

Forestry (State Forests) and Other Legislation Amendment Regulation (No. 2) 2023

Explanatory notes for SL 2023 No. 122

made under the

Forestry Act 1959

Nature Conservation Act 1992

General Outline

Short title

Forestry (State Forests) and Other Legislation Amendment Regulation (No. 2) 2023

Authorising law

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

Sections 29, 46, 48, 50, 64, 70E 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) 2023* (Amendment Regulation) are to:

- revoke parts of one state forest;
- revoke one forest reserve for dedication as conservation park;
- increase the area of nine national parks;
- redescribe one national park;
- increase the area of one nature refuge;
- decrease the area of four nature refuges;
- revoke parts of two nature refuges;
- revoke one nature refuge;
- redescribe six nature refuges; and
- declare four new 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 revoke one forest reserve and dedicate the area as part of an existing conservation park and provide for an updated plan for one national park. Additionally, it will increase the area of nine national parks, increase the area of one existing nature refuge and declare four new nature refuges.

The proposal to revoke parts of Beerwah State Forest is to accommodate the upgrade of Bells Creek Arterial Road, a gazetted future State-controlled road linking Caloundra and the Bruce Highway. The project is funded by the Queensland Government and Stockland for the Caloundra South Priority Development Area and is not considered to present significant impacts on state forest conservation values as it is mapped as non-native plantation and has limited ecological connectivity.

This Amendment Regulation also includes minor amendments, such as updating of the plans that define the boundaries of national parks or protected areas using contemporary survey and mapping technology. Reasons for these updates include correcting area calculation errors, boundary consolidation following tenure actions and updating plan information to improve clarity, accuracy and transparency for the protected area and forest estate reporting system. Correcting administrative errors and amending descriptions will meet description requirements under the *Land Act 1994*.

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. revoke the setting apart and declaration of parts of Beerwah State Forest described as parts of lot 561 on AP22457 (to be described as lots 508 and 509 on SP319488), containing a total area of 4.9536 hectares, about 72 kilometres north of Brisbane, to accommodate the upgrade and extension of Bells Creek Arterial Road. The revoked area is mapped as non-native plantation containing no formal conservation values with limited ecological connectivity. The Department of Transport and Main Roads has provided compensation for the loss of State forest area and to allow for the consolidated management of the area.
2. Schedule: Forest reserves of the *Nature Conservation (Forest Reserves) Regulation 2000* to:
 - a. revoke the entirety of Beerwah Forest Reserve described as lot 2 on AP19219, containing an area of about 37.4651 hectares, for the dedication of the area as part of the existing Glass House Mountains Conservation Park, about 69 kilometres north of Brisbane. The forest reserve provides habitat for a number of species of conservation significance including the koala and powerful owl.
3. Schedule 2: National parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. dedicate an area described as lot 3 on plan USL36765, containing an area of 0.615 hectares, as part of the existing Barnard Island Group National Park, about 93 kilometres south-east of Cairns. The island is a significant nesting site for the bridled tern, black-naped tern and pied imperial-pigeon;

