

Queensland



Subordinate Legislation 2002 No. 372

Forestry Act 1959

Marine Parks Act 1982

Nature Conservation Act 1992

**FORESTRY AND OTHER LEGISLATION
AMENDMENT AND REPEAL
REGULATION (No. 1) 2002**

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SCHEDULE 1

POWERS OF TRUSTEES OF CONSERVATION PARKS OR RESOURCES RESERVES

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SCHEDULE 2A

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PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Forestry and Other Legislation Amendment and Repeal Regulation (No. 1) 2002*.

2 Commencement

Section 6(3) and part 4 commence on the day after this regulation is notified in the gazette.

PART 2—AMENDMENT OF FORESTRY REGULATION 1998

3 Regulation amended in pt 2

This part amends the *Forestry Regulation 1998*.

4 Amendment of sch 1 (Timber reserves)

(1) Schedule 1, entries for ‘TR 132’, ‘TR 170’ and ‘TR 212’—
omit.

(2) Schedule 1—

insert—

‘TR 170 on plan FTY 1843’.

PART 3—AMENDMENT OF FORESTRY (STATE FORESTS) REGULATION 1987

5 Regulation amended in pt 3

This part amends the *Forestry (State Forests) Regulation 1987*.

6 Amendment of sch (State forests)

(1) Schedule, entries for ‘SF 117 on plan FTY 1772’, ‘SF 194’, ‘SF 511’, ‘SF 754’, ‘SF 865’ and ‘SF 956’—

omit.

(2) Schedule—

insert—

‘Lot 2 on AP 6842

SF 117 on plan FTY 1842

SF 132 on plan FTY 1841

SF 194 on plan FTY 1776 including lot 213 on plan CWL 380

SF 511 on plan FTY 1845

SF 754 on plan FTY 1844

SF 865 on plan FTY 1835

SF 956 on plan FTY 1817’.

(3) Schedule, entry for ‘Lot 2 on AP 6842’, as inserted by this regulation—

omit.

PART 4—AMENDMENT OF NATURE CONSERVATION (FOREST RESERVES) REGULATION 2000

7 Regulation amended in pt 4

This part amends the *Nature Conservation (Forest Reserves) Regulation 2000*.

8 Amendment of sch (Forest reserves)

Schedule, entry for ‘Mt Glorious Forest Reserve’—
omit, insert—

‘Mount Glorious Forest Reserve Lot 1355 on plan AP9203 situated in the County of Stanley, containing an area of about 8 442 ha’.

PART 5—AMENDMENT OF NATURE CONSERVATION (PROTECTED AREAS) REGULATION 1994

9 Regulation amended in pt 5

This part amends the *Nature Conservation (Protected Areas) Regulation 1994*.

10 Amendment of sch 2 (National parks)

(1) Schedule 2, entries for ‘Mount Pinbarren National Park’ and ‘Russell River National Park’—

omit.

(2) Schedule 2—

insert—

‘Mount Pinbarren National Park	Lot 155 on plan NPW845 situated in the County of March, containing an area of about 22.7 ha
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Russell River National Park	Lot 109 on plan NPW860 situated in the County of Nares, containing an area of about 4 820 ha’.
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11 Amendment of sch 3 (Conservation parks)

Schedule 3, entry for ‘South Stradbroke Island Conservation Park’—

omit, insert—

‘South Stradbroke Island Conservation Park	Lot 529 on plan NPW870 situated in the County of Ward, containing an area of about 1 189.851 ha’.
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12 Amendment of sch 3A (Trustees of conservation parks)

Schedule 3A—

insert—

‘Bukkulla Conservation Park	Wildlife Land Fund Ltd
Lark Quarry Conservation Park	Winton Shire Council’.

13 Amendment of sch 4 (Resources reserves)

Schedule 4, entries for ‘Deepwater Resources Reserve’, ‘Eurimbula Resources Reserve’ and ‘Iron Range (Lockhart River) Resources Reserve’—

omit.

PART 6—AMENDMENT OF NATURE CONSERVATION REGULATION 1994

14 Regulation amended in pt 6

This part amends the *Nature Conservation Regulation 1994*.

15 Replacement of s 26 (Trustees have some of chief executive's powers)

Section 26—

omit, insert—

‘26 Trustees have some of chief executive’s powers

‘(1) The trustee of a conservation park or resources reserve stated in schedule 1 has, for the park or reserve, the powers of the chief executive stated in schedule 1 for the park or reserve.

