

Forestry and Other Legislation Amendment Regulation (No. 3) 2021

Explanatory notes for SL 2021 No. 188

made under the

Forestry Act 1959

Nature Conservation Act 1992

General Outline

Short title

Forestry and Other Legislation Amendment Regulation (No. 3) 2021

Authorising law

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

Sections 29, 30, 46, 48, 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. 3) 2021* (Amendment Regulation) are to:

- revoke part of one State forest;
- redescribe three national parks;
- increase the area of one national park;
- redescribe one conservation park;
- dedicate one new conservation park;
- declare eight new nature refuges; and
- redescribe two 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. The Amendment Regulation will dedicate the new Main Range Conservation Park and increase the area of Main Range National Park. Additionally, it will result in the declaration of eight new nature refuges, an increase in area of one nature refuge and a decrease in area of one 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.

Plans that define the boundaries of State forests or protected areas are periodically updated using contemporary spatial technology, and to correct administrative errors. 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 National Park, Wiliyan-ngurru National Park and Byfield Conservation Park and a plan of better description for Paluma Range National Park.

Section 30 of the NC Act prescribes that despite the *Forestry Act 1959* an area of State forest can be dedicated as protected area if the Legislative Assembly has passed a motion in support of the dedication. The proposal to revoke 3,408.183 hectares from Glen Rock State Forest for addition to Main Range National Park and 2,891.226 hectares from Glen Rock State Forest for dedication as Main Range Conservation Park was tabled in the Legislative Assembly on 16 June 2021, with a resolution in support of the proposal made on 14 October 2021.

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 revoke the setting apart and declaration of part of Glen Rock State Forest, about 42 kilometres north-east of Warwick, described as lot 84 on plan CC935, lot 97 on plan CC836182 and lot 105 on plan CH312522, containing an area of about 3,408.183 hectares for dedication as part of the existing Main Range National Park; and revoke the setting apart and declaration of part of Glen Rock State Forest, described as lot 123 on plan CC390, lot 149 on plan CC496, lot 9 on plan

CC2304, lot 10 on plan CH31292, lot 23 on plan CH311139, lot 30 on CH311898 and lot 96 on plan CH312503, containing an area of about 2,891.226 hectares for dedication of the new Main Range Conservation Park. The remaining area of the State forest following the revocations will be about 210 hectares, described as lot 51 on plan SP280505. The revocation and subsequent dedication of these areas results in a higher level protection and conserve core habitat for a number of threatened species including the endangered red goshawk and the vulnerable brush-tailed rock wallaby, koala, glossy black-cockatoo and greater glider.

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

- a. redescribe the entirety of Byfield National Park as lot 130 on AP23645, containing an area of about 16,857.957 hectares, about 55 kilometres north of Rockhampton, using contemporary survey and mapping technology and standards (resulting in an overall increase in the area of about 1,800.1409 hectares). This plan was updated due to recent USL additions and a significant change in tidal boundaries since the last plan was drawn in 2004;
- b. revoke the setting apart and declaration of part of Glen Rock State Forest described as lot 84 on plan CC935, lot 97 on plan CC836182 and lot 105 on plan CH312522, containing an area of about 3,408.183 hectares, and dedicate as part of the existing Main Range National Park, about 42 kilometres north-east of Warwick (resulting in an increase in the area of about 3,408.183 hectares). The revocation and subsequent dedication of these areas results in a higher level protection and conserve core habitat for a number of threatened species including the endangered red goshawk and the vulnerable brush-tailed rock wallaby, koala, glossy black-cockatoo and greater glider;
- c. redescribe the entirety of Paluma Range National Park as lots 1 and 2 on AP19230, lot 59 on plan NPW935, lot 113 on SP186112 and lot 2 on SP327478, containing an area of about 78,961 hectares, about 40 kilometres west of Townsville, using contemporary survey and mapping technology and standards (resulting in no change in area). This amendment will accommodate a plan of better description for Forestry Road; and
- d. redescribe the entirety of Wiliyan-ngurru National Park as lot 39 on AP23642, containing an area of about 13,775.4 hectares, about 159 kilometres north-west of Mt Isa, using contemporary survey and mapping technology and standards (resulting in an overall decrease in the area of about 24.6 hectares).

