

Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025

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Redland City Council Submission – Inquiry into the Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025

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Level of Approval: Health and Environment Unit, Redland City Council

Thank you for the opportunity to provide submission about the Health, Environment and Innovation Committee's current inquiry into the Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025. The Health and Environment Unit within Redland City Council (Council) currently monitors and enforces compliance of devolved Environmentally Relevant Activities (ERA's) under the *Environmental Protection Act 1994* (the EP Act). As such, the basis of this submission from Council is centered around the proposed reframing of how ERA's are identified and regulated including the potential establishment of ERA Codes to regulate certain lower risk ERA's which currently require Environmental Authorities (EA's).

The proposal to prospectively make certain types of ERA's code managed, with the option for individual operators to stay operating under an EA presents an array of administrative and managerial challenges for Council. This is particularly the case if relevant codes are made for any of the EA's currently devolved to Council. As it stands, Council is experiencing challenges in building and maintaining an electronic licensing and management system for the seven (7) devolved EA's it is responsible for. Council's system is required to accommodate all EP Act process requirements relating to EA's including many EA application types, annual return process, ongoing inspections, enforcement tools and templates, and more for only a small number of licenses.

If these 7 EA operators move to having the option of transitioning to operating under an ERA Code, Council will then also be required to build and maintain a system to accommodate processes for Code managed ERA registrations including approved forms, correspondence, enforcement tools and templates specific to code managed ERA's and more, further adding to the imposed administrative and managerial challenges.

Whilst acknowledgement is made the EP Act currently allows Council to set its own fees for EA's, cost recovery opportunity with only 7 licenses is very limited and understandably Council must ensure its fee structure is fair and reasonable for each EA operator. Should some or all of the EA operators opt to transition to being code managed, this would potentially remove cost recovery opportunity for Council substantially or even completely. This financial impost is magnified when considering Council would potentially have to build upon and maintain its electronic management system for registrations associated with the code managed ERA option.

For context, Council has been in correspondence with the Department of the Environment, Science, Tourism and Innovation (the Department) since mid-2022 regarding the proposed removal of devolution of its ERA's. Council has made several requests to the Department to remove the devolution of its ERA's due to the administrative and financial burden of maintaining an entire licensing system for only 7 licenses. Council once again would like to put forward that it would be more appropriate for the Department to remove the devolution of Council's ERA's

given the Department operates a licensing system and has established processes in place for over 9400 licenses. Council would be more supportive of code managed ERAs if all EAs were managed by the Department.

Council also has concerns regarding the deemed surrender of EA's should they opt to transition to code management, or they are automatically deemed to have been surrendered if Council is not notified of the operator's decision after 12 months of the commencement of the relevant ERA code. Normally if an EA holder applies to surrender their EA, a thorough assessment and inspection process is undertaken to ensure the site is fully restored. There does not appear to be this process in place if an operator opts to transition to be code managed. Therefore Council does not have the opportunity to investigate if restoration work is required before an activity has potentially no further assessment or inspections following surrender of the EA and transition to being managed under a code.

It is also noted that management of compliance of ERA's which have transitioned from EA's to being code managed would be managed by two different departments within Council. If the ERA has been approved as part of a dual DA MCU / EA application, as is now required by the EP Act, the conditions of the surrendered EA would likely stay on the land as DA conditions, meaning they would have to be complied with in addition to the relevant ERA code. The ongoing compliance of these DA conditions would sit with the Development Compliance Unit and compliance with the relevant ERA Code would sit with the Health and Environment Unit, creating potential overlaps in compliance activities. Ideally, further advice and guidance regarding the ongoing management of code managed ERAs should be developed by the Department and provided to Local Governments.

Thank you once again for the opportunity to provide submission and for your consideration of the above concerns raised by Council. If you have any questions or would like to discuss the above further, please do not hesitate to contact myself using the contact details provided.