

Forestry and Other Legislation Amendment Regulation 2021

Explanatory notes for SL 2021 No. 58

made under the

Forestry Act 1959

Nature Conservation Act 1992

General Outline

Short title

Forestry and Other Legislation Amendment Regulation 2021

Authorising law

Sections 25, 32, 32A and 97 of the *Forestry Act 1959* (Forestry Act)

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

Policy objectives and the reasons for them

The objectives of the *Forestry and Other Legislation Amendment Regulation 2021* (the Amendment Regulation) are to:

- declare two areas of State forest as State plantation forest;
- increase the area of three State forests;
- revoke part of two State forests and two State plantation forests;
- redescribe one State forest;
- redescribe three national parks after the completion of up to date plans;
- increase the area of one national park;
- increase the area of one conservation park;
- declare three new nature refuges and expand one existing nature refuge; and
- revoke part of and redescribe one nature refuge.

The core aim of declaring additional areas of State forest is to permanently reserve such areas for the purpose of producing timber and associated products in perpetuity. The Amendment Regulation will result in the addition of land to Byfield, Tuan and Yarraman State forests.

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 affect the addition of land to Pinnacles National Park and Wongaloo Conservation Park. Additionally, it will result in the declaration of three new nature refuges.

Section 29 of the NC Act stipulates that land must be 'State land' in order for it to be dedicated as protected area. Other than a few exceptions, such as State forests or timber reserves, the land must be unallocated State land (USL) prior to its addition to the protected area estate.

In the context of the Amendment Regulation, all USL is in the Department of Environment and Science's (DES) name (as registered owner) and is already being managed by the Queensland Parks and Wildlife Service (QPWS). As these areas are now free of encumbrances and interests inconsistent with protected areas, the department is able to change the tenure, giving the head of power under the *Nature Conservation Act 1992* to QPWS to effectively manage these lands for conservation, as per the original intent.

There is the occasional need to revoke parts of the forestry estate to allow for essential uses that are inconsistent with forestry tenure. The Amendment Regulation provides for the revocation of part of Byfield State Forest and part of Tuan State Forest to allow for road actions that will facilitate improvements to public road infrastructure.

The cardinal management principle of State forests is the permanent reservation of areas for the purpose of producing timber and associated products in perpetuity and of protecting the watershed therein. The aim of declaring areas of State plantation forest is the production of a natural resource product in the form of plantation timber for commercial purposes. The Amendment Regulation proposes to declare two new State plantation forest areas as compensation for the removal of State plantation forest as a result of the Byfield State Forest and Tuan State Forest revocations.

There is the occasional need to revoke the declaration of nature refuge areas in cases when this is requested by the landholder and also where, in the Minister's opinion, the area is no longer needed, or capable of being used to achieve, the declared management intent for the nature refuge. The proposal is pursuant to sections 48 and 50 of the NC Act and is not inconsistent with the objectives of the Act.

Periodically updating the plans that define the boundaries of State forests or protected areas using contemporary spatial technology and correcting administrative errors within the regulation, such as miscalculations of the area of a national park, ensures the accuracy and transparency of the protected area reporting system. The Amendment Regulation provides for corrections of previous administrative errors relating to the area description of two national parks.

Achievement of policy objectives

To achieve its objective, the Amendment Regulation amends:

1. Schedule 2: State plantation forests of the *Forestry Regulation 2015* to:
 - a. declare an area described as lot M on PLP0865, containing an area of about 2.976 hectares, as part of the existing State plantation forest, about 60 kilometres south of Rockhampton. These amendments relate to road actions on Byfield State Forest and the associated State plantation forest; and
 - b. declare an area described as lot G on PLP0915, containing an area of about 26.915 hectares, as part of the existing State plantation forest, about 34 kilometres south-east of Maryborough. These amendments relate to road actions on Tuan State Forest and the associated State plantation forest; and
 - c. reflect changes to PLP0865 and PLP0915 to remove areas that are no longer plantation forest, and which have been surrendered by the plantation licensee.

