

# Forestry (State Forests) and Other Legislation Amendment Regulation (No. 3) 2022

Explanatory notes for SL 2022 No. 178

made under the

*Forestry Act 1959*

*Nature Conservation Act 1992*

## General Outline

### Short title

*Forestry (State Forests) and Other Legislation Amendment Regulation (No. 3) 2022*

### Authorising law

Section 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 (State Forests) and Other Legislation Amendment Regulation (No. 3) 2022* (Amendment Regulation) are to:

- revoke the declaration of parts of one State plantation forest designation;
- increase the area of three national parks;
- increase the area of one conservation park;
- increase the area of five nature refuges;
- declare six new nature refuges;
- revoke one nature refuge; and
- redescribe 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 the designation of one state plantation forest, dedicate additional areas to three national parks and one conservation park. Additionally, it will revoke one nature refuge due to expiry of the conservation agreement. This Amendment Regulation also includes minor amendments, such as correction of administrative errors within the regulation. Reasons for these updates include the miscalculation of two areas.

## 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 lots B and H on PLP0952.
2. Schedule 2: National parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
  - a. dedicate an area described as lot 41 on S312261, containing an area of about 46.5388 hectares, as part of the existing D'Aguilar National Park, about 48 kilometres north-west of Brisbane. This amendment will also correct a previous rounding error of 0.0001 hectares and an error on plan AP14647, resulting in a total increase to the national park of 52.5387 hectares. This property was acquired for inclusion into the protected area estate due to its significant conservation values. The entire property has State biodiversity and aquatic conservation significance and contains core koala habitat;
  - b. dedicate an area described as lot 125 on W311608, containing an area of about 129.9041 hectares, as part of the existing Lamington National Park, about 51 kilometres south-west of the Gold Coast. These parcels were acquired for inclusion into the protected area estate as they contain significant conservation values including core koala habitat, State biodiversity and aquatic conservation significance and will have significant management benefit;
  - c. dedicate an area described as lot 2151 on M34846 and lot 101 on ML321, containing an area of 56.4435 hectares, as part of the existing Main Range National Park, about 34 kilometres east of Warwick. These parcels were acquired for inclusion into the protected area estate as they contain endangered and of concern regional ecosystems and habitat for endangered, vulnerable and near-threatened flora and fauna known to be within close proximity of the lots and will provide significant management benefit.
3. Schedule 3: Conservation parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
  - a. dedicate an area described as lot 58 on EP328 and lot 131 on EP367, containing an area of 0.8094 hectares, as part of the existing Townsville Town Common Conservation Park, about 12 kilometres north-west of Townsville. There has also been a correction of a previous rounding administrative error of about 0.5953 hectares, resulting in an overall increase to the previous area of about 0.2141 hectares. These parcels have direct connectivity to the conservation park

and were acquired for inclusion into the protected area estate to protect the remnant vegetation and support ongoing management by rationalising the conservation park boundaries.

