

Forestry and Other Legislation Amendment Regulation (No. 2) 2021

Explanatory notes for SL 2021 No. 158

made under the

Forestry Act 1959

Nature Conservation Act 1992

General Outline

Short title

Forestry and Other Legislation Amendment Regulation (No. 2) 2021

Authorising law

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

Sections 29, 46 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 (No. 2) 2021* (Amendment Regulation) are to:

- redescribe one State forest;
- increase the area of seven national parks;
- correct one previously erroneous national park area description;
- increase the area of two conservation parks;
- correct one previously erroneous conservation park area description; and
- declare one new 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 affect the addition of land to Bribie Island National Park, Byfield National Park, Curtain Fig National Park, Gheebulum Kunungai

(Moreton Island) National Park, Lockyer National Park, Mount Walsh National Park, Tamborine National Park, Earl Hill Conservation Park and Smithfield Conservation Park. Additionally, it will affect the declaration of the new Kurranji Bubu Nature Refuge.

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, DES is able to change the tenure, giving the head of power under the NC Act to QPWS to effectively manage these lands for conservation, as per the original intent.

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. 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 corrections of previous administrative errors relating to the area description of one national park and one conservation park, and for an updated plan and description for one State forest.

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. to redescribe the entirety of Toolara State Forest as lot 1004 on AP23646, containing an area of about 41,608.834 hectares, about 27 kilometres north-east of Gympie, using contemporary survey and mapping technology and standards (resulting in an overall increase in area of 19.7562 hectares). This amendment is a balance plan after a road action.
2. Part 6: Transitional provisions of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. indicate that a reference to Moreton Island National Park or Gheebulum Coonungai (Moreton Island) National Park may, if the context permits, be taken to be a reference to Gheebulum Kunungai (Moreton Island) National Park and vice versa. This amendment is necessary due to a June 2021 name change.

3. Schedule 2: National parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:

- a. dedicate an area of USL described as lot 171 on SP320700, containing an area of about 0.166 hectares, as part of the existing Bribie Island National Park, about 49 kilometres north-east of Brisbane. This addition is the balance of a DES USL parcel subdivided by the Department of Education for a new for Banksia Beach State School carpark, and will support ongoing national park access and fire management;
- b. dedicate an area of USL described as lot 7 on crown plan AP15876, lot 8 on crown plan PS103 and lots 9 to 14 on crown plan PS104, containing an area of about 199.8161 hectares, as part of the existing Byfield National Park, about 19 kilometres north of Yeppoon. These additions are part of a long-term project to add numerous USL parcels to the protected area estate and will consolidate the boundary and improve management of the park and the adjacent Corio Bay section of the Great Barrier Reef State Marine Park. These parcels have very high aquatic conservation significance, are part of the Shoalwater and Corio Bays Area Ramsar site and contain endangered and of concern regional ecosystems;
- c. dedicate an area of USL described as lots 1 to 4 on SP280086, containing an area of about 8.5074 hectares, as part of the existing Curtain Fig National Park, about 10 kilometres east of Atherton; and subsequently redescribe to correct an erroneous description of the national park (an increase of 0.3678 hectares) after a road revocation. Consequently, there is an overall increase of about 8.8752 hectares. This dedication is a result of a permanent road closure action, the area previously being unconstructed road. These parcels within the Wet Tropics World Heritage Area contain an endangered “mabi forest” regional ecosystem, of which less than four percent remains.
- d. dedicate an area of USL described as lot 1 on SP277808, lot 3 on SP304084 and lot 117 on SP302008, containing an area of about 78.3176 hectares, as part of the existing Gheebulum Kunungai (Moreton Island) National Park, about 57 kilometres north-east of Brisbane. This dedication is part of the Mulgumpin Indigenous Land Use Agreement. These parcels contain regionally significant coastal lowland vegetation communities on the least disturbed, large coastal sand island in south-east Queensland;
- e. dedicate an area of USL described as lot 13 on crown plan CSH156 and lot 63 on crown plan CSH416, containing an area of about 197.3677 hectares, as part of the existing Lockyer National Park, about 27 kilometres north-east of Toowoomba. These properties were purchased by the State under the Koala Habitat (Bushland) Program and contain significant koala habitat;
- f. dedicate an area of USL described as lots 47, 187 and 188 on crown plan LX591 and 190 on crown plan LX598, containing an area of about 1,036.9715 hectares, as part of the existing Mount Walsh National Park, about 67 kilometres south-west of Maryborough. These parcels were high priority Strategic Acquisitions for their conservation values including several of concern regional ecosystems and koala habitat;
- g. dedicate an area of USL described as lot 1 on crown plan WD2745, containing an area of 2.502 hectares, as part of the existing Tamborine National Park, about 50 kilometres south-east of Brisbane. This dedication is a result of the purchase of 1WD2745 as part of celebrations for the centenary of Tamborine National Park in

2008. The parcel contains threatened ecosystems and habitat for threatened species such as the cascade treefrog and koala, and will consolidate national park management.

4. Schedule 3: Conservation parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. dedicate an area of USL described as lot 165 on SP319555, containing an area of 1.82 hectares, as part of Earl Hill Conservation Park, about 16 kilometres north of Cairns. As part of a development approval, the former Environmental Protection Agency required biodiversity conservation for this parcel, which is relatively undisturbed, contains an endangered regional ecosystem and will consolidate the boundary of the conservation park;
 - b. dedicate an area of USL described as lot 998 on SP201274, containing an area of 0.3175 hectares, as part of the existing Smithfield Conservation Park, about 17 kilometres north-west of Cairns; and subsequently correct an erroneous area description of the conservation park (a decrease of 0.2981 hectares). Consequently, there is an increase of 0.0194 hectares. This parcel was part of a land exchange and contains an of concern regional ecosystem.

5. Schedule 5 Nature refuges of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. declare an area described as lot 46 on RP745468, containing an area of 27.63 hectares, as the new Kurranji Bubu Nature Refuge, shown on plan PA1101, about 34 kilometres north of the Port Douglas. The new nature refuge contains habitat for threatened species including the endangered southern cassowary, an endangered regional ecosystem and has landscape connectivity with Daintree National Park and the nearby Manani Nature Refuge.

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 Governor in Council may make regulations under the Forestry Act;
- 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.

Redescribing the entirety of the Toolara State Forest will result in an overall increase in the total area of 19.7562 hectares to the Toolara State Forest.

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 conservation park 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 Energy Queensland and Powerlink Queensland. Feedback from stakeholders consulted about the Amendment Regulation was generally positive.

The Traditional Owners of Gheebulum Kunungai (Moreton Island) National Park were consulted and the proposed additions have been consented to in the Mulgumpin Indigenous Land Use Agreement.

Yirrgandji Land and Sea Rangers and the Dawuk Wuru Aboriginal Corporation were consulted regarding the addition to Earl Hill National Park and provided their support.

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.

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.