

# Forestry and Other Legislation Amendment Regulation 2023

Explanatory notes for SL 2023 No. 187

made under the

*Forestry Act 1959*

*Nature Conservation Act 1992*

## General Outline

### Short title

*Forestry and Other Legislation Amendment Regulation 2023*

### Authorising law

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

Sections 29, 30, 32 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 2023* (Amendment Regulation) are to:

- revoke part of one national park
- redescribe and revoke part of two conservation parks
- redescribe one timber reserve and four State forests
- revoke the entirety of one timber reserve
- revoke the entirety of one State forest and part of five State forests
- increase the area of one national park and two conservation parks
- dedicate three new conservation parks.

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 entirety of one timber reserve and one State forest, and parts of five State forests to allow these areas to be dedicated as part of

one existing national park, part of two existing conservation parks and to dedicate three new conservation parks. Updated plans have been provided to facilitate the conversion of these areas to protected area status where relevant. These actions will result in a net increase to the protected area estate of about 2,540.868 hectares.

Revocations affecting the forestry and protected area estates are carefully considered and are only supported when they are sensible actions that link to balanced public interest outcomes or necessary management of the estates.

The proposal to revoke part of Passchendaele State Forest is to allow the land to be dedicated as a reserve under the *Land Act 1994* and be used as a tourism facility.

The revocation proposal affecting the Daintree National Park relate to two agreed actions in the Eastern Kuku Yalanji 2021 National Parks Land Transfer Indigenous Land Use Agreement. These actions are to:

1. recognise the change of the ambulatory boundary of the Daintree River, which has permanently inundated four land parcels within the national park. The action is not considered to present impacts to the values of the protected area estate as it is to rectify an administrative issue; and
2. allow lot 10 on SP296958 to be granted to the Eastern Kuku Yalanji people as Aboriginal freehold and a nature refuge is proposed to be placed over the majority of the parcel to protect the values and reduce loss to the protected area estate.

The proposal to revoke parts of Kamerunga Conservation Park is to accommodate the upgrade of the Cairns Western Arterial Road, which includes the Kamerunga Bridge over the Barron River. The upgrades will improve capacity and reliability for the road corridor which provides the only alternative access north from Cairns when the Captain Cook Highway is closed or inundated. The proposal is not considered to present significant impacts upon the values of the conservation park as the area is disturbed and the revocation has been kept to a minimum.

The proposal to revoke part of Tallebudgera Creek Conservation Park will resolve a historic access issue for residential properties in Burleigh. The revocation is not considered to present significant impacts upon the values of the conservation park as the area already contains a physically constructed driveway and use of the area would be unchanged.

