

Forestry and Other Legislation Amendment Regulation 2019

Explanatory notes for SL 2019 No. 227

made under the

Forestry Act 1959

Nature Conservation Act 1992

General Outline

Short title

Forestry and Other Legislation Amendment Regulation 2019

Authorising law

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

Sections 29, 30, 70E, 173Q 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 2019 (Amendment Regulation) are to:

1. revoke the declaration of parts of the State plantation forest designation on two State forests;
2. redescribe two existing State forests following the completion of up-to-date plans using contemporary survey and mapping technology and standards;
3. revoke the setting apart and declaration of parts of two existing State forests;
4. dedicate the revoked parts of two State forests as part of an existing national park;
5. revoke the dedication of the entirety of one forest reserve and parts of two forest reserves, and
6. increase the area of one other existing national park and one existing conservation park.

The proposals are consistent with the policy objectives of the:

1. Forestry Act, namely that 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; and
2. NC Act, that being that 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 to be 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; and
- recognition of First Nations peoples' interests in nature and their cooperative involvement in its conservation.

There is also the occasional need to revoke the dedication of areas from the forestry, 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 First Nations people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom.

The Yurol and Ringtail State forest proposals for Tewantin National Park are the first phase of converting sections of the State forests to protected area status in a series of stages that reflect current land use and vegetation condition. These stages would involve the surrender of plantation licence areas and would allow timber harvesting to be phased out over approximately five years, and would allow increased protection, and restoration activities to begin as soon as possible. The eventual aim is for the entire area of Yurol and Ringtail State forests to be transferred to national park, thereby increasing the level of protection of this significant area.

The proposed revocation of the whole of Gillies Highway Forest Reserve and revocation of parts of Gadgarra Forest Reserve and Little Mulgrave Forest Reserve are to facilitate improvements, rehabilitation works and ongoing maintenance of the road reserves.

The proposed additions to Lockyer National Park will protect valuable koala habitat purchased by the Department of Environment and Science (formerly the Department of Environment and Heritage Protection) in 2015 under the Koala Habitat (Bushland) Program.

The proposed additions to Curtis Island Conservation Park are the result of environmental offset negotiations between the Commonwealth of Australia, State of Queensland, three of Curtis Island's liquefied natural gas (LNG) proponents and the previous landholders. The additions protect a significant wildlife corridor between State forest, conservation park and national park on Curtis Island, and notably protect wetlands of high ecological significance and habitat for the endangered bird, the yellow chat.

Achievement of policy objectives

To achieve its objectives, the Amendment Regulation will amend the *Schedule 2: State plantation forests* of the *Forestry Regulation 2015* by:

1. revoking the declaration of parts of the State plantation forest on Yurol State Forest, described as lots A, C, E, F and G on PLP0952; and
2. revoking the declaration of parts of the State plantation forest designation on Ringtail State Forest, described as lots B, C and D on PLP0997.

To achieve its objectives, the Amendment Regulation will amend the *Schedule: State forests* of the *Forestry (State Forests) Regulation 1987* by:

1. redescribing the entirety of Yurol State Forest as lots 1 to 7 on AP22502, containing an area of about 1,050.72 hectares, about 14 kilometres north-west of Tewantin, using contemporary survey and mapping technology and standards (resulting in an increase in the previous area of the State forest of about 7.5633 hectares), and subsequently revoke the setting apart and declaration of parts of the State forest, described as lots 5 to 7 on AP22502 containing an area of about 284.4 hectares, for dedication as part of the existing Tewantin National Park. The remaining area of the State forest will be about 766.32 hectares; and
2. redescribing the entirety of Ringtail State Forest as lots 1 to 12 on AP22503, containing an area of about 1,339.315 hectares, about 14 kilometres north-west of Tewantin, using contemporary survey and mapping technology and standards (resulting in a decrease in the previous area of the State forest of about 12.685 hectares), and subsequently revoking the setting apart and declaration of parts of the State forest, described as lots 1 to 4 on AP22503 containing an area of about 72.99 hectares, for dedication as part of the existing Tewantin National Park. The remaining area of the State forest will be about 1,266.325 hectares.