2. Schedule: State forests of the *Forestry (State Forests) Regulation 1987* to:
 - a. redescribe the entirety of Cordalba State Forest as lots 1 to 4 and 832 on AP23634, containing an area of about 14,663.962 hectares, about 39 kilometres south-west of Bundaberg, using contemporary survey and mapping technology and standards (resulting in an overall decrease in area of about 137.5061 hectares); and
 - b. revoke the setting apart and declaration of part of Byfield State Forest, about 60 kilometres south of Rockhampton, described as lot 2 on SP293554, containing an area of about 1.54 hectares, and subsequently, set apart and declare an area of unallocated State land described as lot 1 on SP293553, containing an area of about 3.03 hectares, as part of the existing State forest (resulting in an overall increase in area of about 1.49 hectares). The amendment allows for the dedication and opening of the revoked area as road reserve, and the setting apart and declaration of an area of closed road reserve as part of the State forest; and
 - c. revoke the setting apart and declaration of part of Tuan State Forest, about 34 kilometres south-east of Maryborough, described as lot 1 on SP314470, containing an area of 27.44 hectares, and subsequently, set apart and declare an area of unallocated State land described as lot 2 on SP314471, containing an area of about 28 hectares, as part of the existing State forest (resulting in an overall increase in area of about 0.56 hectares). The amendment allows for the dedication and opening of the revoked area as road reserve, and the setting apart and declaration of an area of closed road reserve as part of the State forest; and
 - d. set apart and declare an area of unallocated State land described as lot 101 on SP305492, containing an area of 1.271 hectares, as part of the existing Yarraman State Forest, about 75 kilometres north of Toowoomba. The new total area for the State forest will be about 6,961.203 hectares. The addition parcel was an area of unused road reserve to be added to the State forest as part of a compensation deed for a previous revocation dealing.

3. Schedule 2: National parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
- a. redescribe the entirety of Dalrymple National Park as lot 125 on AP23573, containing an area of about 1,755.049 hectares, about 34 kilometres north-west of Charters Towers, using contemporary survey and mapping technology and standards (resulting in an increase from the previous area description of about 70.7469 hectares). The amendment also rectifies an erroneous previous area description for the national park; the previous area should have been about 1,684.3086 hectares rather than 1,684.3021 hectares, an increase of about 0.0065 hectares; and
 - b. redescribe the entirety of Kondalilla National Park as lot 1 on AP23629, containing an area of about 1,569.827 hectares, about 13 kilometres west of Nambour, using contemporary survey and mapping technology and standards (resulting in a decrease in area of about 21.0901 hectares); and
 - c. dedicate an area of unallocated State land described as lot 29 on SP305926, containing an area of about 4,370 hectares, as part of the existing Pinnacles National Park, about 38 kilometres south-west of Townsville. The dedication of this parcel, acquired by the department in 2017, will help consolidate the national park boundary and provide greater connectivity between the Pinnacles and Hervey Range habitat areas; and
 - d. redescribe the entirety of Tewantin National Park as lots 1 to 3 on AP23630, lots 5 to 10 on AP23639, lots 1 to 4 and 13 on AP23640 and lots 13 and 14 on SP230058, containing an area of about 3,514.4351 hectares, about 12 kilometres west of Tewantin, using contemporary survey and mapping technology and standards. The amendment will result in a decrease of about 19.9943 hectares for the national park.
4. Schedule 3: Conservation parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
- a. dedicate an area of unallocated State land described as lot 2 on SP252518 and lot 4 on plan USL44296, containing an area of about 81.6 hectares, as part of the existing Wongaloo Conservation Park, about 31 kilometres south-east of Townsville. This dedication is a result of assessment into the suitability of unallocated State land for inclusion into the protected area estate that simplifies and improves boundary management.
5. Schedule 5 Nature refuges of the *Nature Conservation (Protected Areas) Regulation 1994* to:
- a. declare an area described as lot 2 on RP31980, containing an area of 29.9850 hectares, as the new Merala Nature Refuge, shown on plan PA1078, about 28 kilometres south of the Gold Coast; and
 - b. declare an area described as part of lot 47 on SP287171, containing an area of about 26.36 hectares, as part of the existing Misty Mountain Nature Refuge, and subsequently, redescribe the entirety of the nature refuge as part of lot 47 on SP287171, containing an area of about 90.36 hectares, shown on PA1099, about 28 kilometres south of Atherton. The amendment is required because the landholder purchased the adjacent land parcel and has amalgamated the area with