This Amendment Regulation also includes minor amendments, such as updating of the plans that define the boundaries of the forestry and protected area estate using contemporary survey and mapping technology. Reasons for these updates include boundary consolidation due to tenure actions and to update plan information for improved 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 1: Timber reserves of the *Forestry Regulation 2015*
  - a. redescribe the entirety of Wickham Timber Reserve as lot 766 on AP23772, containing an area of 198 hectares (no change in area), using contemporary survey and mapping technology and standards; and subsequently, revoke the setting apart and declaration of the entirety of Wickham Timber Reserve, described as lot 766 on AP23772, containing an area of about 198 hectares, to allow the area to be dedicated as part of Plunkett Conservation Park, about 38 kilometres south-east of Brisbane.
2. Schedule: State forests of the *Forestry (State Forests) Regulation 1987* to:
  - a. revoke the setting apart and declaration of part of Beerwah State Forest, described as lot 1 on AP22457, containing an area of about 129 hectares, to allow the area to be dedicated as the new Mooloolah River Conservation Park, about 80 kilometres north of Brisbane.
  - b. redescribe the entirety of West Cooroy State Forest as lot 234 on AP23773, containing an area of about 1,150 hectares (no change in area), using contemporary survey and mapping technology and standards; and subsequently, revoke the setting apart and declaration of the entirety of the State forest, described as lot 234 on AP23773, containing an area of about 1,150 hectares, to allow the area to be dedicated as the new West Cooroy Conservation Park, about 112 kilometres north-west of Brisbane.
  - c. revoke the setting apart and declaration of part of Passchendaele State Forest, described as lot 1 on SP312458, containing an area of 1.778 hectares, to allow for dedication of the area as a reserve under the *Land Act 1994*, about 16 kilometres north-west of Stanthorpe. Following the revocation, Southern Downs Regional Council have agreed to be appointed as trustee of the reserve and to provide an authority to the Amiens History Association who will establish the Amiens Legacy Centre to tell the story of the area that was once a soldier settlement following World War 1.
  - d. redescribe the entirety of Deer Reserve State Forest as lots 1, 2, 637 and 638 on AP23775, containing a total area of about 2,658.3889 hectares, resulting in a decrease of about 235.6111 hectares to the previous area due to the use of contemporary survey and mapping technology and standards; and subsequently, revoke the setting apart and declaration of part of the State forest, described as lots 1, 2 and 638 on AP23775, containing a total area of about 994.9696 hectares, to allow the area to be dedicated as the new Deer Reserve Conservation Park, about 74 kilometres north-west of Brisbane.
  - e. redescribe the entirety of Luttons State Forest as lots 1 and 766 on AP23774, containing an area of about 312.6702 hectares (an increase of about 15.7321 hectares), using contemporary survey and mapping technology and standards; and subsequently, revoke the setting apart and declaration of part of the State forest, described as lot 1 on AP23774, containing an area of about 61.4536 hectares, to allow the area to be dedicated as part of Glass House Mountains Conservation Park, about 68 kilometres north-west of Brisbane.
  - f. redescribe the entirety of Mount Mee State Forest as lots 1 to 5 on AP23776, containing a total area of about 804.1885 hectares, resulting in a decrease of about 0.8115 hectares to the previous area due to the use of contemporary survey and

mapping technology and standards; and subsequently, revoke the setting apart and declaration of part of the State forest, described as lot 5 on AP23776, containing an area of about 16.9031 hectares, to allow the area to be dedicated as part of D'Aguilar National Park, about 58 kilometres north-west of Brisbane.

3. Schedule 2: National parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
  - a. dedicate the revoked area of Mount Mee State Forest, described as lot 5 on AP23776, containing an area of about 16.9031 hectares, as part of D'Aguilar National Park, about 58 kilometres northwest of Brisbane. The dedication area contains habitat that support many unique species that inhabit the D'Aguilar Range such as the Mount Glorious spiny crayfish and the koala.
  - b. revoke parts of Daintree National Park, described as lot 10 on SP296958 and lots 91 to 94 on plan W3451, containing a total area of 8.5687 hectares, about 80 kilometres north-west of Cairns. The revocation of lots 91 to 94 is to recognise a change to the ambulatory boundaries of the Daintree River, which has permanently inundated these land parcels. The revocation of lot 10 is to allow the land to be granted as Aboriginal freehold to the Eastern Kuku Yalanji people, in accordance with the Eastern Kuku Yalanji 2021 National Parks Land Transfer Indigenous Land Use Agreement.
4. Schedule 3: Conservation parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
  - a. dedicate the revoked area of Deer Reserve State Forest, described as lots 1, 2 and 638 on AP23775, containing a total area of about 994.9696 hectares, as the new Deer Reserve Conservation Park, about 74 kilometres north-west of Brisbane. The dedication area contains significant conservation values including the presence of koala and rib-fruited malletwood.
  - b. dedicate the revoked area of Luttons State Forest, described as lot 1 on AP23774, containing an area of about 61.4536 hectares, as part of Glass House Mountains Conservation Park, about 68 kilometres north-west of Brisbane. The dedication area contains significant conservation values including the Coochin Hills grevillea and habitat for threatened fauna such as the central greater glider and koala.
  - c. redescribe part of Kamerunga Conservation Park as lots 100 and 101 on SP339709 and lots 200 and 201 on SP341804, containing an area of 33.281 hectares, and subsequently revoke lots 100 and 101 on SP339709, containing an area of 0.821 hectares, about 11 kilometres north-west of Cairns. The revocation is required to support the Department of Transport and Main Road's project to upgrade Cairns Western Arterial Road, including duplication of the road and upgrade of the Kamerunga Bridge. The revocation is not expected to significantly impact the values of the conservation park as the revocation area is disturbed and the footprint has been kept to a minimum.
  - d. dedicate the area that has been revoked from Beerwah State Forest, described as lot 1 on AP22457, containing an area of about 129 hectares, as the new Mooloolah River Conservation Park, about 80 kilometres north of Brisbane. The dedication area is locally known as "Ferny Forest" and supports several threatened species including the central greater glider, the koala, the glossy black-cockatoo and the Christmas bells flower.
  - e. dedicate the entire area of the revoked Wickham Timber Reserve, described as lot 766 on AP23772, containing an area of about 198 hectares, as part of Plunkett Conservation Park, about 38 kilometres south-east of Brisbane. The dedication