To achieve its objective, the Amendment Regulation will amend the *Schedule: Forest reserves* of the *Nature Conservation (Forest Reserves) Regulation 2000* by revoking the dedication of:

1. parts of Gadgarra Forest Reserve described as lot 1 on AP14635 (to be described as lots 10 to 15 and 19 to 24 on SP224679), containing an area of about 43.6837 hectares, about 26 kilometres east of Atherton, to allow for the realignment of the Gillies Range Road to facilitate improvements, rehabilitation works and ongoing maintenance of the road reserve and to rectify the erroneous dedication of State-controlled road as forest reserve. The amendment also corrects an erroneous area of lot 1 on AP14635, resulting in a further reduction to the previous area of the forest reserve of about 0.8163 hectares. The remaining area of the forest reserve will be about 1 hectare; and
2. the entirety of Gillies Highway Forest Reserve described as lot 1 on AP14636 (to be described as lots 16 to 18 on SP224683), containing an area of 16.717 hectares, about 26 kilometres east of Atherton, to allow for the realignment of the Gillies Range Road to facilitate road improvements, rehabilitation works and ongoing maintenance of the road reserve; and
3. parts of Little Mulgrave Forest Reserve described as lot 1 on AP14612 (to be described as lots 1 to 9 on SP224678), containing an area of about 28.5683 hectares, about 26 kilometres east of Atherton, to allow for the realignment of the Gillies Range Road to facilitate road improvements, rehabilitation works and ongoing maintenance of the road reserve. The amendment also corrects a rounding error for the area of lot 1 on AP14612,

resulting in a further reduction to the previous area of the forest reserve of about 0.0017 hectares. The remaining area of the forest reserve will be about 1 hectare.

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

1. dedicating an area of unallocated State land, described as lot 24 on plan CSH318, lot 51 on plan CSH154, lot 106 on plan CA311548, lots 113 and 116 on plan CSH1233 containing an area of 595.255 hectares, as part of the existing Lockyer National Park and redesccribing the entirety of the national park as lot 1 on AP22506 containing a new total area of about 11,062.685 hectares, due to contemporary survey and mapping technology and standards (with the recalculation resulting in an additional increase to the previous area of the national park of about 0.43 hectares), about 27 kilometres north-east of Toowoomba; and
2. dedicating parts of Yurol State Forest, described as lots 5 to 7 on AP22502; and parts of Ringtail State Forest, described as lots 1 to 4 on AP22503, containing an area of about 357.39 hectares, as part of the existing Tewantin National Park, about 12 kilometres north-west of Tewantin.

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

1. dedicating an area of unallocated State land, described as lot 4 on SP179902, lots 297 and 298 on plan DT4023 containing an area of about 3,234.247 hectares, as part of the existing Curtis Island Conservation Park, about 30 kilometres north of Gladstone.

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 forest reserve revocation and amendment proposals were tabled in the Legislative Assembly of Queensland on 22 August 2018 in accordance with the NC Act, and were passed by a Resolution agreed to by the Legislative Assembly of Queensland on 20 September 2018.

Despite the Forestry Act, the NC Act also provides for the dedication of State forest areas as protected areas, that is, to a higher class of protection. The Yurol and Ringtail State Forests amendment proposals were tabled in the Legislative Assembly of Queensland on 3 April 2019 in accordance with the NC Act and were passed by a Resolution agreed to by the Legislative Assembly of Queensland on 15 May 2019.

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, natural features and wilderness of the State will be added to the protected area estate, and that the forest reserve areas to be revoked will allow for road realignments to facilitate improvements, rehabilitation works and ongoing maintenance of the road reserves.

Costs relating to the Department of Environment and Science's administration and ongoing management of associated areas are met through existing annual budget allocations.

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

Section 173Q of the NC Act stipulates that within 10 days after the notice of motion for the revocation is given the chief executive will publish notice of the proposed revocation in a newspaper circulating in the locality of the relevant area and a newspaper circulating generally throughout the State, the forest reserve amendment proposals were advertised in the Cairns Post and The Courier-Mail on 1 September 2018, and the Yurol and Ringtail State Forests amendment proposals were advertised in the Sunshine Coast Daily and The Courier-Mail on 11 April 2019. No public submissions were received as a result of the advertised public notices.

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 the State forest areas to protected area and management and rehabilitation of the areas for environmental outcomes.

In accordance with *The Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation, Queensland Productivity Commission was not consulted in relation to the regulatory proposal. DES 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.