- their current lot (lot 47 on SP287171). The amendment expands the nature refuge to include this new area; and
- c. declare an area described as lot 40 on plan S311973 and lot 75 on plan S312120, containing an area of 80.9371 hectares, as the new Mount Elliot Nature Refuge, shown on plan PA1091, about 24 kilometres south-east of Ipswich; and
 - d. declare an area described as part of lot 3 on RP849497, containing an area of about 11.26 hectares, as Rock of Ages Nature Refuge, shown on plan PA1090, about 8 kilometres north-west of Nambour; and
 - e. revoke the declaration of part of Ukikuna Nature Refuge described as part of lot 3 on RP883322, containing an area of about 4.34 hectares, and subsequently, redescribe the entirety of the nature refuge as part of lot 3 on RP883322, containing an area of about 86.36 hectares, shown on PA1092, about 30 kilometres west of Kilcoy. The amendment is required at the request of the landholder who entered into the agreement, due to a replacement conservation agreement and due to preparation of an up to date plan. The amendment will result in a partial revocation and redescription of the nature refuge in accordance with section 48, with the approval of the delegate for the Minister for the Environment and the Great Barrier Reef and Minister for Science and Youth Affairs, and section 50 of the NC Act.

Consistency with policy objectives of authorising law

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

- reservation of State forest areas for the purpose of producing timber and associated products in perpetuity;
- the dedication and declaration of areas representative of the biological diversity, natural features and wilderness of the State as protected areas;
- the cooperative involvement of landholders in the conservation of nature; and
- the Governor in Council may make regulations under the NC Act.

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

State forests provide timber production and associated products which have economic value and positive benefits to society. Adding areas of State land which have been assessed as having considerable timber or quarry production value, or areas that support the management of timber or quarry production, allows for this land to be used for timber production and other forest product purposes to provide resources for construction or other industries.

The revocation of parts of Byfield State Forest and Tuan State Forest will help provide a better and safer transport network by allowing for road actions that will improve road infrastructure. The Byfield State Forest revocation will provide for the dedication of transport

reserve tenure over the physically constructed road, allowing formal management of the road corridor and providing safer community access to the Corbetts Landing Boat Ramp. The area of former road reserve has been closed and will be added to the State forest and declared as State plantation forest as part of the dealing. The Tuan State Forest revocation will provide for road reserve to be dedicated over the New Tinnanbar Road, allowing formal management of the transport corridor and providing safer community access to the Tinnanbar township. The area of former road reserve has been closed and will be added to the State forest and declared as State plantation forest as part of the dealing.

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. Adding areas of State land which have been assessed as having a land use most consistent with conservation to protected areas, allows for this land to be preserved in perpetuity for the benefit of the community.

Each area of land being added to the protected area estate was acquired or transferred for conservation and/or boundary management purposes. As the resolution of encumbrances and other interests that are inconsistent with protected area tenure, such as mining or forestry interests, is a lengthy process, each area of land being added to a national park or resources reserve has been managed for conservation by QPWS for some time. As the encumbrances and interests have now been resolved, transitioning the land to protected area tenure will formalise tenure for the land to ensure that QPWS 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 Queensland Rail Limited, Energy Queensland and Powerlink Queensland. Feedback from stakeholders consulted about the Amendment Regulation was generally positive.

The trustees and land managers of Wongaloo Conservation Park under the *Nature Conservation (Protected Areas Management) Regulation 2017*, The Wetlands and Grasslands

Foundation, were consulted on and consented to the proposed additions and subsequent management of the new areas as part of their trusteeship.

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, Queensland Productivity Commission, 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.

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.