

Forestry (State Forests) Amendment Regulation (No. 1) 2017

Explanatory notes for SL 2017 No. 12

made under the

Forestry Act 1959

General Outline

Short title

Forestry (State Forests) Amendment Regulation (No. 1) 2017.

Authorising law

Sections 32 and 97 of the *Forestry Act 1959*.

Policy objectives and the reasons for them

The objective of this amendment regulation is to revoke part of one State forest and parts of three other State forests having regard to the purposes of the *Forestry Act 1959* (the Forestry Act) and the public interest, for road purposes for public use.

The amendment regulation will revoke:

- parts of Beerwah State Forest to realign the road geometry of the Roys-Mawson Roads Intersection for safety purposes;
- parts of Beerburrum East State Forest to enable the construction of a new high-vehicle clearance structure to accommodate a median separated two lanes for Pumicestone Road with an additional two auxiliary lanes for the storage of turning traffic and to allow for the Bruce Highway to be ultimately expanded to eight lanes;
- parts of Beerburrum East State Forest to realign the road geometry of parts of Pumicestone Road for safety and drainage purposes;
- part of Yarraman State Forest for the construction and dedication of a new road reserve to maintain the connectivity of the existing road network; and
- parts of Spencer Gap State Forest for the realignment of the Peak Downs Highway Eton Range crossing geometry to improve road safety and heavy vehicle transport reliability.

Achievement of policy objectives

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

- a. revoke an area of 1.1486 hectares being parts of Beerwah State Forest described as lots 901 to 903 on SP258997;
- b. revoke an area of 10.52 hectares being parts of Beerburrum East State Forest described as lots 507 and 508 on SP255125;
- c. revoke an area of 0.6962 hectares being parts of Beerburrum East State Forest described as lots 511 to 513 on SP255150;

- d. revoke an area of 7.068 hectares being part of Yarraman State Forest described as lot 100 on SP287681;
- e. revoke an area of about 3.349 hectares being parts of Spencer Gap State Forest described as lots 5 to 7 on SP281904.

Consistency with policy objectives of authorising law

The amendment regulation is machinery in nature and consistent with the objectives of the Forestry Act; that is to ensure that no land comprised in a State forest shall be excluded therefrom, leased, or dealt with otherwise whatsoever except under the authority of and in accordance with the provisions of the Forestry Act.

Inconsistency with policy objectives of other legislation

The amendment regulation provides for the revocation of part of one State forest and parts of three State forests consistent with the policy objectives of other legislation relating to State land use and allocation.

Benefits and costs of implementation

Implementing the amendment regulation is in the public interest, is not considered to constitute significant subordinate legislation and will have negligible costs. The revocation of part of one State forest and parts of three other State forests will not increase costs to the State.

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

Through departmental correspondence consultation occurred with private stakeholders, the Sunshine Coast Regional Council, Queensland Treasury, the Department of Transport and Main Roads, the Department of Environment and Heritage Protection, the Department of Agriculture and Fisheries and the Department of Natural Resources and Mines.

The Office of Best Practice Regulation was consulted regarding obligations for a Regulatory Impact Statement (RIS) in relation to the revocations for Beerburrum East State Forest described as lots 507 and 508 on SP255125; and Beerwah State Forest described as lots 901 to 903 on plan SP258997. The Office of Best Practice Regulation advised that a RIS is not required as the proposals are of a machinery nature.

In accordance with the new Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the revocations for Beerburrum East State Forest described as lots 511 to 513 on SP255150; Yarraman State Forest described as lot 100 on SP287681; and Spencer Gap State Forest described as lots 5 to 7 on SP281904. The department applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category g – regulatory proposals that are of a machinery nature).

All parties support the amendments.

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