‘(2) For the application of this regulation to a trustee, a reference to the chief executive is a reference to the trustee.

‘(3) If a trustee charges a fee for a service the trustee provides in a conservation park or resources reserve, the trustee must apply the fee to satisfying the management principles for the park or reserve.’

16 Replacement of s 27A (Permitted uses in national parks or national parks (recovery)—Act, s 35)

Section 27A—

omit, insert—

‘27A Permitted uses in national parks or national parks (recovery)— Act, s 35

‘(1) For section 35(1)(a)¹ of the Act, a use stated in schedule 2A, column 2, is a permitted use for the prescribed national park, or part of the prescribed national park, stated in schedule 2A, column 1 opposite the use.

¹ Section 35 (Chief executive’s powers about permitted uses in national parks or national parks (recovery)) of the Act

‘(2) In this section and schedule 2A—

“**prescribed national park**” means a national park or a national park (recovery).’.

17 Replacement of sch 1 (Powers of trustees of conservation parks and resources reserves)

Schedule 1—

omit, insert—

‘SCHEDULE 1

‘POWERS OF TRUSTEES OF CONSERVATION PARKS OR RESOURCES RESERVES

section 26

‘PART 1—CONSERVATION PARKS

‘1 Anderson Street and Kamerunga Conservation Parks

‘(1) The trustees of the Anderson Street Conservation Park or the Kamerunga Conservation Park have, for the park for which they are the trustee, the powers of the chief executive under chapters 1 and 2.

‘(2) However, the trustees do not have power—

- (a) to charge a fee for entry to the park; or
- (b) to grant any of the following—
 - (i) an Aboriginal tradition or Island custom authority;
 - (ii) a permit to take, use, keep or interfere with cultural or natural resources;
 - (iii) a commercial activity or special activities permit.

‘2 Beachmere, Buckleys Hole, Byron Creek, Neurum, Sheep Station Creek and Wararba Creek Conservation Parks

‘(1) The trustees of each of the following conservation parks have, for the conservation park for which they are the trustee, the powers of the chief executive under chapters 1 and 2—

- Beachmere Conservation Park
- Buckleys Hole Conservation Park
- Byron Creek Conservation Park
- Neurum Conservation Park
- Sheep Station Creek Conservation Park
- Wararba Creek Conservation Park.

‘(2) However, the trustees do not have power—

- (a) to charge a fee for entry to the park; or
- (b) to grant any of the following—
 - (i) an Aboriginal tradition or Island custom authority;
 - (ii) a permit to take, use, keep or interfere with cultural or natural resources;
 - (iii) a commercial activity or special activities permit;
 - (iv) a stock grazing, stock mustering or travelling stock permit;
or
- (c) to approve the use of a herbicide or pesticide.

‘3 Bukkulla Conservation Park

‘(1) The trustees of Bukkulla Conservation Park have, for the conservation park, the powers of the chief executive under chapters 1 and 2.

‘(2) However, the trustees do not have power—

- (a) to charge a fee for entry to the park; or
- (b) to grant any of the following—
 - (i) an Aboriginal tradition or Island custom authority;

- (ii) a permit to take, use, keep or interfere with cultural or natural resources; or
- (c) to approve the use of a herbicide or pesticide.

‘4 Denmark Hill, Flinders Peak, Ipswich Pteropus, Mount Beau Brummel, White Rock and White Rock (Limited Depth) Conservation Parks

‘(1) The trustees of each of the following conservation parks have, for the conservation park for which they the trustee, the powers of the chief executive under chapters 1 and 2—

- Denmark Hill Conservation Park
- Flinders Peak Conservation Park
- Ipswich Pteropus Conservation Park
- Mount Beau Brummel Conservation Park
- White Rock Conservation Park
- White Rock (Limited Depth) Conservation Park.

‘(2) However, the trustees do not have power—

- (a) to charge a fee for entry to the park; or
- (b) to grant any of the following—
 - (i) an Aboriginal tradition or Island custom authority;
 - (ii) a permit to take, use, keep or interfere with cultural or natural resources;
 - (iii) a commercial activity or special activities permit;
 - (iv) a stock grazing, stock mustering or travelling stock permit;
or
- (c) to approve the use of a herbicide or pesticide.

‘5 Lake Broadwater Conservation Park

‘(1) The trustees of Lake Broadwater Conservation Park have, for the conservation park, the powers of the chief executive under chapters 1 and 2.

