

Forestry (State Forests) and Other Legislation Amendment Regulation (No. 2) 2022

Explanatory notes for SL 2022 No. 158

made under the

Forestry Act 1959

Nature Conservation Act 1992

General Outline

Short title

Forestry (State Forests) and Other Legislation Amendment Regulation (No. 2) 2022

Authorising law

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

Sections 29, 30, 32, 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 (State Forests) and Other Legislation Amendment Regulation (No. 2) 2022* (Amendment Regulation) are to:

- revoke the declaration of part of one State plantation forest designation;
- redescribe and subsequently revoke parts of two State forests;
- revoke parts of two national parks;
- redescribe three national parks;
- increase the area of four national parks;
- dedicate one new conservation park;
- redescribe one conservation park;
- increase the area of one existing conservation park;
- redescribe one existing resources reserve;
- declare one new nature refuge;

- redescribe two nature refuges; and
- revoke part of 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 parts of two State forests to increase the area of Tewantin National Park. Additionally, it will result in the increase in area of three other national parks, the dedication of one new conservation park, the increase in the area of one existing conservation park, the declaration of one new nature refuge and increase in the area of one existing nature refuge.

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 Yurol State Forest, Ringtail State Forest, Conondale National Park, Eungella National Park, Halifax Bay Wetlands National Park, Conondale Conservation Park and Conondale Resources Reserve.

Section 30 of the NC Act prescribes that for an area of State forest that is to be dedicated as a protected area, the regulation dedicating the area as protected area may revoke the State forest declaration, only if the Legislative Assembly has passed a resolution requesting the Governor in Council to dedicate the area. Section 32 of the NC Act prescribes that the Governor in Council may, by regulation, revoke the dedication of a protected area in whole or part if the Legislative Assembly has passed a resolution requesting the Governor in Council to make the revocation. The proposal to revoke areas from Yurol and Ringtail State Forests for addition to Tewantin National Park and to revoke areas from Castle Tower National Park and Mount Coolum National Park was tabled in the Legislative Assembly on 30 March 2022, with a resolution in support of the proposal passed on 25 May 2022.

The proposal to revoke parts of Yurol State Forest and Ringtail State Forest, and subsequently dedicate these as national parks is stage 2 of converting a total of about 2,400 hectares of Yurol and Ringtail State forests to protected area status to deliver biodiversity conservation and recreational opportunities for the community.

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. revoke the declaration of parts of the State plantation forest designation on Yurol State Forest, described as lot D on PLP0952.
2. Schedule: State forests of the *Forestry (State Forests) Regulation 1987* to:

- a. redescribe the entirety of Yurol State Forest as lots 2, 3 and 4 on AP22502 and lots 1 and 5 on AP23654, about 14 kilometres north-west of Tewantin, using contemporary survey and mapping technology and standards; and subsequently revoke the setting apart and declaration of parts of the State forest, described as lot 2 on AP22502 and lot 1 on AP23654, containing an area of about 287.13 hectares for dedication as part of the existing Tewantin National Park.
 - b. redescribe the entirety of Ringtail State Forest as lots 6 to 12 on AP22503 and lots 1 to 3 and 5 on AP23653, about 14 kilometres north-west of Tewantin, using contemporary survey and mapping technology and standards; and subsequently revoke the setting apart and declaration of parts of the State forest described as lots 9, 10 and 12 on AP22503 and lots 1 to 3 on AP23653, containing an area of about 376.9398 hectares for dedication as part of the existing Tewantin National Park.
3. Schedule 2: National parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
- a. revoke lot 2 on SP278327, containing an area of about 189 hectares, about 39 kilometres south-east of Gladstone, from Castle Tower National Park to allow for the area to be dedicated as freehold and transferred to the Gladstone Area Water Board for public water storage purposes;
 - b. redescribe the entirety of Conondale National Park as lots 1 to 8 on AP23628, containing an area of about 35,872.5597 hectares, about 95 kilometres north-west of Brisbane, using contemporary survey and mapping technology and standards (resulting in a total increase of 56.8467 hectares);
 - c. redescribe the entirety of Eungella National Park as lots 1 to 5 on AP23761, containing an area of about 62,193.01 hectares, about 70 kilometres west of Mackay, using contemporary survey and mapping technology and standards (resulting in an increase of 167.6445 hectares);
 - d. dedicate lot 982 on plan SL12165, containing an area of about 5.7 hectares, as part of the existing Freshwater National Park, about 32 kilometres north of Brisbane. This parcel is a longstanding donation that will help improve park and boundary management;
 - e. redescribe the entirety of Halifax Bay Wetlands National Park as lot 1 on AP23655, containing an area of about 4946.61 hectares, about 21 kilometres south-east of Ingham, using contemporary survey and mapping technology and standards (resulting in a decrease of 137.667 hectares);
 - f. revoke lots 1 and 2 on SP305582, containing an area of about 7.6030 hectares, about 8 kilometres north of Maroochydore, from Mount Coolum National Park to allow for Sunshine Coast Council to raise and upgrade the existing bund wall to offset flood risks increased by the Sunshine Coast Airport Expansion Project;
 - g. dedicate lots 117 and 118 on plan MZ420 and lot 119 on plan MZ305, containing an area of about 1355.7728 hectares as part of the existing Mount Walsh National Park, about 67 kilometres south-west of Maryborough. These parcels contain potential habitat for a variety of threatened species, including the red goshawk, and provides for improved boundary management of the national park;
 - h. dedicate lots 2 to 4 on SP324387, containing an area of about 18.0090 hectares as part of the existing Oakview National Park, about 35 kilometres west of Gympie. There has also been a correction of a previous rounding administrative error of 0.0002 hectares (resulting in a total increase of 18.0092 hectares). These parcels are former roads that were closed to assist with conservation of adjoining national park areas and improve park management;