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

- a. declare an area described as part of lot 9 on BAN7, containing an area of about 8,285.98 hectares, as the new Ardgour Station Nature Refuge, shown on plan PA1122, about 120 kilometres south of Charleville. This area contains wetland habitat and remnant vegetation that has been assessed as significant and of concern biodiversity status;
- b. revoke the entirety of Bellview Nature Refuge, an area of about 1,125.47 hectares, about 162 kilometres east of Longreach due to expiry of the conservation agreement under its terms;
- c. declare an area described as lot 3 on RP186809, containing an area of about 51.53 hectares, as the new Boreen Nature Refuge, shown on plan PA1133, about 15 kilometres north-west of Noosaville. This area has been assessed as being of State significance for providing habitat for threatened or near-threatened species;
- d. declare an area described as part of lot 3 on RP747263, containing an area of about 5.35 hectares, as part of the existing Galaji Nature Refuge; and subsequently redescribe the entirety of the nature refuge as part of lot 3 on RP747263, containing an area of about 27.42 hectares, shown on PA1132, about 13 kilometres south-east of Malanda. This area contains suitable habitat for endangered, vulnerable and near-threatened plant and animal species;
- e. declare an area described as part of lot 4 on RP803972, containing an area of about 35.3 hectares, as the new Keysii Nature Refuge, shown on plan PA1134, about 17 kilometres north-west of Noosaville. This area contains known koala habitat and the presence of the vulnerable Key's boronia;
- f. declare an area described as part of lot 646 on SP113647, containing an area of about 34,206.07 hectares, as the new Mount Gibson Nature Refuge, shown on plan PA1136, about 70 kilometres south-west of Cooktown. This area provides critical habitat for multiple threatened species, protection for the Great Barrier Reef World Heritage Area, and landscape connectivity with multiple national parks;
- g. declare an area described as part of lot 3 on CG6006, containing an area of about 10.32 hectares, as part of the existing Mount Mellum Nature Refuge; and subsequently redescribe the entirety of the nature refuge as part of lot 3 on CG6006, containing an area of about 50.32 hectares, shown on plan PA1124, about 5 kilometres south-west of Landsborough. There is a known presence of the vulnerable koala and Richmond birdwing butterfly, and the near-threatened Richmond birdwing butterfly vine on this land;
- h. declare an area described as part of lot 289 on BK15778, containing an area of about 82.25 hectares, as the new Noo's Creek Nature Refuge, shown on plan PA1125, about 20 kilometres south-west of Cooktown. This area will provide a corridor for wildlife movement between several nearby and adjoining protected areas, and contains suitable habitat known to support several threatened flora and fauna species;
- i. declare an area described as lot 1 on BK157115, containing an area of about 64.7497 hectares, as the new Oakey Scrub Nature Refuge, shown on plan PA1138, about 11 kilometres south-west of Cooktown. The nature refuge will provide landscape connectivity with the adjoining Caloola Nature Refuge and

- Annan River (Yuku Baja-Muliku) National Park. It contains a complex mosaic of vegetation types described across six regional ecosystems;
- j. redescribe the entirety of The Gullies Nature Refuge as part of lot 48 on CSH48, containing an area of about 38.20 hectares shown on plan PA1088, about 24 kilometres north-east of Toowoomba. This amendment results in a net decrease in the total area for the nature refuge of about 1.44 hectares due to the use of contemporary surveying and mapping technology and standards. This nature refuge contains suitable habitat that supports several threatened flora and fauna species;
  - k. declare an area described as part of lot 77 on SP298776, containing an area of about 121.53 hectares, as part of the existing Weyba Nature Refuge; and subsequently redescribe the entirety of the nature refuge as part of lot 77 on SP298776, containing an area of about 247.53 hectares, shown on plan PA1130, about 4 kilometres south-west of Noosaville. There is a known presence of the vulnerable whipstick wattle and three frog species in this area;
  - l. declare an area described as part of lot 2944 on SP272859, containing an area of about 1,545.97 hectares, as part of the existing Yourka Reserve Nature Refuge; and subsequently redescribe the entirety of the nature refuge as part of lot 2944 on SP272859, containing an area of about 43,382.97 hectares, shown on plan PA1103, about 30 kilometres south of Ravenshoe. This area provides connectivity to adjoining and nearby protected areas and contains refugia for threatened animal species;
  - m. declare an area described as part of lot 1 on RP35069, containing an area of about 5.11 hectares, as part of the existing Yuroi Nature Refuge; and subsequently redescribe the entirety of the nature refuge as part of lot 1 on RP35069, containing an area of about 57.1 hectares, shown on plan PA1135, about 1 kilometre east of Pomona. This area contains known koala habitat, refuge for threatened species and landscape connectivity to Tewantin 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.

A joint transition committee comprising the Noosa Shire Council, the Noosa Parks Association Incorporated, HQPlantations Pty Ltd and the Queensland government continues to work in partnership to provide a coordinated approach to the transition of Yurol State Forest to protected area and management of the areas for environmental outcomes. HQPlantations Pty Ltd is supportive of the proposal to revoke parts of the State plantation forest designation over Yurol State Forest and have surrendered its plantation licence interest over that area accordingly.

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 6 October 2022 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. Nil written responses were received in the 28 day consultation period ending 4 November 2022, and the department progressed the proposals accordingly.

No further external consultation was required on the remaining national park and conservation park amendments under the *Nature Conservation (Protected Areas) Regulation 1994*, as the amendments are machinery in nature.

No changes to the Amendment Regulation were required as a result of the consultation.