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

**Submission No:** 025
**Submission By:** Local Government Association of Queensland
**Publication:** Making the submission and your name public

Every Queensland community deserves to be a liveable one

17 December 2025

Health, Environment and Innovation Committee
Queensland Parliament
Cnr of George and Alice Streets
BRISBANE QLD 4000

By email: heic@parliament.qld.gov.au

Dear Committee Secretary,

**RE: LGAQ Submission – Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025**

The Local Government Association of Queensland (LGAQ) welcomes the opportunity to provide feedback to the Committee regarding the *Environmental Protection (Efficiencies and Streamlining) and Other Legislation Amendment Bill 2025* (the Bill).

The LGAQ is the peak body for local government in Queensland. It is a not-for-profit association established solely to serve councils and their needs and has been advising, supporting, and representing Queensland councils since 1896, enabling them to improve their operations and strengthen relationships with their communities.

The LGAQ would like to thank the Department of the Environment, Tourism, Science and Innovation for their engagement with the LGAQ and Queensland councils throughout consultation on the proposed amendments.

Overall, the Bill is of considerable interest to Queensland councils, noting the important role of local government in their devolved responsibilities under several of the Acts proposed for amendment, most notably the *Environmental Protection Act 1994* (the EP Act).

Queensland councils are delivering essential services such as water and managing waste and wastewater, whilst also navigating a challenging financial environment as evidenced by the latest Queensland Audit Office report into local government financial sustainability, which found that Queensland councils continue to remain heavily reliant on Federal and State government grants to deliver essential services for their communities[1].

Local governments stand willing as partners in government to support the State Government in identifying solutions to ensure amendments to key environmental legislation seek to improve administrative efficiencies. However, it is critical that amendments to the EP Act in particular avoid negative financial impacts on councils by a shift in the way in which *Environmentally Relevant Activities* (ERAs) are regulated.

In the spirit of the three-year Equal Partners in Government Agreement[2] signed with local government, we urge the State Government to partner with Queensland councils to work collaboratively on further legislative reform necessary for the administration of amendments to the EP Act as proposed through the Bill.

[1] Local government 2024 | Queensland Audit Office
[2] Equal partners in government | Local government

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Specifically, Queensland councils are calling on State Government to:

- Establish a local government technical working group to support and inform the development of any ERA Codes, and additional regulatory reforms to manage other environmental impacts including emerging contaminates,
- Ensure alignment with existing frameworks that define the environmental values which are of significant priority for the State government,
- Continue to consider community expectations through the rehabilitation of end-of-life mines, Provide support for local infrastructure to cater for tourism across protected areas, state forests, recreation areas and marine parks.

In total, the LGAQ has made 11 recommendations in response to the Bill, which are included in the enclosed submission.

Recognising the diversity of challenges and opportunities of Queensland councils, the LGAQ also urges the Department to consider any individual views provided within their own submissions made in response to the Bill.

Should you have any further questions, please contact Crystal Baker, Manager Strategic Policy via email: [redacted] or Tamarah Moore, Lead – Public Health and Waste Management via emai[redacted]

Yours sincerely,

Alison Smith
CHIEF EXECUTIVE OFFICER

Every Queensland community deserves to be a liveable one

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

## Submission to the Health, Environment and Innovation Committee

December 2025


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## About the Local Government Association of Queensland (LGAQ)

The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association established solely to serve councils and their needs. The LGAQ has been advising, supporting, and representing local councils since 1896, enabling them to improve their operations and strengthen relationships with their communities. The LGAQ does this by connecting councils to people and places; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and providing them with the means to achieve community, professional and political excellence.

## Equal Partners in Government Agreement

The LGAQ on behalf of all 77 Queensland local governments is a signatory to a three-year Equal Partners in Government Agreement[1] with the State of Queensland (signed 11 March 2025).

The Agreement details the key principles underlying the relationship between the state and local governments and establishes the foundation for effective negotiation and engagement between both levels of government.

The Agreement acknowledges that local government is the closest level of government to the community, affecting the lives of everyday Queenslanders and acknowledging local government as a genuine partner in the Australian government system.

The intent of the agreement was to continue the tradition of working in genuine partnership to improve the quality of life for all Queenslanders to enjoy. By identifying the roles and responsibilities of each party, it provides a solid foundation for effective negotiation and engagement between both levels of government.

The LGAQ is committed to working with the Queensland Government and will continue to be a passionate advocate for councils, to serve our joint jurisdiction for the people of Queensland.