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

- a. redescribe the entirety of Byfield Conservation Park as lot 545 on AP23645, containing an area of about 89.85 hectares, about 55 kilometres north of Rockhampton, using contemporary survey and mapping technology and standards (resulting in an overall increase in the area of about 0.85 hectares). This plan was updated due to significant changes in tidal boundaries since the last plans were drawn in 2004; and
- b. revoke the setting apart and declaration of part of Glen Rock State Forest, described as lot 123 on plan CC390, lot 149 on plan CC496, lot 9 on plan CC2304, lot 10 on plan CH31292, lot 23 on plan CH311139, lot 30 on plan CH311898 and lot 96 on plan CH312503, containing an area of about

2,891.226 hectares, and dedicate the area as the new Main Range Conservation Park, about 42 kilometres north-east of Warwick. The revocation and subsequent dedication of these areas result in a higher level protection and conserve core habitat for a number of threatened species including the endangered red goshawk and the vulnerable brush-tailed rock wallaby, koala, glossy black-cockatoo and greater glider.

4. Schedule 5 Nature refuges of the *Nature Conservation (Protected Areas) Regulation 1994* to:

- a. declare an area described as part of lot 100 on plan NR6274 and lot 78 on plan NR1571, containing an area of about 249.49 hectares, as the new Basilisk Nature Refuge, shown on plan PA1102, about 100 kilometres south of Cairns. The nature refuge provides habitat for the endangered southern cassowary and has connectivity with surrounding protected areas;
- b. declare an area described as part of lot 70 on plan ML417, containing an area of about 162.59 hectares, as the new Bloodwood Nature Refuge, shown on plan PA1106, about 56 kilometres west north-west of Warwick. The nature refuge contains habitat for threatened species including the koala and the glossy black-cockatoo and is part of a bioregional corridor;
- c. declare an area described as part of lot 2 on RP99664, containing an area of about 26.5 hectares, as the new Dungi Yandi Nature Refuge, shown on plan PA1071, about 10 kilometres south-west of Maleny. The nature refuge contains habitat for threatened species including the koala, Richmond birdwing butterfly, giant barred frog, glossy black-cockatoo and the scrub turpentine;
- d. redescribe the entirety of Gumnut Park Nature Refuge as part of lot 2 on RP219909, containing an area of about 16.32 hectares, shown on plan PA1100, about 5 kilometres south of Kenilworth (resulting in an overall increase in the area of about 12.32 hectares). This amendment is due to a replacement Conservation Agreement and a change in plan number. The nature refuge is located in koala habitat with some areas having undergone restoration and has connectivity with surrounding protected areas;
- e. declare an area described as part of lot 264 on plan NR1535, containing an area of about 15.52 hectares, as the new Gurrbum Nature Refuge, shown on plan PA1115, about 10 kilometres north-east of Tully. The nature refuge provides habitat for the endangered southern cassowary and has connectivity with surrounding protected areas;
- f. declare an area described as part of lot 5158 on plan PH991, containing an area of about 9,568.12 hectares, as the new Moonoomoo Nature Refuge, shown on plan PA1119, about 179 kilometres south of Charters Towers. The nature refuge provides habitat for threatened flora and fauna species and forms part of a bioregional corridor;
- g. declare an area described as part of lot 2 on RP734820, containing an area of about 38.05 hectares, as the new Rainy Mountain Nature Refuge, shown on plan PA1108, about 7 kilometres north-west of Kuranda. The nature refuge provides habitat for threatened species including southern cassowary and Kuranda treefrog and has connectivity with surrounding protected areas;
- h. redescribe the entirety of Rutland Plains Nature Refuge as part of lot 1796 on SP271701, containing an area of about 220,905 hectares, shown on plan PA1056, about 10 kilometres south of Kowanyama (resulting in an overall decrease in the

- area of about 12,999 hectares. This amendment is due to a replacement Conservation Agreement to make it perpetual and update the plan;
- i. declare an area described as part of lot 2 on RP713556, containing an area of about 27.491 hectares, as the new The Dods Place Nature Refuge, shown on plan PA1110, about 1 kilometre west of Kuranda. The nature refuge provides habitat for threatened species including southern cassowary and Kuranda treefrog and has connectivity with the Wet Tropics World Heritage Area; and
 - j. declare an area described as part of lot 76 on plan S312821, containing an area of about 265.49 hectares, as the new Undullah Nature Refuge, shown on plan PA1086, about 20 kilometres south-east of Ipswich. The nature refuge is located in koala habitat and provides landscape connectivity.

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 State forest may occur for dedication to a protected area if the Legislative Assembly has passed a resolution in support of the dedication;
- 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 State Forest 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.

The updating of plans allows the resolution of boundary and area issues and improves clarity, accuracy and transparency of protected areas. This allows QPWS to correctly manage these 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 proposal to revoke part of Glen Rock State Forest for addition to Main Range National Park and declaration of Main Range Conservation Park was tabled in the Legislative Assembly on 16 June 2021, with a resolution in support of the proposal passed on 14 October 2021. The proposal was advertised in *The Chronicle* and *The Courier-Mail* on 23 June 2021 in accordance with section 173Q of the NC Act. No submissions were received by DES in relation to the revocation proposal.

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.