

Nature Conservation (Protected Areas Management) (Main Range National Park) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 4

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Protected Areas Management) (Main Range National Park) Amendment Regulation 2019

Authorising law

Sections 35 and 175 of the *Nature Conservation Act 1992*

Policy objectives and the reasons for them

The primary legislation for the *Nature Conservation (Protected Area Management) Regulation 2017* (NC (PAM) Regulation), the *Nature Conservation Act 1992* (the Act), was established to conserve nature by, among other things, managing protected areas.

The objective of the *Nature Conservation (Protected Areas Management) (Main Range National Park) Amendment Regulation 2019* (Amendment Regulation) is to give effect to a new permitted use in a national park.

Section 35(1) of the Act states that:

- (1) The chief executive may grant, make, issue or give a lease, agreement, licence, permit or other authority over, or in relation to, land in a national park if:
 - (a) the use under the authority is only for a service facility or an ecotourism facility; and
 - (b) if the use under the authority is for a service facility, the Chief Executive is satisfied-
 - (i) the cardinal principle for the management of national parks will be observed to the greatest possible extent; and
 - (ii) the use will be in the public interest; and

- (iii) the use is ecologically sustainable; and
- (iv) there is no reasonably practicable alternative to the use; and
- (c) if the use under the authority is for an ecotourism facility, the chief executive is satisfied-
 - (i) the use will be in the public interest; and
 - (ii) the use is ecologically sustainable; and
 - (iii) the use will provide, to the greatest possible extent, for the preservation of the land's natural condition and the protection of the land's cultural resources and values; and
- (d) the use under the authority is prescribed under a regulation made for this section to be a permitted use for the area.

The chief executive may not delegate the power under Section 35 in accordance with section 141 of the Act.

The following proposed uses have been assessed and have met the requirements under section 35(1)(c) of the Act:

1. construct and manage two ecocamps within Main Range National Park. Lease areas to be known as Lot A – Amphitheatre Ecocamp, containing an area of 5,459 m² over Lot 933 on NPW718 and Lot B – Woodcutters Ecocamp, containing an area of 2,336 m² over lot 750 on NPW718. Both lease areas and ecocamp to be managed and operated by Spicers Retreats, Hotels and Lodges Pty Ltd (Spicers).

Before the chief executive may grant a Section 35 authority for the above activities, the uses and the relevant national park must be prescribed in Schedule 3 of the NC (PAM) Regulation. The Amendment Regulation amends Schedule 3 to include these uses.

Achievement of policy objectives

To achieve the objective, Schedule 3, Part 2 of the NC (PAM) Regulation will be amended to provide for a new permitted use in a national park.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the Act. It ensures the conservation of nature while allowing for the social, cultural and commercial use of protected areas in a way that is consistent with the natural, cultural and other values of the areas.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with any other legislation.

Benefits and costs of implementation

The Amendment Regulation is an administrative process to provide for the authorisation of an ecotourism facility within Main Range National Park and is in compliance with section 35 of the Act.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with the fundamental legislative principles, as defined in the *Legislative Standards Act 1992*.

Consultation

Consultation has been carried out with a variety of stakeholders regarding the proposed ecotourism development within Main Range National Park.

A number of Queensland Government media statements have been released throughout the project lifecycle, including the call for expressions of interest (EOI) from parties interested in Ecotourism Facilities in national parks. In July 2016, a public announcement was made to advise that Spicers Scenic Rim Trail was selected as one of the EOIs to proceed to detailed plan, receiving conditional approval for its preliminary concept.

The proponent, Spicers, has consulted with the Gondwana World Heritage Scientific and Community Advisory Committee and the National Parks Association of Queensland. The proponent has also received approval from the Lockyer Valley Regional Council and Commonwealth approval under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

In September 2017, public notifications were undertaken in the following publications: Warwick Daily News; Gatton Star; and The Courier-Mail, with a hard copy of the proposal available at numerous locations.

In October, 2017, a public information day was hosted by the former Department of National Parks, Sport and Racing and Spicers at the Cunningham's Gap car park in Main Range National Park, providing details of the proposal to the general visiting public and accepting feedback.

Concerns in relation to the proposal centred around four main themes: commercial activities in national parks; impacts on national parks; project specifics; and impact on surrounding neighbours. All feedback received by the Department of Environment and Science (the department) has been responded to, recorded and considered during the assessment of the detailed proposal by the department, as well as in the development of lease conditions and the Scenic Rim Management Plan. Concerns around the legislation that allows the facility is still an unsupported view held by some parties.

In December 2017, the department sent courtesy Native Title Notification forms under module J and CA to the Yuggera Ugarapul People and the Githabul Nation on behalf of Spicers. No issues were raised as a result of the Native Title Notification.

In accordance with *The Queensland Government Guide to Better Regulation* (the Guidelines), the Office of Best Practice Regulation (OBPR) was consulted in relation to the Amendment Regulation. OBPR has confirmed that the proposal would not benefit from further analysis under the Guidelines as the Amendment Regulation will not increase the regulatory burden and there are no potential adverse impacts.

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