## Rural and Remote Councils Compact

The Rural and Remote Councils Compact[2] provides a platform to ensure issues of priority for these communities are properly considered by the Government when developing policies, programs, and legislation.

The Rural and Remote Councils Compact pledges to amplify the voice of and improve outcomes for the state's 45 rural and remote councils and their local communities by enhancing engagement between both levels of government.

[1] Equal Partners in Government Agreement – available online here.
[2] Rural and Remote Councils Compact – available online here.

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

## 1.0 Executive Summary

The LGAQ welcomes the opportunity to provide feedback to the Health, Environment and Innovation Committee (the Committee) on the Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025[3] (the Bill).

The LGAQ understands the Bill amends several Acts and Regulations relevant to the responsibilities of local government, to improve administrative efficiencies within the regulatory frameworks of Queensland's key environmental legislation.

Overall, the amendments proposed within the Bill are of considerable interest to the LGAQ and Queensland councils, noting that local governments operate a number of Environmentally Relevant Activities (ERAs) on behalf of their communities, as well as coordinating the administration and regulation of several devolved ERAs under the Environmental Protection Act 1994 (the EP Act).

Local governments do this while navigating a challenging financial environment as evidenced by the 2024 Queensland Audit Office report into local government financial sustainability, which found that local governments continue to remain heavily reliant on external funding sources to deliver essential services for their communities.[4]

As such, local governments have a strong interest in ensuring the proposed amendments are fit-for-purpose, do not unnecessarily shift additional financial and/or responsibility burdens onto councils, and are effective in protecting the economic, environmental, social and cultural values that define their local communities.

The LGAQ would like to thank the Department of the Environment, Tourism, Science and Innovation (the Department) for their engagement with the LGAQ and Queensland councils throughout consultation which commenced in June 2025 on the proposed amendments.

In response to the release of the Consultation paper: Realising efficiencies and streamlining in the Environmental Protection Act 1994 and other portfolio amendments[5] (the Consultation Paper) in June 2025, the LGAQ made a submission to the Department that strongly emphasised the need for more detailed consultation on the proposed amendments in order to appropriately consider the full impacts the legislative reform are likely to impose on local government.

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

[4] Local government 2024 | Queensland Audit Office

[5] Consultation paper - Realising efficiencies and streamlining in the Environmental Protection Act 1994 and other portfolio amendments - June 2025

Through further targeted, detailed consultation undertaken by the Department in September 2025, the LGAQ subsequently made a submission that highlighted key considerations to inform the Department in finalising the Bill. This feedback presented support for the intent of the proposed amendments, however noted that further reform relating to the development of ERA Codes required early consultation with local government to avoid any undue impact and burden on Queensland councils as they continue to deliver essential services to their communities.

Recommendations made by the LGAQ within previous submissions to the Department have again been echoed within this submission which calls for the State Government to be considered in its approach to regulatory reform, ensuring a shift in the way in which ERAs are regulated continues to uphold the objects of the EP Act without imposing additional financial or responsibility burden onto local government.

As the Bill does not identify which ERAs are intended to transition to being managed by an ERA Code, it is important the State Government engages in early consultation with local government to identify lower risk activities that may be suitable as a code-managed ERA. This is important for Queensland councils to ensure the proposed shift in the regulation of ERAs remains fit-for-purpose, and is effective in protecting the economic, environmental, social and cultural values that define local communities.

Additionally, the State Government must ensure the introduction of new provisions or removal of those that currently exist within the EP Act are done so by appropriately mitigating any risks of increasing red tape or of limiting opportunities for expectations at a local level to remain as a key consideration when regulating activities that could impact Queensland's environmental values.

In summary, the LGAQ supports the overall intent of the Bill to protect the environment by improving the regulatory framework, but emphasises the need for the following to ensure successful implementation of the Bill should it be passed:

- Establish a local government technical working group to support and inform development of any ERA Codes, and additional regulatory reforms to manage other environmental impacts including emerging contaminates,

A) Align Significant Environmental Values (SEVs) with Matters of National, State and Local Environmental Significance under other legislative frameworks,

- Continue to consider community expectations through the rehabilitation of end-of-life mines, and
- Support for local infrastructure to cater for tourism across protected areas, state forests, recreation areas and marine parks

Should you wish to discuss any aspect of this submission, please do not hesitate to contact Crystal Baker, Manager – Strategic Policy via crystal_baker@lgaq.asn.au, or Tamarah Moore, Lead – Public Health and Waste Management via tamarah_moore@lgaq.asn.au.

