

Forestry (State Forests) and Other Legislation Amendment Regulation 2020

Explanatory notes for SL 2020 No. 258

made under the

Forestry Act 1959

Nature Conservation Act 1992

General Outline

Short title

Forestry (State Forests) and Other Legislation Amendment Regulation 2020

Authorising law

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

Sections 29, 32 and 175 of the *Nature Conservation Act 1992* (NC Act).

Policy objectives and the reasons for them

The policy objectives of the *Forestry (State Forests) and Other Legislation Amendment Regulation 2020* (Amendment Regulation) are to:

- revoke parts of the State forest and protected area estates to allow for essential uses that are inconsistent with protected area and forestry tenure, such as road infrastructure, and to better define the boundaries of the forestry estate through the completion of a new Administrative Plan using contemporary survey and mapping technology and standards; and
- increase the area of the protected area estate to allow for the conservation of nature while allowing for the involvement of First Nations peoples in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom.

The Amendment Regulation provides for the revocation of two State forests for road upgrades; the redescription of one State forest using contemporary survey and mapping technology and standards; and, the revocation of part of one national park for road upgrade purposes, and subsequent dedication of closed road reserve as part of the national park.

The revocation of parts of Booyal State Forest and Cordalba State Forest allow for upgrades to road infrastructure along the Bruce Highway south-west of Bundaberg.

The revocation of part of Tewantin National Park is to allow for road upgrades to Beckman's Road for the Tewantin Bypass. An area of unallocated State land (USL) is also being dedicated as part of Tewantin National Park. The USL is former road reserve that was transferred to the Department of Environment and Science as compensation for the revocation action.

Section 29 of the NC Act stipulates that land must be 'State land' in order for it to be dedicated as protected area. Other than a few exceptions, such as State forests or timber reserves, the land must be unallocated State land (USL) prior to its addition to the protected area estate.

In the context of the amendment regulation, all USL is in the Department of Environment and Science's name (as registered owner) and is already being managed by the Queensland Parks and Wildlife Service (QPWS). As these areas are now free of encumbrances and interests inconsistent with protected areas, the department is able to change the tenure, giving the head of power under the NC Act to QPWS to effectively manage these lands for conservation, as per the original intent.

Completing new Administrative Plans that define the boundaries of the forestry estate or protected areas using contemporary survey and mapping standards ensures the accuracy and transparency of the forestry and protected area reporting system. The Amendment Regulation provides a new Administrative Plan for Beerburrum East State Forest.

Achievement of policy objectives

The Amendment Regulation achieves the policy objectives by amending the Schedule of the *Forestry (State Forests) Regulation 1987* and Schedule 2 of the *Nature Conservation (Protected Areas) Regulation 1994* to redefine the boundaries of each State forest and national park.

Specifically, the Amendment Regulation amends:

1. Schedule: State forests of the *Forestry (State Forests) Regulation 1987* to:
 - a. redescrbe the entirety of Beerburrum East State Forest as lots 1 to 4 and 24 on AP23631, containing an area of about 12,771.1562 hectares, using contemporary survey and mapping technology and standards, resulting in a decrease in the total area of the State forest of about 190.1286 hectares;
 - b. revoke part of Cordalba State Forest described as lot 2 on SP315556 and lots 1 to 3 on SP315557, containing an area of 2.5919 hectares, to allow for road

- upgrades to the Bruce Highway. The remaining area of the State forest will be about 14,801.4681 hectares; and
- c. revoke part of Booyal State Forest described as lots 1 to 3 on SP315571, containing an area of 5.2983 hectares, to allow for road upgrades to the Bruce Highway. The remaining area of the State forest will be about 1,054.7017 hectares.
2. Schedule 2: National parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
- a. revoke part of Tewantin National Park described as lots 10 to 12 on SP230058, containing an area of 5.3858 hectares; and, subsequently dedicate an area described as lots 1 to 9 on SP230058, containing an area of 15.0197 hectares, as part of the existing Tewantin National Park. The revocation of lots 10 to 12 will allow for road upgrades to Beckman's Road and lots 1 to 9 are being added to the national park as part of the dealing. The new total area of the national park will be about 3,534.4294 hectares.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the Forestry Act and NC Act and is consistent with the policy objectives of other legislation relating to State land use and allocation.

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

The revocation of parts of Booyal State Forest and Cordabla State Forest will help provide a better and safer transport network by allowing for the widening of the Bruce Highway south-west of Bundaberg to meet current design and safety standards. Part of the works will provide upgraded heavy vehicle rest areas, offering safety outcomes by improving fatigue management for heavy vehicle drivers.

The revocation of part of Tewantin National Park has a number of community benefits and management benefits for Queensland Parks and Wildlife Service. The revocation area is required to establish the Tewantin Bypass that will deliver significant public road infrastructure upgrades connecting the Cooroy-Noosa Road to the Eumundi-Noosa Road. In exchange for the revocation, an area is being added to the national park that will increase the protection of ecosystems and prevent fragmentation of the protected area estate.

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. Adding areas of closed road reserve which have been assessed as having a land use consistent with national park management, allows for this land to be preserved in perpetuity for the benefit of the community.

Costs relating to 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 has been drafted with regard to, and is consistent with, the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

External consultation has occurred with Noosa Shire Council and Energy Queensland to resolve interests in the Tewantin National Park revocation proposal area. Feedback was generally positive and responses and consent have been received from consulted parties where relevant.

The Tewantin National Park amendment proposal was tabled in the Legislative Assembly of Queensland on 22 August 2018 in accordance with sections 32 of the NC Act, with the Legislative Assembly subsequently passing a resolution on 20 September 2018 requesting the Governor in Council revoke the areas. These proposals were advertised in the Noosa News on 31 August 2018 and The Courier-Mail on 1 September 2018 in accordance with section 173Q of the NC Act.

The Office of Best Practice Regulation, Queensland Productivity Commission, 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.