

Nature Conservation (Protected Areas) Amendment Regulation (No. 5) 2017

Explanatory notes for SL 2017 No. 209

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. 5) 2017*.

Authorising law

Sections 29, 46, 48, 50, and 175 of the *Nature Conservation Act 1992* (the Act).

Policy objectives and the reasons for them

The objective of the *Nature Conservation (Protected Areas) Amendment Regulation (No. 5) 2017* (Amendment Regulation) is to increase the area of two national parks, redescribe two national parks, declare four new nature refuges, redescribe four nature refuges and revoke one nature refuge.

Dedicating and declaring 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 interests of Indigenous people 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.

There is also the occasional need to revoke the dedication or declaration of areas from the protected area estate to correct boundary inconsistencies or historic incursions, achieve more effective management boundaries, allow for the upgrade or expansion of public infrastructure, effect the variation, termination or replacement of a nature refuge conservation agreement or to recognise the rights and interests of Indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom.

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* by:
 - a. redesccribing the entirety of Crater Lakes National Park, described as lots 202 and 398 on AP22464 containing an area of about 963.68 hectares, using contemporary survey and mapping technology and standards (a decrease in the area of the national park by 10.32 hectares).
 - b. dedicating as part of D'Aguilar National Park unallocated State land described as lot 205 on plan SL949 containing an area of 180.23 hectares.
 - c. dedicating as part of Great Sandy National Park unallocated State land described as lot 30 on RP25570 containing an area of about 0.71 hectares.
 - d. redesccribing the entirety of Lochern National Park, described as lot 8 on AP22465 containing an area of about 24,852.61 hectares, using contemporary survey and mapping technology and standards.

2. *Schedule 5 Nature refuges of the Nature Conservation (Protected Areas) Regulation 1994* by:
 - a. redesccribing the entirety of Blackjack Mountain Nature Refuge as the part of lot 1 on crown plan DK230 containing an area of about 203.33 hectares shown on plan PA1010, due to a replacement conservation agreement and a change in the nature refuge boundary (an increase in the area of the nature refuge of 3.53 hectares).
 - b. redesccribing the entirety of Bulloo Downs Nature Refuge as the part of lot 1673 on SP289790 containing an area of about 246,746 hectares shown on plan PA1018, due to a replacement conservation agreement and a recalculation of the area using contemporary survey and mapping technology and standards (an increase in the area of the nature refuge of 372 hectares).
 - c. declaring as Freemans Forest Nature Refuge the part of lot 87 on RP743593 containing an area of about 10 hectares shown on plan PA1031.
 - d. declaring as Mount Windsor Nature Refuge the part of lot 1 on crown plan BB8 and part of lot 1 on SP193805 containing an area of about 493,811 hectares shown on plan PA1030.
 - e. revoking the declaration of the entirety of NOF-DANGERBRIDGE Nature Refuge described as lot 3 on RP887052 containing an area of about 76.02 hectares shown on plan PA632, due to the termination of the conservation agreement.
 - f. declaring as Sacred Nature Refuge lot 3 on RP887052 containing an area of about 76.02 hectares shown on plan PA1024.
 - g. redesccribing the entirety of Shankeen Nature Refuge as lot 4031 on SP212959 containing an area of about 7890 hectares shown on plan PA187A, due to a replacement conservation agreement and a change in the nature refuge boundary (an increase in the area of the nature refuge of 4700 hectares).
 - h. declaring as Springvale Station Nature Refuge lot 242 on SP154003 containing an area of about 56,000 hectares shown on plan PA1020.
 - i. redesccribing the entirety of Talaroo Nature Refuge as the part of lot 2909 on PH1368 containing an area of about 28,688.79 hectares shown on plan PA1025, due to a change in the nature refuge boundary (a decrease in the area of the nature refuge of 2334.21 hectares).

Consistency with policy objectives of authorising law

The Amendment Regulation is machinery in nature and consistent with the objectives of the Act, namely the conservation of nature achieved by an integrated and comprehensive conservation strategy for the whole of the State that includes the dedication and declaration of areas representative of the biological diversity, natural features and wilderness of the State as protected areas; and to ensure that no land comprised in a protected area shall be revoked other than by the Governor in Council making a regulation revoking the dedication of a protected area in whole or part.

Inconsistency with policy objectives of other legislation

The Amendment Regulation provides for an increase in the area of two national parks, redescription of two national parks, the declaration of four new nature refuges, the redescription of four nature refuges and the revocation of one nature refuge consistent with the policy objectives of other legislation relating to State land use and allocation.

Benefits and costs of implementation

Landholders are able to negotiate conservation agreements that provide for their continued environmentally sustainable and productive use of their land consistent with nature refuge conservation values. Subject to other relevant legislation and lease requirements, nature refuge landholders are able to manage their land to generate an income as per the conditions negotiated in their conservation agreement.

Implementing the Amendment Regulation is in the public and private stakeholder's interests, is not considered to constitute significant subordinate legislation and will have negligible costs (the areas to be dedicated as protected area will temporarily be unallocated State land which will not increase costs to the State).

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

Consultation has occurred, or checks undertaken on their behalf, with private stakeholders and relevant State interests.

Other parties consulted under sections 44 and 45 of the 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.

The Department of Environment and Heritage Protection agency-assessed the Amendment Regulation in accordance with *The Queensland Government Guide to Better Regulation* (the Guide) and determined that it was excluded from further regulatory impact analysis as it is a regulatory proposal of a machinery nature in accordance with category (g) of the Guide.

All parties support the amendments.

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