

# Nature Conservation and Other Legislation Amendment Regulation 2019

Explanatory notes for SL 2019 No. 55

made under the

*Forestry Act 1959*

*Nature Conservation Act 1992*

## General Outline

### Short title

*Nature Conservation and Other Legislation Amendment Regulation 2019*

### Authorising law

Sections 25, 32, 34A and 97 of the *Forestry Act 1959* (the Forestry Act)

Sections 29, 31, 32, 33, 46, 64, 65 and 175 of the *Nature Conservation Act 1992* (the NC Act)

### Policy objectives and the reasons for them

The objectives of the *Nature Conservation and Other Legislation Amendment Regulation 2019* (amendment regulation) are to:

- declare scientific areas in part of two State forests;
- revoke parts of two State forests;
- increase the area of one State forest;
- redescribe six existing State forests after the completion of up-to-date plans using contemporary survey and mapping technology and standards;
- remove joint trusteeship arrangements from seven resources reserves and revoke trusts associated with these resources reserves;
- upgrade two resources reserves to national parks and one resources reserve to conservation park;
- alter the name of part of one existing national park;

- redescribe four existing national parks, one existing conservation park and one existing resources reserve after the completion of up-to-date plans;
- revoke the dedication of parts of two existing national parks; and
- declare one new nature refuge.

The proposals are consistent with the objectives of the Forestry Act namely:

- the Governor in Council may, by regulation, set apart and declare as a State forest any Crown [State] land (section 25); and
- the Minister being satisfied, having regard to the purposes of the Forestry Act and the public interest, may recommend the Governor in Council make a regulation to revoke, in whole or in part, the setting apart and declaration of land as a State forest or timber reserve, for opening as a road, or applying the land for use as a road, for public use (section 32); and
- the Governor in Council may, by regulation, declare the whole or a part of a State forest, other than a State plantation forest, to be a scientific area (section 34A); and
- the Governor in Council may from time to time make regulations, not inconsistent with this Act, prescribing all matters and things which by the Forestry Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the Forestry Act (section 97).

Scientific areas may be declared to protect unique values within a State forest. Under the Forestry Act the chief executive must ensure that a scientific area is used and managed to preserve it as a sample of the natural environment of the State forest and may permit the scientific study of the area and any works considered necessary for the management of the area.

In 1988, the Bluff Scientific Area was declared over about 140 hectares of the Bluff State Forest to protect habitat of a north Queensland population of the yellow-bellied glider. The Wongi Scientific Area was declared in 1993 over about 470 hectares of Wongi State Forest to preserve the environmental values of the wetlands, heathland and bluegum flats in the area.

Subsequent to the dedication of Wongi State Forest and the Bluff State Forest as forest reserves in 2006 and 2010 respectively, the scientific area designations ceased, as a consequence of the change in the land's tenure. Consistent with section 70A of the NC Act the forest reserves were proposed to be dedicated as protected areas, continuing the protection of these areas. However, the progression to protected area never occurred and the land was subsequently returned to State forest tenure; however, the reinstatement of the former scientific areas was overlooked at that time. An amendment to the *Forestry Regulation 2015* is therefore required to declare the two scientific areas again to ensure the continued preservation and management of the environmental values within these particular State forests. The scientific areas will be reinstated over the same areas of State forest as when originally declared.

The setting apart and declaration of an area of unallocated State land as an addition to Mount Stowe State Forest. The declaration of these former freehold parcels as State forest will in part fulfil a 2009 compensation agreement between the State and Aurizon for the Wiggins Island Rail Project and Briaba Bank (Collinsville) deviation.

The amendment regulation will also revoke parts of Beerwah and Woondum State forests to upgrade the Bruce Highway-Roys Road Interchange and Roys-Coochin Creek Road Intersection for safety purposes, and to enable the Bruce Highway-Cooroy to Curra upgrade.

The proposal is consistent with the objectives of the NC Act, namely “the conservation of nature while allowing for the involvement of Indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom”.

This is achieved by an integrated and comprehensive conservation strategy for the whole of the State that involves, among other things:

- the dedication and declaration of areas representative of the biological diversity, natural features and wilderness of the State as protected areas;
- recognition of Aboriginal and Torres Strait Islander peoples’ interests in nature and their cooperative involvement in its conservation; and
- to ensure that no land comprised in a protected area shall be dedicated as another class of protected area other than by the Governor in Council making a regulation changing the dedication of the protected area.

