

Forestry (State Forests) and Other Legislation Amendment Regulation 2022

Explanatory notes for SL 2022 No. 92

made under the

Forestry Act 1959

Nature Conservation Act 1992

General Outline

Short title

Forestry (State Forests) and Other Legislation Amendment Regulation 2022

Authorising law

Sections 97 of the *Forestry Act 1959* (Forestry Act)

Sections 29, 46, 48, 50, 70E and 175 of the *Nature Conservation Act 1992* (NC Act).

Policy objectives and the reasons for them

The objectives of the *Forestry (State Forests) and Other Legislation Amendment Regulation 2022* (Amendment Regulation) are to:

- Redescribe one State forest;
- revoke two forest reserves;
- redescribe two national parks;
- increase the area of one national park;
- dedicate one new national park;
- redescribe one existing conservation park;
- declare three new nature refuges;
- increase the area of one nature refuge;
- revoke part of one nature refuge; and
- redescribe one 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 Regulation will revoke two forest reserves to dedicate the new Tumoulin National Park and increase the area of Eungella National Park. Additionally, it will result in the declaration of three new nature refuges and increase in the area of one existing nature refuge.

The proposal to revoke Pelion Forest Reserve and Tumoulin Forest Reserve, and subsequently dedicate these as national parks 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 and Science's website, with comments invited to be received within 35 days, by 26 November 2021. No public feedback was received in response to the proposal.

This Amendment Regulation also includes minor amendments, such as updating of the plans that define the boundaries of State forests or protected areas using contemporary spatial technology, and correction of administrative errors within the regulation. Reasons for these updates include miscalculations of an area, boundary consolidation following tenure actions, reflecting tidal boundary changes and updating plan information to improve clarity, accuracy and transparency of the protected area and forest estate reporting system. Correcting administrative errors and amending descriptions will meet description requirements under the *Land Act 1994*. The Amendment Regulation provides for an updated plan for Byfield State Forest, Cape Upstart National Park and Bakers Creek Conservation Park.

Achievement of policy objectives

To achieve its objective, the Amendment Regulation amends:

1. Schedule: State forests of the *Forestry (State Forests) Regulation 1987* to:
 - a. redescribe the entirety of Byfield State Forest as lot 865 on AP23644, containing an area of about 23,131.0938 hectares, about 60 kilometres north of Rockhampton, using contemporary survey and mapping technology and standards (resulting in a reduction of 307.3962 hectares).
2. Schedule: Forest reserves of the *Nature Conservation (Forest Reserves) Regulation 2000* to:
 - a. revoke the entirety of Pelion Forest Reserve, described as lot 1 on AP19320, containing an area of about 2,160 hectares, about 54 kilometres west of Mackay, and subsequently dedicate it as part of the existing Eungella National Park, about 54 kilometres west of Mackay. The forest reserve provides habitat for a number of species of conservation significance including the Eungella Day Frog;
 - b. revoke the entirety of Tumoulin Forest Reserve, described as lot 1 on AP19292, containing an area of about 1,877 hectares, about 77 kilometres south of Cairns, and subsequently dedicate it as the new Tumoulin National Park. The forest reserve provides habitat for a number of species of conservation significance including the Yellow-bellied glider;

