocations.

In accordance with *The Queensland Government Better Regulation Policy*, an Impact Analysis Statement was prepared in relation to the regulatory proposal. The proposals are minor or machinery in nature and do not require further regulatory impact analysis under the Policy.

## **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*.

The amendment to schedule 6 of the *Nature Conservation (Protected Areas Management) Regulation 2017* does not affect the rights and liberties of individuals and the use of subordinate legislation as opposed to primary legislation is specifically provided for in section 62 of the NC Act.

## **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 of the tenure related proposals on 1 March 2024 and the proposal to allow recreational fishing and mud crabbing in all tidal areas of Eurimbula National Park on 17 May 2024 as per *The Queensland Government Better Regulation Policy*.

The proposal to revoke part of a forest reserve and subsequently dedicate it 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 reserve is to allow the forest reserve to become protected area. In accordance with section 70K of the NC Act, public notification of the proposed transfer of the forest reserve to national park was notified on DESI's website, with comments invited to be received within 35 days, by 7 May 2024. There were no objections to the proposal.

A public notice was published on DESI's website on 22 April 2024 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. The public notice included the continuation of recreational fishing and crabbing activities within tidal areas of Eurimbula National Park. Nil written responses were

received in the 28 day consultation period ending 20 May 2024 in relation to *Human Rights Act* matters. One positive response was received in relation to the conservation outcomes of the amendment.

Representatives of the First Nations Bailai, Gurang, Gooreng Gooreng, Taribelang Bunda People Aboriginal Corporation Registered Native Title Body Corporate (PBC), who hold non-exclusive native title rights over the Eurimbula National Park and part of new properties being added to the national park, expressed support for the dedication and continuation of recreational fishing.

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.