There is also the occasional need to revoke the dedication of areas from the forest reserve and protected area estates to correct boundary inconsistencies or historic incursions, achieve more effective management boundaries, allow for the upgrade or expansion of public infrastructure or to recognise the rights and interests of Aboriginal people and Torres Strait Islander people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom.

As mineral prospectivity ceases over resources reserves, these resources reserves become available for upgrade to national park tenure to enable greater conservation of these protected areas. In doing so, joint trustee arrangements with the Department of Natural Resources, Mines and Energy require removal from the regulations as there is no ability for joint trusteeship over national park tenure.

## **Achievement of policy objectives**

To achieve its objective, the amendment regulation will amend *Schedule 4 Scientific areas* of the *Forestry Regulation 2015* by declaring a part of:

1. The Bluff State Forest, described as lot 754 on plan FTY1925 together with lot 1 on AP19291, about 33 kilometres south-west of Atherton, to be a scientific area described as SA 44 on plan FSM6 containing an area of about 140 hectares.
2. Wongi State Forest, described as lot 1294 on plan FTY1888 together with lots 1 to 3 on AP14626, about 70 kilometres north-west of Cooloola, to be a scientific area described as SA 60 on plan FSM64 containing an area of about 470 hectares.

To achieve its objective, the amendment regulation will amend the *Schedule* of the *Forestry (State Forests) Regulation 1987* by:

1. revoking the setting apart and declaration of parts of Beerwah State Forest about 12 kilometres west of Caloundra, described as:
  - a. lots 500 to 507 on SP269359 containing an area of 39.8525 hectares, for the upgrade of the Bruce Highway–Roys Road Interchange, and

- b. lots 508 and 509 on SP278713 containing an area of 0.1348 hectares, to realign the road geometry of the Roys Road–Coochin Creek Road intersection for safety purposes.
2. setting apart and declaring an area of unallocated State land, described as lot 6 on plan CL4074, lots 1 and 2 on RP602532 and lot 5 on SP233611 containing an area of 371.304 hectares, about 11 kilometres south-west of Gladstone, as part of the existing Mount Stowe State Forest.
3. redescribing the entirety of Cardwell State Forest as lots 1 to 7, 186 and 461 on AP22469 containing an area of about 8723.4617 hectares excluding Roads, about 2 kilometres west of Cardwell, using contemporary survey and mapping technology and standards (resulting in an increase in the area of the State forest of about 93.4617 hectares).
4. redescribing the entirety of Abergowrie State Forest as lots 1 to 19 and 591 on AP22467 containing an area of about 6,981.68 hectares, about 27 kilometres north-west of Ingham, using contemporary survey and mapping technology and standards (resulting in an increase in the area of the State forest of about 1,501.88 hectares).
5. redescribing the entirety of Calgoa State Forest as lot 632 on AP22460 containing an area of about 19.8 hectares, about 38 kilometres north-east of Murgon, using contemporary survey and mapping technology and standards (an increase in the area of the State forest by about 4.9 hectares).
6. redescribing the entirety of Alligator Creek State Forest as lot 794 on AP22459 containing an area of about 6,499.24 hectares, about 60 kilometres north of Rockhampton, using contemporary survey and mapping technology and standards (an increase in the area of the State forest by 39.24 hectares that includes an area of about 4.09 hectares erroneously excluded from plan FTY1291).
7. redescribing the entirety of Werribee Creek State Forest as lot 830 on AP19383 containing an area of 1,857.1237 hectares, about 52 kilometres north of Rockhampton, using contemporary survey and mapping technology and standards.
8. redescribing the entirety of Murray Upper State Forest as lots 1, 46, 113 and 861 on AP22470 containing an area of about 1,265.459 hectares, about 28 kilometres north-west of Cardwell, using contemporary survey and mapping technology and standards (resulting in an overall increase in the area of the State forest of about 123.459 hectares).
9. revoking the setting apart and declaration of parts of Woondum State Forest described as lots 100 to 102 on SP297908 containing an area of 24.616 hectares, about 8 kilometres south-east of Gympie, for the Bruce Highway (Cooroy to Curra) Section D: Woondum to Curra upgrade.