3. Schedule 2: National parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. redescribe the entirety of Cape Upstart National Park as lots 1 to 3 on AP23638, containing an area of about 8,555.76 hectares, about 50 kilometres north-west of Bowen, using contemporary survey and mapping technology and standards (resulting in an increase of 75.5179 hectares);
 - b. dedicate the existing Pelion Forest Reserve, described as lot 1 on AP19320, containing an area of about 2,160 hectares, as part of the existing Eungella National Park, about 54 kilometres west of Mackay. The new total area for the national park is 62,025.3655 hectares;
 - c. redescribe the entirety of Porcupine Gorge National Park as lot 2 on AP23649, containing an area of about 5,221.59 hectares, about 275 kilometres south-west of Townsville, using contemporary survey and mapping technology and standards (resulting in an overall area decrease of 78.41 hectares). The amendment also corrects a minor administrative error for the previous area description;
 - d. dedicate the existing Tumoulin Forest Reserve, described as lot 1 on AP19292, containing an area of about 1,877 hectares, as the new Tumoulin National Park described as lot 1 on AP19292, containing an area of about 1,877 hectares, about 77 kilometres south of Cairns.
4. Schedule 3: Conservation parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. redescribe the entirety of Bakers Creek Conservation Park as lots 1 and 2 on AP23759, containing an area of about 448.7 hectares, about 8 kilometres south of Mackay, using contemporary survey and mapping technology and standards (resulting in a reduction of 236.3 hectares). This plan was updated due to significant changes in tidal boundaries since the last plans were drawn.
5. Schedule 5 Nature refuges of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. declare an area described as part of lot 2 on RP226372, containing an area of about 26.32 hectares, about 22 kilometres north-west of Tewantin, as the new Beau Vallon Nature Refuge, shown on plan PA1105. The nature refuge has known presence of the vulnerable koala, known habitat for threatened species including the tusked frog and powerful owl, is an 'of concern' regional ecosystem, and has landscape connectivity to Woondum National Park;
 - b. declare an area described as part of lot 141 on plan WD416, containing an area of about 18.77 hectares, as the new Gillies Ridge Nature Refuge, shown on plan PA1116, about 38 kilometres south-west of Beaudesert. The nature refuge has known presence of the vulnerable koala and brush-tailed rock-wallaby, and has landscape connectivity to the adjacent Mount Barney National Park;
 - c. declare an area described as part of lot 182 on plan WD773, containing an area of about 60.03 hectares, as the new Natural Bridge Nature Refuge, shown on plan PA1117, about 32 kilometres south-west of the Gold Coast. The nature refuge has known presence of threatened species including the koala and pink underwing moth, remnant vegetation of State biodiversity significance, and has landscape connectivity with the adjoining Springbrook National Park;
 - d. declare an area described as part of lot 285 on SP264203, containing an area of about 22.91 hectares, as part of the existing Possum Lane Nature Refuge; and subsequently redescribe the entirety of the nature refuge as part of lot 285 on SP264203, containing an area of about 26.7 hectares, shown on plan PA1107,

about nine kilometres south-west of Stanthorpe. The nature refuge has known presence of the vulnerable koala, suitable habitat for threatened species such as the spotted-tail quoll and glossy black-cockatoo, endangered regional ecosystems, and remnant vegetation of State biodiversity significance;

- e. revoke part of Rainbow Nature Refuge, containing an area of about 12.441 hectares due to a replacement conservation agreement that removed part of the existing nature refuge that was no longer able to be managed consistently with the declared management intent for the nature refuge; and redescribe the entirety of Rainbow Nature Refuge as part of lot 9 on plan CUE53, containing an area of about 1,518.34 hectares, shown on plan PA1097, about 21 kilometres north of Rolleston using contemporary surveying and mapping technology and standards (resulting in a net increase of 29.34 hectares). The nature refuge contains remnant vegetation that forms part of a bioregional corridor with links to Nuga Nuga National Park and Mount Pleasant State Forest; and a complex mosaic vegetation of vegetation described across endangered and ‘of concern’ regional ecosystems, including those with low representation in protected areas.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the Forestry Act and NC Act, namely:

- the Governor in Council may make regulations under the Forestry Act and 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. Upgrading Forest Reserve areas allows for this land to be preserved in perpetuity for the benefit of the community.

Each area of forest reserve being added to the protected area estate was transferred for conservation and/or boundary management purposes. As encumbrances have now been resolved, transitioning these forest reserves to protected area tenure will formalise tenure for the land to ensure that the Queensland Parks and Wildlife Service within the Department of

Environment and Science (DES) 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 DES'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 (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 not consulted as a self-assessment was undertaken in accordance with *The Queensland Government Guide to Better Regulation* (the Guide) and it was determined that the regulatory amendment is excluded from further regulatory impact assessment as it is of a machinery nature, in accordance with category (g) of the Guide.

Public consultation was conducted in accordance with section 70K of the NC Act for the proposals to transfer Pelion Forest Reserve and Tumoulin Forest Reserve to national park tenure, with no comments received from the public.

A public notice was published on the department's website on 4 April 2022 regarding consultation on proposed amendments to the forestry and protected area estates and sought 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, which ended 2 May 2022, and the department progressed the proposals accordingly.

No further external consultation was required on the remaining State forest amendments under the *Forestry (State Forests) Regulation 1987* or the national park and conservation park amendments under the *Nature Conservation (Protected Areas) Regulation 1994*, as the amendments are machinery in nature.

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