

Environmental Protection and Other Legislation Amendment Bill 2022

Submission No: 25
Submitted by: Redland City Council
Publication:
Attachments:
Submitter Comments:
Submitter Recommendations:



26 October 2022

Your Ref: EP Act 1994
Our Ref: HEU
Contact: Danielle Fleming

Committee Secretary
Health and Environment Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Committee Secretary

RE: Call for submissions - Inquiry into the Environmental Protection and Other Legislation Amendment Bill 2022

Thank you for your recent email dated Friday 14th October 2022 in relation to submissions on the *Environmental Protection and Other Legislation Amendment Bill 2022* (the "Bill"). Please note given the limited time for review, the below comments are explicitly from Redland City Council's Health & Environment Unit and not endorsed by Council Executive Representatives.

Redland City Council's Health & Environment Unit are generally supportive of the changes proposed in the Bill. The below items have been raised due to concerns around enforcement and resources for Local Governments.

Noise provisions for 440ZA is proposed to also apply to boats being operated at jetties and pontoons "*(tethered or otherwise sitting directly adjacent to)*" for a period of five minutes or longer during a restricted period if it makes an audible noise.

These changes could result in Local Governments having limited enforcement due to jurisdictional issues as "premises" is defined under the *Environmental Protection Act 1994* as "*a building and the land on which a building is situated*" whereas the amendments now include jetty and pontoon with the explanatory notes mentioning "*being tethered or sitting directly adjacent to*", which insinuates that enforcement is proposed to now extend to boats on the water which could be limiting for Local Government authorised officer powers and create dual regulation with other State Government Departments who do have authority to exercise powers on the water (Queensland Police Service, Maritime Safety QLD). Additional concerns regarding resourcing would also need to be addressed, as Council have had limited experience managing requests on the water with regards to investigating requests that are not based on the water.

It is recommended that this section is amended to clarify that Local Governments are to enforce matters on premises where we hold the appropriate powers for investigation and enforcement.

Transitional Environmental Programs (TEP's) also form part of Redland City Council's submission. The proposed amendments state that drafting TEP's will now be the

responsibility of the administering authority. In past years, Council has received TEP's drafted by external Environmental Scientist consultants, who are experts on these matters and engaged by the applicant. Given the infrequency of TEP's being received, should these amendments occur, an external consultant would be required to draft the TEP as Council Officers do not have the specialist skills which would necessitate additional resourcing Council currently does not have.

If you require further information or would like additional clarification on any of the above items, please do not hesitate in contacting me on [REDACTED]

Kind Regards,



Danielle Fleming
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Health & Environment Unit
Redland City Council