‘(2) However, the trustees do not have power—

- (a) to charge a fee for entry to the park; or
- (b) to grant any of the following—
 - (i) an Aboriginal tradition or Island custom authority;
 - (ii) a permit to take, use, keep or interfere with cultural or natural resources;
 - (iii) a stock grazing or travelling stock permit; or
- (c) to approve—
 - (i) the use of a herbicide or pesticide; or
 - (ii) the landing of an aircraft or recreational craft.

‘(3) Also, the trustees may grant a commercial activity permit only—

- (a) to a vendor of food and beverages temporarily within the conservation park for an event approved by the trustees; or
- (b) for a commercial activity associated with the conduct of power boat activities.

‘6 Lark Quarry Conservation Park

‘(1) The trustees of Lark Quarry Conservation Park have, for the conservation park, the powers of the chief executive under chapters 1 and 2.

‘(2) However, the trustees do not have power—

- (a) to charge a fee for entry to the park; or
- (b) to grant any of the following—
 - (i) an Aboriginal tradition or Island custom authority;
 - (ii) a permit to take, use, keep or interfere with cultural or natural resources;
 - (iii) a commercial activity or special activities permit;
 - (iv) a stock grazing, stock mustering or travelling stock permit;
or
- (c) to approve the use of a herbicide or pesticide.

‘7 Mount Whitfield Conservation Park

‘(1) The trustees of Mount Whitfield Conservation Park have, for the conservation park, the powers of the chief executive under chapters 1 and 2.

‘(2) However, the trustees do not have power—

- (a) to charge a fee for entry to the park; or
- (b) to grant any of the following—
 - (i) an Aboriginal tradition or Island custom authority;
 - (ii) a permit to take, use, keep or interfere with cultural or natural resources.

‘(3) Also, the trustees may grant—

- (a) a commercial activity permit only for a commercial activity associated with the conduct of rock climbing at the Aeroglen quarry; and
- (b) a special activities permit only for a special activity associated with the conduct of rock climbing at the Aeroglen quarry.

‘8 Springwood Conservation Park

‘(1) The trustees of Springwood Conservation Park have, for the conservation park, the powers of the chief executive under chapters 1 and 2.

‘(2) However, the trustees do not have power—

- (a) to charge a fee for entry to the park; or
- (b) to grant any of the following—
 - (i) an Aboriginal tradition or Island custom authority;
 - (ii) a permit to take, use, keep or interfere with cultural or natural resources;
 - (iii) a commercial activity or special activities permit;
 - (iv) a stock grazing, stock mustering or travelling stock permit;
or
- (c) to approve the use of a herbicide or pesticide.

‘PART 2—RESOURCES RESERVES

‘9 Blackbraes, Cudmore, Flat Top Range, Moonstone Hill and Stones Country Resources Reserves

‘(1) The trustees of each of the following resources reserves have, for the resources reserve for which they are the trustee, the powers of the chief executive under chapters 1 and 2—

- Blackbraes Resources Reserve
- Cudmore Resources Reserve
- Flat Top Range Resources Reserve
- Moonstone Hill Resources Reserve
- Stones Country Resources Reserve.

‘(2) However, the trustees do not have power—

- (a) to charge a fee for entry to the reserve; or
- (b) to grant any of the following—
 - (i) an Aboriginal tradition or Island custom authority;
 - (ii) a permit to take, use, keep or interfere with cultural or natural resources;
 - (iii) a commercial activity or special activities permit;
 - (iv) a stock grazing, stock mustering or travelling stock permit;or
- (c) to approve the use of a herbicide or pesticide.’.

18 Replacement of sch 2A (Permitted uses in national parks or national parks (recovery))

Schedule 2A—

omit, insert—

‘SCHEDULE 2A

‘PERMITTED USES IN PRESCRIBED NATIONAL PARKS

section 27A

Column 1

Prescribed national park or part of prescribed national park

Barron Gorge National Park

Capricornia Cays National Park—
the part of Lady Musgrave Island
shown as lots 1 and 2 on
CP 882206, containing an area of
1 276 m²

Claremont Isles National Park—
the part of Fife Island shown as
lot 1 on CP 882212, containing an
area of 267 m²

Column 2

Permitted use

Construction, maintenance and use
of the following facilities for the
extraction of not more than 50 ML
of water a day from Lake Placid—