area contains significant conservation values including species such as the Bahrs scrub croton, Plunkett mallee, powerful owl and koala.

- f. redescribe part of Tallebudgera Creek Conservation Park as lots 1 and 2 on SP340173, containing an area of 4.3774 (no change in area); and subsequently, revoke part of the conservation park, described as lot 2 on SP340173, containing an area of 0.0493 hectares, about 8 kilometres south-east of Gold Coast. The amendment is required to resolve a historic access issue for neighbouring residents on Vantage Point Drive, Burleigh. The revocation is not considered to present significant impacts on the values of the conservation park as the area already contains a physically constructed driveway and the use of the area would be unchanged.
- g. dedicate the revoked West Cooroy State Forest, described as lot 234 on AP23773, containing an area of about 1,150 hectares, as the new West Cooroy Conservation Park, about 112 kilometres north-west of Brisbane. The dedication area contains significant conservation values including support for threatened species such as the spotted-tailed quoll, the koala and scrub turpentine.

## **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;
- if the Minister is satisfied, the Governor in Council may revoke land that is, in whole or part, a State forest or timber reserve for providing accommodation or recreational facilities for encouraging or promoting the tourism industry;
- an area of timber reserve or State forest may be revoked via regulation to allow the area to be dedicated as a protected area, only if a resolution is passed by the Legislative Assembly of Queensland;
- a protected area may be revoked via regulation in whole or in part, only if a resolution is passed by the Legislative Assembly of Queensland.

## **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 timber reserve and State forest areas allow areas of land to be preserved in perpetuity for the benefit of the community.

Revocations of protected areas are necessary to achieve outcomes for the public such as to support significant transport outcomes, to appropriately maintain ambulatory boundaries and to resolve land use issues only where it is considered appropriate.

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**

The Office of Best Practice Regulation was notified that a self-assessment was undertaken in accordance with *The Queensland Government Better Regulation Policy* (the Policy) 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 the Policy.

A public notice was issued in accordance with section 173Q of the NC Act for revocations that were considered by the Legislative Assembly of Queensland, with nil comments received.

A consultation notice was published on DES's website on 25 August 2023, closing 25 September 2023, regarding consultation on proposed amendments to the forestry and protected area estates, and also seeking views in consideration of the *Human Rights Act 2019*, including Aboriginal peoples' and Torres Strait Islander peoples' cultural rights. The notice for the Passchendaele State Forest revocation was published on 10 October 2023, closing 9 November 2023. Nil written responses were received, and DES progressed the proposals accordingly.

HQPlantations Pty Ltd was consulted concerning its plantation license interests over part of Passchendaele State Forest revocation area. HQPlantations offered no objections to the proposal and collaborated with the Department of Environment and Science and the Department of Agriculture and Fisheries to excise plantation license interests from the revocation area.

Southern Downs Regional Council were consulted and provided support for the Passchendaele State Forest proposal.

The revocations to Daintree National Park were agreed upon between the State of Queensland and the Jabalbina Yalanji Aboriginal Corporation and are part of the Eastern Kuku Yalanji 2021 National Parks Land Transfer Indigenous Land Use Agreement.

Council of the City of Gold Coast was consulted on the revocation to Tallebudgera Creek Conservation Park and provided support.

No further external consultation was required on the remaining State forest and protected area actions as the amendments are machinery in nature.

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