

Forestry (State Forests) and Other Legislation Amendment Regulation 2023

Explanatory notes for SL 2023 No. 25

made under the

Forestry Act 1959

Nature Conservation Act 1992

General Outline

Short title

Forestry (State Forests) and Other Legislation Amendment Regulation 2023

Authorising law

Sections 32 and 97 of the *Forestry Act 1959* (Forestry Act)

Sections 29, 33, 46, 48, 64 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 2023* (Amendment Regulation) are to:

- revoke parts of two state forests;
- increase the area of one national park (scientific);
- increase the area of four national parks;
- redescribe two national parks;
- dedicate one new conservation park;
- increase the area of one conservation park;
- redescribe and upgrade part of two resources reserves for dedication as part of two existing national parks;
- increase the area of one existing nature refuge;
- rename and increase the area of one existing nature refuge; and
- declare two new nature refuges.

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.

This Amendment Regulation proposes to revoke parts of Curra State Forest and Wongi State Forest for road purposes and includes the upgrade and realignment of the Bruce Highway from Cooroy to Curra (Section D), and the construction of a vehicle turn-around area to provide access to the Queensland Train Manufacturing Facility at Torbanlea.

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 errors of area calculations, 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 Great Sandy National Park, Mount Coolum National Park, Homevale Resources Reserve and Wrattens Resources Reserve.

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. revoke the setting apart and declaration of parts of Curra State Forest described as lot 104 on SP321732, containing an area of 16.18 hectares, about 154 kilometres north of Brisbane as part of the Cooroy to Curra (Section D) upgrade and realignment of the Bruce Highway project. The remaining area of the State forest will be about 4,741.748 hectares. The revoked area has been land-locked and separated from the remaining State forest due to the road project, creating management impracticalities and reducing the area's forestry values.
 - b. revoke the setting apart and declaration of parts of Wongi State Forest described as lot 1 on SP336623, containing an area of 0.8627 hectares, about 59 kilometres south of Bundaberg for road purposes, to allow for implementation of a vehicle turn-around area to service the Queensland Train Manufacturing Facility at Torbanlea. The remaining area of the State forest will be about 70,029.1373 hectares. This parcel is currently used for plantation forest operations and is not formally mapped as containing significant conservation values, and the on-ground condition of the area is mostly cleared and highly disturbed.
2. Schedule 1: National parks (scientific) of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. dedicate an area described as lot 100 on SP325586, containing an area of 2.505 hectares, as part of the existing Taunton National Park (scientific), about 133 kilometres west of Rockhampton. This lot was previously part of a road that has been closed and contains significant conservation values such as habitat for the bridled nailtail wallaby and koala and the vulnerable squatter pigeon (southern subspecies).

3. Schedule 2: National parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
- a. dedicate an area described as lot 1 on SP223050 and lot 52 on SP256204, containing a total area of 764.94 hectares, as part of the existing Castle Tower National Park, about 39 kilometres south of Gladstone. The additions relate to land dealings with Gladstone Area Water Board, including compensation land for the raising of the Awoonga Dam wall. Of concern regional ecosystems cover approximately 20% of the larger parcel, which retains around 84% remnant vegetation, and dedicating these parcels as national park will protect habitat for a number of threatened species such as the endangered central greater glider, which have been recorded on or within four kilometres of both parcels;
 - b. redescribe the entirety of Great Sandy National Park as lots 1, 5, 7 and 21 on AP23770 and lots 1 to 21 on AP23771, containing a total area of about 224,289.8457 hectares, about 180 kilometres north of Brisbane. The amendment will result in an increase of about 2,795.0353 hectares to the area of the national park due to the use of contemporary survey and mapping technology and standards, and includes the correction of a previous error of about 0.0655 hectares to the national park area;
 - c. change the class of parts of Homevale Resources Reserve, described as lot 1 on AP23648, containing an area of about 4,970.2156 hectares, and dedicate the area as part of the existing Homevale National Park, about 73 kilometres south-west of Mackay;
 - d. redescribe the entirety of Mount Coolum National Park as lots 1 to 5 on AP23585, containing an area of about 359.637 hectares, about 8 kilometres north of Maroochydore. A new administrative plan was developed to update the description of the national park following recent amendments;
 - e. dedicate an area described as lot 8 on SP325487, containing an area of about 1.19 hectares, as part of the existing Mount Etna Caves National Park, about 25 kilometres north of Rockhampton. The dedication of this land is due to a road closure initiated by the Livingstone Shire Council and contains conservation values including habitat for multiple flora and fauna species such as the vulnerable ghost bat;
 - f. dedicate an area described as lot 100 on SP236363, containing an area of about 1,760 hectares, as part of the existing Pinnacles National Park, about 38 kilometres south-west of Townsville. This area forms part of a broader proposal for protection of the Townsville Scenic Rim and contains habitat for known endangered species such as the red goshawk;
 - g. dedicate an area described as lot 5 on SP324388, containing an area of about 4.5340 hectares due to a road closure; and change the class of parts of Wrattens Resources Reserve, described as lots 1021 to 1023 on AP23647, containing an area of about 2,275.8299 hectares, as part of the existing Wrattens National Park, about 30 kilometres west of Gympie.
4. Schedule 3: Conservation parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
- a. dedicate an area described as lot 1 on SP328214, containing an area of about 27 hectares, as the new Baldy Mountain Conservation Park, about 56 kilometres south-west of Cairns. The dedication of the new conservation park will provide management benefits for the Mount Wallum lookout and access track which also serves as a firebreak;