- (a) a submerged water intake
tower in Lake Placid
- (b) a vehicle access bridge from
Barron Gorge Road to the
water intake tower
- (c) a pump station on the north
bank of the Barron River
- (d) a water mains under Barron
Gorge Road¹

A marine navigation use

A marine navigation use

Column 1**Prescribed national park or part of prescribed national park**

Denham Group National Park—the part of Cairncross Island shown as lot 10 on CP 898341, containing an area of 1 682 m²

Dularcha National Park

Flinders Group National Park—the part of King Island shown as lot 3 on CP 882215, containing an area of 282 m²

Goold Island National Park

Green Island National Park

Column 2**Permitted use**

A marine navigation use

Construction, maintenance and use of an underground sewer rising main constructed in accordance with drawing numbers 10606000–003 to 10606000–012 showing the route and construction details for the main²

A marine navigation use

Construction, maintenance and use of a communications tower and supporting structures, constructed on an area of 6 m diameter at the point 18.1607525 south and 146.1665211 east, for the operation of a radio repeater, seaphone repeater and radio link

Construction and use of support structures for an extension of the tower that was situated on the Commonwealth land on 18 October 1996 to allow the operation of a ship reporting radar device

Column 1**Prescribed national park or part of prescribed national park**

Holbourne Island National Park—the part shown as lot 115 on CP882203, containing an area of 203 m²

Howick Group National Park—the part of South Barrow Island shown as lot 1 on CP 882197, containing an area of 212 m²

Lizard Island National Park—the part of Palfrey Island shown as lot 1 on CP 882213, containing an area of 220 m²

Orpheus Island National Park—the part of White Rock shown as lot 11 on CP 882221, containing an area of 326 m²

Percy Isles National Park—the following parts—

(a) the part of Pine Peak Island shown as lot 4 on CP 882204, containing an area of 319 m²;

(b) the part of Vernon Rocks shown as lot 1 on CP 882205, containing an area of 235m²

Possession Island National Park—Eborac Island, shown as lot 11 on plan SO7, containing an area of about 4.45 ha

Column 2**Permitted use**

A marine navigation use

Column 1**Prescribed national park or part of prescribed national park**

Restoration Island National Park—
Restoration Rock, shown as lot 1
on plan WMT5, containing an area
of about 2 024 m²

Three Islands Group National
Park—the part of Three Isles
shown as lot 1 on CP 882196,
containing an area of 406 m²

Turtle Group National Park—the
part of Petherbridge Island shown
as lot 1 on CP 882190, containing
an area of 235 m²

Whitsunday Islands National
Park—the following parts—

- (a) the part of Edward Island
shown as lot 7 on CP 882207,
containing an area of 392 m²;
- (b) the part of Hook Island shown
as lot 6 on CP 882209,
containing an area of 261 m²

Wild Cattle Island National Park

Column 2**Permitted use**

A marine navigation use

Construction, maintenance and use
of the following facilities by
Queensland Transport for the Port
of Gladstone—

- (a) a shipping navigation leads
tower and associated solar
power equipment
- (b) a firebreak around the tower
- (c) a sight line of trimmed
vegetation across the island
- (d) a vehicle access track within
the sight line³

- 1 A copy of a plan showing the location of the facilities may be inspected, free of charge, during business hours, at the department's offices at 160 Ann Street, Brisbane and 10–12 McLeod Street, Cairns.
- 2 A copy of the drawings may be inspected, free of charge, during business hours, at the department's office at 160 Ann Street, Brisbane.
- 3 A copy of a plan showing the location of the facilities may be inspected, free of charge, during business hours, at the department's offices at 160 Ann Street, Brisbane and Level 3, 136 Goondoon Street, Gladstone.'

19 Amendment of sch 14 (Dictionary)

Schedule 14—

insert—

- ' **“Commonwealth land”**, for schedule 2A, means the land held by the Commonwealth under special lease 9/36573, situated in the County of Nares, Parish of Trinity, containing an area of about 0.0405 ha.
- “marine navigation use”**, for schedule 2A, means the construction, maintenance and use of buildings, structures and other improvements as part of, or for, a facility for assisting marine navigation.'

PART 7—REPEAL

20 Regulations repealed

The following regulations are repealed—

- Marine Parks Amendment Regulation (No. 1) 1993 SL No. 38
- Marine Parks Amendment Regulation (No. 2) 1993 SL No. 195.

ENDNOTES

1. Made by the Governor in Council on 19 December 2002.
2. Notified in the gazette on 20 December 2002.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Environmental Protection Agency.