

Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2016

Explanatory notes for Subordinate Legislation (No. 94) 2016

made under the

Nature Conservation Act 1992

General Outline

Short title

This regulation may be cited as the *Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2016* (the amendment regulation).

Authorising law

Sections 29, 33, 64 and 175 of the *Nature Conservation Act 1992*

Policy objectives and the reasons for them

The objective of the amendment regulation is to:

- dedicate two new regional parks (general);
- increase the area of nine existing national parks and three existing regional parks (general);
- amalgamate two existing regional parks (general) and part of one existing regional park (general) to create one 'new' regional park;
- amalgamate one existing regional park (resource use area) with one existing national park; and
- redescribe one existing national park and two existing regional parks (resource use area).

Dedicating areas that protect the biological diversity of native wildlife and its habitat, provide for the ecologically sustainable use of protected wildlife and areas, recognise the interest of Aborigines and Torres Strait Islanders in protected areas and native wildlife, and encourage the cooperative involvement of landholders in the conservation of nature is a core component in achieving the conservation of nature (the objective of the Act).

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 0.2421 hectares being unallocated State land described as lot 1 on SP241802, and combine the area with the existing Cape Upstart National Park;
 - b. amalgamate an area of about 38,402.48 hectares being the entirety of Currawinya Regional Park described as lots 2 to 7 on AP19376, and combine the area with the existing Currawinya National Park;
 - c. dedicate an area of about 2.7 ha being unallocated State land described as lot 10 on AP19345, and combine the area with the existing Kuranda National Park;
 - d. correct the description of Lamington National Park, and recalculate the area using contemporary survey and mapping technology and standards (a decrease in the area of the national park by 62.4839 hectares), and dedicate an area of 586.6155 hectares being unallocated State land described as lot 22 on SP244410, and combine the area with the existing Lamington National Park;
 - e. dedicate an area of 15.928 hectares being unallocated State land described as lot 3 on plan NR7888, lot 4 on SP252502 and lot 14 on SP212551, and combine the area with the existing Moresby Range National Park;
 - f. dedicate an area of 39.9530 hectares being unallocated State land described as lot 67 on plan WD582, and combine the area with the existing Mount Barney National Park;
 - g. dedicate an area of 3.008 hectares being unallocated State land described as lot 2 on RP150877, and combine the area with the existing Springbrook National Park;
 - h. redescribe an area of about 12,647 hectares being the entirety of Sundown National Park described as lot 54 on AP19362, using contemporary survey and mapping technology and standards;
 - i. correct the description of Tewantin National Park and dedicate an area of 57.03 hectares being unallocated State land described as lot 3 on RP800331, and combine the area with the existing Tewantin National Park;
 - j. redescribe an area of about 68,313 hectares being the entirety of Undara Volcanic National Park described as lots 26 and 51 on AP19380, to correct the erroneous area description using contemporary survey and mapping technology and standards (an increase in the area of the national park by about 933 hectares), and dedicate an area of about 1580 hectares being unallocated State land formerly described as lot 2 on SP259960, and combine the area with the existing Undara Volcanic National Park.

2. *Schedule 3: Part 1: Regional parks (general) of the Nature Conservation (Protected Areas) Regulation 1994 to:*
 - a. dedicate an area of about 369 hectares being unallocated State land described as lot 1 on SP263942, and combine the area with the existing Bouldercombe Gorge Regional Park 1;
 - b. amalgamate and name as David Fleay Regional Park an area of about 25.9248 hectares being lot 504 on plan WD5992 (the entirety of Fleays Regional Park), lot 503 on plan NPW533 (the entirety of Fleays Wildlife Park Regional Park) and lot 175 on plan WD5346 (part of Tallebudgera Creek Regional Park);