- b. redescribe the entirety of Castle Tower National Park as lots 167 and 471 on AP23656, containing a total area of about 9,318.5522 hectares, about 39 kilometres south of Gladstone. The amendment will result in an increase of about 231.6122 hectares to the area of the national park due to the use of contemporary survey and mapping technology and standards;
 - c. dedicate an area described as lot 8 on AP22779 and lot 15 on AP22780, containing a total area of 1.471 hectares, as part of the existing Family Islands National Park, about 130 kilometres south-east of Cairns. The islands contain ‘of concern’ regional ecosystems and provide roosting sites for sea birds such as the white-bellied sea eagle and eastern osprey;
 - d. dedicate an area described as lot 1 on AP22302, containing an area of about 2.36 hectares, as part of the existing Frankland Group National Park, about 47 kilometres south-east of Cairns. The addition enables the continued management and protection of the island which is mapped as an endangered regional ecosystem;
 - e. dedicate an area described as lot 2 on plan USL38682, containing an area of 21.2 hectares, as part of the existing Goold Island National Park, about 54 kilometres north of Ingham. The addition improves national park connectivity and will improve strategic management;
 - f. dedicate an area described as lots 1 and 2 on AP22770, lots 10, 14, 16, 21 and 35 on AP2272, lot 7 on plan HR1272 and lot 1 on plan USL35796, containing a total area of about 19.7549 hectares, as part of the existing Lindeman Islands National Park, about 73 kilometres north of Mackay. The addition will improve management and provide national park connectivity with the surrounding islands that are in excellent ecological condition and contain significant bird nesting sites;
 - g. dedicate an area described as lot 158 on plan USL44146 and lots 25 and 28 on plan USL44159, containing a total area of 4.186 hectares, as part of the existing Molle Islands National Park, about 99 kilometres north of Mackay. The additions provide low tide national park connectivity with other sections of Molle Islands National Park and will improve strategic management;
 - h. dedicate an area described as lot 1 on AP15687, lot 212 on plan LN1746 and lot 213 on plan LN1747, containing a total area of about 4.3728 hectares, as part of the existing Mount Archer National Park, about 11 kilometres north-east of Rockhampton. These additions will improve fire and pest management and conserve an area of eucalypt woodland and vine forest that provide habitat for the glossy black-cockatoo (northern);
 - i. dedicate an area described as lots 4 and 7 to 12 on AP22774, lots 2, 5 and 10 to 12 on AP22775, lots 13 and 14 on plan USL37599, lot 28 on plan USL44158, lots 1 and 8 on plan USL44161 and lot 6 on plan USL44169, containing a total area of about 43.166 hectares, as part of the existing Whitsunday Islands National Park, about 104 kilometres north of Mackay. The islands are surrounded by a significant group of national park islands in excellent ecological condition and contain important bird nesting sites.
4. Schedule 3: Conservation parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
- a. dedicate the existing Beerwah Forest Reserve, described as lot 2 on AP19219, containing an area of about 37.4651 hectares, as part of the existing Glass House Mountains Conservation Park, about 69 kilometres north of Brisbane. The amendment will also redescribe lot 2 on AP19219 as lot 2 on AP23777, resulting in a decrease of about 8.1964 hectares in the previous area of the lot due to the use

of contemporary survey and mapping technology and standards. The area provides habitat for a number of species of conservation significance including the koala and powerful owl.

5. Schedule 5: Nature refuges of the *Nature Conservation (Protected Areas) Regulation 1994* to:
- a. declare an area described as part of lots 1 and 2 on RP28724, containing an area of about 87.25 hectares, as the new Cootharaba Nature Refuge, shown on plan PA1140, about 2 kilometres north-west of Boreen Point. This area contains known habitat for vulnerable flora and fauna species including Key's boronia, southern penda and the koala;
 - b. redescribe the entirety of the existing Egerton Nature Refuge, as part of lot 2 on SP318966, containing an area of about 30.56 hectares, shown on PA1137, about 2 kilometres east of Montville. The amendment will result in a net decrease in the area of the nature refuge of about 0.04 hectares due to the use of contemporary surveying and mapping technology and standards. The area contains habitat for the vulnerable koala and critically endangered Coxen's fig-parrot;
 - c. revoke the entirety of Glen Idle Nature Refuge, an area of about 63.7 hectares, about 49 kilometres south of Cairns. This amendment is required to revoke the nature refuge due to the termination of the conservation agreement;
 - d. declare an area described as part of lot 6 on SP224551, containing an area of about 198.648 hectares, as the new Kangaby Nature Refuge, shown on plan PA1141, about 39 kilometres north-west of Gin Gin. The area contains the endangered *Cycas megacarpa* and suitable habitat for the vulnerable yellow-bellied glider (southern subspecies);
 - e. redescribe the entirety of the existing Koolewong Nature Refuge, as lot 4 on RP800224, containing an area of 42.9318 hectares, shown on plan PA1126, about 8 kilometres south-west of Mapleton. The amendment will result in a net decrease in the area of the nature refuge of about 0.0682 hectares due to the use of contemporary surveying and mapping technology and standards. The area contains suitable habitat for threatened flora and fauna species such as Coxen's fig-parrot and offers landscape connectivity to the adjoining Maleny National Park and Cycadelic Nature Refuge;
 - f. redescribe the entirety of the existing Long Grass Nature Refuge, as lot 38 on plan CC233, lot 56 on SP142633 and lot 29 on SP142634, containing an area of 414.8229 hectares, shown on plan PA1079, about 20 kilometres south-east of Toowoomba. The amendment will result in a decrease to the area of the nature refuge of about 0.0002 hectares due to the use of contemporary surveying and mapping technology and standards. This area is mapped as 'endangered' and 'of concern' regional ecosystem status and contains a complex mosaic of vegetation types providing habitat for species such as the vulnerable tusked frog and glossy black-cockatoo (eastern);
 - g. revoke part of Messmate Nature Refuge, described as part of lot 2 on SP315514, containing an area of about 3.33 hectares; and declare an area described as parts of lots 1 and 2 on SP315514, containing a total area of about 33.85 hectares, as part of the existing nature refuge; and subsequently redescribe the entirety of the nature refuge as parts of lots 1 and 2 on SP315514, containing an area of about 598.85 hectares, shown on plan PA1112, about 25 kilometres south-west of Ingham. The amendment will result in a net increase of about 33.85 hectares to the nature refuge. This area contains known habitat for the endangered mahogany