- i. dedicate parts of Yurol State Forest, described as lot 2 on AP22502 and lot 1 on AP23654, containing an area of about 287.13 hectares; and parts of Ringtail State Forest, described as lots 9, 10 and 12 on AP22503 and lots 1 to 3 on AP23653, containing an area of about 376.9398 hectares as part of the existing Tewantin National Park, about 12 kilometres north-west of Tewantin. The former State forest areas contain core habitat for the vulnerable wallum rocketfrog, wallum froglet and koala, and are partly situated in the Mary River Catchment.
4. Schedule 3: Conservation parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. dedicate lot 14 on plan CP887447 as the new Broad Sound Islands Conservation Park, containing an area of 118 hectares, about 119 kilometres south-east of Mackay. This parcel enables the consolidation of protected areas on Wild Duck Island, that provides nesting sites for the vulnerable Flat Back Turtle;
 - b. redescribe Conondale Conservation Park as lot 571 on AP23628, containing an area of about 1.24 hectares, about 95 kilometres north-west of Brisbane using contemporary survey and mapping technology and standards;
 - c. dedicate lot 1 on SP318637, containing an area of 42.1 hectares, as part of the existing Mon Repos Conservation Park, about 12 kilometres north-east of Bundaberg. A number of significant species have been recorded on the property, including the loggerhead and flatback turtles.
5. Schedule 3a: Resources reserves of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. redescribe the existing Conondale Resources Reserve as lots 9 to 35 on AP23628, containing an area of 28.612 hectares, about 95 kilometres north-west of Brisbane using contemporary survey and mapping technology and standards (resulting in a decrease of 0.012 hectares).
6. Schedule 5 Nature refuges of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. declare an area described as part of lot 4 on RP234297, containing an area of about 39 hectares, as the new 3 Moons Nature Refuge, shown on plan PA1118. The nature refuge contains two ‘of concern’ regional ecosystems, Indigenous cultural heritage values and landscape connectivity to the adjoining Cania Gorge National Park and Coomingleh State Forest.
 - b. redescribe the entirety of Cobbold Gorge Nature Refuge as lot 4 on SP242983 and part of lot 3 on SP242983, containing an area of about 4,836.74 hectares, shown on plan PA1049, about 55 kilometres south south-west of Georgetown. This amendment is required due to a replacement conservation agreement, an increase in area (115.74 hectares), and a change in plan number.
 - c. redescribe the entirety of Horseshoe Bay Nature Refuge as lot 2 on RP746874, containing an area of 4.838 hectares shown on plan PA1121, about 15 kilometres north of Townsville on Magnetic Island (resulting in a decrease of 0.002 hectares);
 - d. revoke part of Sacred Nature Refuge described as part of lot 3 on RP887052, containing an area of about 0.496 hectares; and subsequently redescribe the entirety of the nature refuge as part of lot 3 on RP887052, containing an area of about 75.524 hectares, shown on plan PA1113, about 17 kilometres north-east of Pomona. The area being revoked contains Mixed Use zones that are incompatible land uses and therefore no longer suitable for conservation.

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. 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 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.

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 173Q of the NC Act for the proposals to transfer parts of Yurol State Forest and Ringtail State Forest to national park tenure, and for the proposals to revoke parts of Castle Tower National Park and Mount Coolum National Park. Consultation closed on 4 May 2022, with no comments received. No objections to the proposed revocations were received.

A public notice was published on the department's website on 8 July 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 6 August 2022, and DES progressed the proposals accordingly.

No further external consultation was required on the remaining State plantation forest amendments under the *Forestry Regulation 2015*, State forest amendments under the *Forestry (State Forests) Regulation 1987* or the national park, conservation park and resources reserve amendments under the *Nature Conservation (Protected Areas) Regulation 1994*, as the amendments are machinery in nature.