To achieve its objective, the amendment regulation will amend *Schedule 2 Trustees of resources reserves* of the *Nature Conservation (Protected Areas Management) Regulation 2017* by:

1. removing Abbot Bay Resources Reserve from the list of resources reserves placed under joint management of joint trustees as the Department of Natural Resources, Mines and Energy no longer considers the area to have significant mineral prospectivity and therefore no longer requires trusteeship.
2. removing Blackbraes Resources Reserve from the list of resources reserves placed under joint management of joint trustees as the Department of Natural Resources, Mines and Energy no longer considers the area to have significant mineral prospectivity and therefore no longer requires trusteeship.
3. removing Lawn Hill (Creek) Resources Reserve from the list of resources reserves placed under joint management of joint trustees as the Department of Natural Resources, Mines

and Energy no longer considers the area to have significant mineral prospectivity and therefore no longer requires trusteeship.

4. removing Lawn Hill (Gorge Mouth) Resources Reserve from the list of resources reserves placed under joint management of joint trustees as the Department of Natural Resources, Mines and Energy no longer considers the area to have significant mineral prospectivity and therefore no longer requires trusteeship.
5. removing Lawn Hill (Gregory) Resources Reserve from the list of resources reserves placed under joint management of joint trustees as the Department of Natural Resources, Mines and Energy no longer considers the area to have significant mineral prospectivity and therefore no longer requires trusteeship.
6. removing Lawn Hill (Gregory River Base) Resources Reserve from the list of resources reserves placed under joint management of joint trustees as the Department of Natural Resources, Mines and Energy no longer considers the area to have significant mineral prospectivity and therefore no longer requires trusteeship.
7. removing Lawn Hill (Stockyard Creek) Resources Reserve from the list of resources reserves placed under joint management of joint trustees as the Department of Natural Resources, Mines and Energy no longer considers the area to have significant mineral prospectivity and therefore no longer requires trusteeship.

To achieve its objective, the amendment regulation will amend *Schedule 2 National parks* of the *Nature Conservation (Protected Areas) Regulation 1994* by:

1. changing the class of Blackbraes Resources Reserve, described as lots 2 and 3 on AP19369 containing an area of about 755 hectares, from resources reserve to national park and combine the area with the existing Blackbraes National Park, redescribing the entirety of the national park as lot 38 on AP22501 containing an area of about 51,359.24 hectares, about 234 kilometres north-west of Charters Towers.
2. revoking the dedication of part of Family Islands National Park described as lot 9 on plan CWL3549, containing an area of about 5.26 hectares, about 24 kilometres east of Tully. The amendment is required for a *Land Act 1994* community purpose (recreation) reserve with the Cassowary Coast Regional Council to be appointed as trustee.
3. redescribing the entirety of Girramay National Park as lots 1 to 5 and 72 on AP22468 containing an area of about 29,010.9949 hectares excluding roads, to allow for the renaming of about 4,751.06 hectares of Girramay National Park as the new Gulngay National Park, about 17 kilometres north-west of Cardwell. The area description for Girramay National Park increased by about 32.0549 hectares due to a recalculation of the area using contemporary survey and mapping technology standards.
4. redescribing the entirety of Girringun National Park as lots 1, 11, 18 to 21, 43 and 78 on AP22474 containing an area of about 276,600.19 hectares, resulting in a decrease in the area description for the national park of about 1320.81 hectares, about 153 kilometres north-west of Townsville.
5. renaming part of the existing Girramay National Park, described as lot 72 on AP22492 containing an area of about 4,751.06 hectares, as the new Gulngay National Park, about 23 kilometres north of Cardwell.
6. dedicating an area of unallocated State land, described as lot 1 on SP282399 containing an area of about 7.2 hectares, as part of the existing Millstream Falls National Park, redescribing the entirety of the national park as lot 1 on AP22494, resulting in a decrease in area for the national park of about 13.42 hectares due to contemporary survey and mapping technology and standards, about 3.5 kilometres south-west of Ravenshoe.
7. changing the class of Paluma Range Resources Reserve, described as lot 1 on AP19230 containing an area of about 589 hectares, from resources reserve to national park and

combine the area with the existing Paluma Range National Park, about 57 kilometres north-west of Townsville.

8. revoking the dedication of parts of Tewantin National Park, described as lots 100 to 103 on SP172000 containing an area of 1.9184 hectares, about 4 kilometres west of Tewantin. The amendment is required to ratify the alignment of Tewantin National Park with where McKinnon Drive is actually constructed.