- c. dedicate as Dinden Regional Park an area of 67.7427 hectares being unallocated State land described as lot 14 on SP253554;
 - d. amalgamate an area of about 3.3680 hectares being the entirety of Fleays Regional Park described as lot 504 on plan WD5992, with the entirety of Fleays Wildlife Park Regional Park and part of Tallebudgera Creek Regional Park and assign the name David Fleay Regional Park to the amalgamated areas;
 - e. amalgamate an area of about 7.4488 hectares being the entirety of Fleays Wildlife Park Regional Park described as lot 503 on plan NPW533, with the entirety of Fleays Regional Park and part of Tallebudgera Creek Regional Park and assign the name David Fleay Regional Park to the amalgamated areas;
 - f. correct the erroneous area description of Hays Inlet Regional Park 2 described as lots 7 to 10 on plan SL839184 and lot 11 on SP187345, using contemporary survey and mapping technology and standards (an increase in the area of the regional park by 1.135 hectares);
 - g. correct the erroneous area description of Mount Blandy Regional Park, described as lot 83 on plan BON310, resulting from the cancellation of a road reservation (an increase in the area of the regional park by 2.023 hectares);
 - h. dedicate as Noosa Regional Park 1 an area of 34.79 hectares being unallocated State land described as lot 900 on SP239513;
 - i. amalgamate an area of about 15.108 hectares being part of Tallebudgera Creek Regional Park described as lot 175 on plan WD5346, with the entirety of Fleays Regional Park and Fleays Wildlife Park Regional Park and assign the name David Fleay Regional Park to the amalgamated areas.
3. *Schedule 3: Part 2: Regional parks (resource use area) of the Nature Conservation (Protected Areas) Regulation 1994 to:*
- a. change the class of about 38,402.48 hectares being the entirety of Currawinya Regional Park described as lots 2 to 7 on AP19376, by dedicating and combining the area with the existing Currawinya National Park;
 - b. alter the name of Noosa Regional Park, an area of about 0.22 hectares described as lot 1015 on plan NPW888, to Noosa Regional Park 2;
 - c. redescribe an area of about 2628.2 hectares being the entirety of Sundown Regional Park, described as lot 44 on plan AP19362, using contemporary survey and mapping technology and standards (an increase in the area of the regional park by 0.2 hectares).

Consistency with policy objectives of authorising law

The amendments to the *Nature Conservation (Protected Areas) Regulation 1994* are consequential amendments of a machinery nature that are consistent with the policy objectives of the Act, namely the conservation of nature achieved by an integrated and comprehensive conservation strategy for the whole of the State that involves, among other things, the dedication of areas representative of the biological diversity, natural features and wilderness of the State as protected areas.

Inconsistency with policy objectives of other legislation

The amendment regulation provides for the dedication of areas of unallocated State land and protected area estate as two new regional parks (general), an increase in the area of nine existing national parks and three existing regional parks (general), the amalgamation of two existing regional parks (general) and part of one existing regional park (general) to create one 'new' regional park, the amalgamation of one existing regional park (resource use area) with one existing national park, and the redescription of one existing national park and two existing regional parks (resource use area) consistent with the policy objectives of other legislation relating to State land use and allocation.

Benefits and costs of implementation

The benefits of the amendment regulation are that areas representative of the biological diversity, natural features and wilderness of the State will be consolidated, added to the protected area estate and afforded a higher level of protection.

Implementing the amendment regulation is not considered to constitute significant subordinate legislation and will have negligible costs. Although the areas to be dedicated as national park and regional park will temporarily be unallocated State land which will not increase costs to the State, the subsequent increase in area of the protected area estate will incur management costs, funding for which has been allocated by the Department of National Parks, Sport and Racing.

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*, namely it:

- (a) is within the power that, under an Act or subordinate legislation (the **authorising law**), allows the subordinate legislation to be made; and
- (b) is consistent with the policy objectives of the authorising law; and
- (c) contains only matter appropriate to subordinate legislation; and
- (d) amends statutory instruments only; and
- (e) allows the subdelegation of a power delegated by an Act only—
 - i. in appropriate cases and to appropriate persons; and
 - ii. if authorised by an Act.

Consultation

Consultation has occurred with private stakeholders; the Department of National Parks, Sport and Racing; the Department of Agriculture and Fisheries; the Department of Natural Resources and Mines; the Department of the Premier and Cabinet; Queensland Treasury; and the Queensland Productivity Commission (which advised that a Regulatory Impact Statement is not required).

All parties support the amendments.