- b. dedicate an area described as lot 77 on EP191 and lot 2 on USL51464, containing an area of about 0.6557 hectares, as part of the existing Magnetic Island Conservation Park 1, about 16 kilometres north-east of Townsville. Adding these parcels to the surrounding conservation park will provide significant management benefit and enhanced protection of the aquatic conservation values in the surrounding area.
5. Schedule 3A: Resources reserves of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. redescribe the entirety of Homevale Resources Reserve as lots 1 and 2 on AP23648, about 73 kilometres south-west of Mackay, using contemporary survey and mapping technology and standards (resulting in an increase of about 0.5439 hectares to the previous area); and subsequently change the class of part of Homevale Resources Reserve, described as lot 1 on AP23648, containing an area of about 4,970.2156 hectares, and dedicate the area as part of the existing Homevale National Park. This land has been assessed as no longer being viable for mineral extraction and is now able to be upgraded to a higher class of protected area. This lot contains habitat for a diverse range of vulnerable and near threatened species including the glossy black cockatoo and koala;
 - b. redescribe the entirety of Wrattens Resources Reserve as lots 1020 to 1023 on AP23647, about 30 kilometres west of Gympie, using contemporary survey and mapping technology and standards (resulting in an increase of about 34.2085 hectares to the previous area); and subsequently change the class of part of Wrattens Resources Reserve, described as lots 1021 to 1023 on AP23647, containing an area of about 2,275.8299 hectares, and dedicate the area as part of the existing Wrattens National Park. This land has been assessed as no longer being viable for mineral extraction and is now able to be upgraded to a higher class of protected area, as originally intended for all resources reserves. This land contains significant conservation values including wildlife refugia and potential habitat for vulnerable and endangered species.
6. Schedule 5: Nature refuges of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. declare an area described as part of lot 4365 on SP182310, containing an area of about 103,059.73 hectares, as part of the existing Artemis Antbed Nature Refuge; and subsequently rename and redescribe the entirety of the nature refuge as Artemis Antbed Parrot Nature Refuge, described as part of lot 4365 on SP182310, containing an area of about 105,175.48 hectares shown on plan PA1149, about 300 kilometres north-west of Cairns. This area contains habitat for several threatened species including the endangered golden-shouldered parrot and provides connectivity with the adjacent Rinyirru (Lakefield) National Park (Cape York Peninsula Aboriginal Land);
 - b. declare an area described as part of lot 11 on CP854026, containing an area of about 32,924.2 hectares, as the new Herbertvale Nature Refuge, shown on plan PA1151, about 260 kilometres north-west of Mount Isa. This area contains suitable habitat for threatened species and regional ecosystems, and provides catchment protection for Lawn Hill Creek and connectivity with the adjoining Boodjamulla (Lawn Hill) National Park;
 - c. declare an area described as part of lot 38 on SP277848, containing an area of about 287.37 hectares, as part of the existing Mount Pleasant Nature Refuge; and subsequently redescribe the entirety of the nature refuge as part of lot 37 on HR1352 and part of lot 38 on SP277848, containing a total area of about

1,540.37 hectares, shown on plan PA1155, about 45 kilometres south-west of Bowen. The land contains suitable habitat for threatened species and provides better connectivity with the nearby Mount Aberdeen National Park, Aberdeen Nature Refuge and Homehaven Nature Refuge;

- d. declare an area described as part of lot 2680 on CP883164, containing an area of about 30,644.2 hectares, as the new Norfolk Nature Refuge, shown on plan PA1147, about 200 kilometres north-west of Mount Isa. This area contains suitable habitat for threatened species, underrepresented regional ecosystems, provides catchment protection for the nationally important Thornton wetland aggregation and the Gregory River, and connectivity with the adjoining Boodjamulla (Lawn Hill) National Park.

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 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.

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 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.

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.

A public notice was published on the department's website on 31 January 2023 regarding consultation on proposed amendments to the forestry and protected area estates and seeking views in consideration of the *Human Rights Act 2019*, including Aboriginal peoples' and Torres Strait Islander peoples' cultural rights. Two queries were received but there were no objections to the public notice in the 28 day consultation period ending 28 February 2023, and DES progressed the proposals accordingly.

HQPlantations Pty Ltd was consulted concerning its plantation license interests over part of the Wongi State Forest revocation area. HQPlantations offered no objections to the proposal and collaborated with the Department of Transport and Main Roads and the Department of Agriculture and Fisheries (DAF) to excise plantation license interests from the revocation area.

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.