To achieve its objective, the amendment regulation will amend *Schedule 3 Conservation parks of the Nature Conservation (Protected Areas) Regulation 1994* by:

1. changing the class of Abbott Bay Resources Reserve, described as lot 28 on plan SB653 containing an area of 151 hectares, from resources reserve to conservation park to form the new Abbot Bay Conservation Park, about 28 kilometres north-west of Bowen. This amendment will also correct the spelling to “Abbot”, in accordance with the official place name, which was erroneously recorded as “Abbott” for the resources reserve.
2. redescribing the entirety of Girringun Conservation Park as lot 1 on AP22496 containing an area of about 6892 hectares excluding Roads, about 77 kilometres west of Cardwell. The amendment is required to create an up-to-date plan to provide boundary clarity.
3. dedicating an area of unallocated State land, described as lot 19 on plan WD1474 containing an area of about 49.9280 hectares, as part of the existing South Stradbroke Island Conservation Park, about 57 kilometres south-east of Brisbane.

To achieve its objective, the amendment regulation will amend *Schedule 3A Resources reserves of the Nature Conservation (Protected Areas) Regulation 1994* by:

1. removing Abbott Bay Resources Reserve to allow for a change in class for the protected area from resources reserve to conservation park.
2. removing Blackbraes Resources Reserve to allow for a change in class for the protected area from resources reserve to national park.
3. redescribing the entirety of Girringun Resources Reserve as lots 1 to 3 on AP22497 containing an area of about 328 hectares, about 72 kilometres west of Cardwell. The amendment is required to correct an error in the previous administrative plan which described lot 1 as containing 49 hectares, instead of 42 hectares, resulting in a reduction in area of 7 hectares.
4. redescribing the entirety of Kennedy Road Gravel Resources Reserve as lots 1 to 4 on AP22501, containing an area of about 124.58 hectares, about 234 kilometres north-west of Charters Towers, using contemporary survey and mapping technology and standards, resulting in an increase of about 0.58 hectares.
5. redescribing the entirety of Moonstone Hill Resources Reserve as lot 5 on AP22501, containing an area of about 135.74 hectares, about 234 kilometres north-west of Charters Towers, using contemporary survey and mapping technology.
6. removing Paluma Range Resources Reserve to allow for a change in class for the protected area, from resources reserve to national park.

To achieve its objective, the amendment regulation will amend *Schedule 5 Nature Refuges of the Nature Conservation (Protected Areas) Regulation 1994* to:

1. declare an area of about 34.6 hectares as Johns Landing Nature Refuge, described as the part of lot 115 on SP173075 containing an area of about 34.6 hectares, shown on plan PA1062, about 8 kilometres north of Noosa.

## **Consistency with policy objectives of authorising law**

The amendment regulation is consistent with the main objectives of the Forestry Act and the NC Act.

The Family Islands National Park and Tewantin National Park amendment proposals were tabled in the Legislative Assembly of Queensland on 22 August 2018 in accordance with the Act and were passed by a Resolution agreed to by the Legislative Assembly of Queensland on 20 September 2018.

## **Inconsistency with policy objectives of other legislation**

The amendment regulation is not inconsistent with any other legislation.

## **Benefits and costs of implementation**

The benefits of the amendment regulation are that areas representative of the biological diversity, nature features and wilderness of the State will be added to the protected area estate.

## **Consistency with fundamental legislative principles**

The amendment regulation is consistent with fundamental legislative principles in accordance with section 4(5) of the *Legislative Standards Act 1992*.

## **Consultation**

In relation to the declaration of John's Landing Nature Refuge, the landholder was closely involved in the development of their conservation agreement. Checks undertaken under sections 44 and 45 of the NC Act determined nil interested parties, and no further consultation was required as a result.

In relation to the name change of part of Girramay National Park to Gulngay National Park, a public notice was published in the Innisfail Advocate, with a comment period of two months provided. No submissions were received as a result of the advertised public notice.

In accordance with section 173Q of the NC Act, the Family Islands National Park revocation proposal was advertised in the Cassowary Coast Independent News on 30 August 2018; the Tewantin National Park revocation proposal was advertised in the Noosa News on 31 August 2018, and both revocation proposals were advertised in The Courier-Mail on 1 September 2018. No public submissions were received as a result of the advertised Public Notices.

In accordance with *The Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The Department of Environment and Science applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category (g) — Regulatory proposals that are of a machinery nature).

No changes to the amendment regulation were required as a result of the consultation.