- glider and provides landscape connectivity with the adjoining Girringun National Park;
- h. revoke part of Mount Murchison Nature Refuge, described as lot C on RP613850 over lot 100 on SP301602, containing an area of about 1.99 hectares; and subsequently redescribe the entirety of the nature refuge as part of lot 8 on plan RN518, part of lot 10 on SP307514, part of lot 100 on SP301602 and part of lot 7 on plan RN1519, containing an area of about 477.22 hectares, shown on plan PA1111, about 11 kilometres north-east of Biloela. The revocation is required to exclude an electrical easement;
 - i. declare an area described as part of lot 152 on plan BNT765, containing an area of about 18.9 hectares, as the new Saxum Floribunda Nature Refuge, shown on plan PA1131, about 138 kilometres south of Toowoomba. The area provides refugia for threatened species such as the spotted-tail quoll (southern subspecies) and powerful owl. It also provides connectivity to nearby protected areas such as Girraween National Park and Tinkerbell Nature Refuge;
 - j. redescribe the entirety of Scotney Nature Refuge, as lot 7 on SP232596, containing an area of 42.1537 hectares, shown on plan PA1087, about 17 kilometres south of Stanthorpe. The area contains habitat for multiple threatened species such as the tusked frog, spotted-tail quoll (southern subspecies) and powerful owl;
 - k. declare an area described as part of lot 2 on RP837791, containing an area of about 53.92 hectares, as the new The Limberlost Nature Refuge, shown on plan PA1146, about 12 kilometres south of Stanthorpe. The area contains known and suitable habitat for endangered, vulnerable and near threatened species including the spotted-tailed quoll (southern subspecies), koala and powerful owl.

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 forest reserve may occur for dedication to a protected area if the chief executive has reviewed the reserve and after a notice of the proposed designation is published and any feedback is considered;
- 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 Forest Reserve 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.

The proposal to revoke Beerwah Forest Reserve and subsequently dedicate it as conservation park is part of the long-term forest reserve transfer process in Queensland. In accordance with section 70E(3) of the NC Act, the purpose of revoking the dedication of this forest reserve is to allow the forest reserve to become a protected area. In accordance with section 70K of the NC Act, public notification of the proposed transfer of this forest reserve to conservation park

was notified on DES's website, with comments invited to be received within 35 days, by 14 July 2023. One query was received but there were no objections to the proposal.

Public consultation was conducted in accordance with section 173Q of the NC Act for the proposals to revoke areas from the forestry and protected area estate, with no comments received from the public.

A public notice was published on DES's website on 16 June 2023 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 15 July 2023, and DES progressed the proposals accordingly.

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.