## 1.1 Recommendations

The LGAQ has prepared detailed feedback within this submission that corresponds to the proposed amendments as structured within the Bill. Based on this feedback, LGAQ has made 11 recommendations, as listed below:

- Recommendation 1: The LGAQ recommends the Committee seeks clarification on the governance for code-managed ERAs and devolution of relevant offence provisions to ensure the roles and responsibilities of the State Government and local government are clearly articulated within the EP Act.

- Recommendation 2: The LGAQ recommends the State Government works in partnership with local government to address the regulation of activities that were formerly regulated as ERAs with the intention of refining current standards.

- Recommendation 3: The LGAQ recommends the State Government continues to work as equal partners with local government by establishing a technical working group to engage in early consultation on ERAs proposed to transition to a code-managed ERA and ensure any risks are appropriately identified and managed.

- Recommendation 4: The LGAQ recommends the State Government maintains the flexibility within the legislation for local government Environmental Authority (EA) holders to adopt an ERA Code, where applicable, for ERAs that are performed by councils, to acknowledge the site-specific requirements for certain activities, particularly for small regional, rural and remote local governments.

- Recommendation 5: The LGAQ recommends the State Government co-designs an ERA Code with local government to permit the extraction of 10,000 tonnes from borrow pits on leasehold and freehold land for each regional local government to perform its responsibilities under the Local Government Act 2009 or Transport Infrastructure Act 1994 to providing roads or infrastructure.

B) Recommendation 6: The LGAQ recommends the State Government ensures that Significant Environmental Values (SEVs) within the EP Act align with Matters of National, State and Local Environmental Significance under other legislative frameworks, to ensure these align and avoid duplication.

- Recommendation 7: The LGAQ recommends the State Government engages in further consultation with local government for any environmental values declared SEVs in accordance with section 9A(2) of the Bill with the intention of limiting the impact to council operations and in recognition of environmental matters that are significant to local government and their communities.

- Recommendation 8: The LGAQ recommends the State Government retains the public interest requirement for Progressive Rehabilitation and Closure Plans. If removed, the State Government should clearly articulate how the risks of removing public interest evaluation will be appropriately mitigated to avoid impacting on the rehabilitation of end-of-life mine sites in line with community expectations.

- Recommendation 9: The LGAQ recommends the State Government develops mechanisms within the EP Act that consider the repurposing of existing and decommissioned mines for energy production and storage.

- Recommendation 10: The LGAQ recommends the State Government ensures there are no adverse impacts on Queensland councils as a result of proposed changes to the Recreation Areas Management Act 2006 to enable one single permission for tourism operators on protected areas and streamline the permitting process for businesses.

- Recommendation 11: The LGAQ recommends the State Government continues to engage with the LGAQ and Queensland councils to progress additional regulatory reform to:
    - Provide greater support and assistance to identify and where applicable prosecute illegal trade waste discharge into sewerage systems at the point of entry,
    - Consider a flexible policy schedule for compost end products uses,
    - Reassess the conservation status of flying foxes and platypus under the Nature Conservation Act 1992, and
    - Address recommendations outlined within the LGAQ's submission to the Red Tape Reduction Taskforce that seek to reduce regulatory burdens for local government

## 2.0 Introduction

The LGAQ welcomes the opportunity to provide feedback to the Committee on the Bill as the proposed amendments are of considerable interest to local government who are not only responsible for operating a range of ERAs that provide essential services for their local communities, but are also responsible for regulating a number of ERAs under the EP Act on behalf of the State Government.

The LGAQ would like to acknowledge and commend the Department on the level of engagement and consultation conducted on the proposed reforms since releasing the Consultation Paper in June 2025. The LGAQ looks forward to continuing this collaborative approach with the Department on any future reforms through a robust and early consultative process with local governments.

This submission which has been prepared by the LGAQ on behalf of Queensland councils, provides feedback and makes recommendations that aim to uphold the intention of the review undertaken by the Department, but in a way that will not exacerbate a cost and responsibility shift onto councils.

In response to previous consultation undertaken by the Department commencing in 2025, the LGAQ presented several recommendations that called on the State Government to continue to work as equal partners with local government by engaging in early consultation on any ERAs proposed for transition to a code-managed ERA. This is important to Queensland councils as both the Administering Authority for certain ERAs, as well as performing ERAs to deliver essential services such as water, and the management of waste and wastewater.

Additionally, the regulatory oversight for code-managed ERAs must receive the appropriate consideration within any legislative reform to ensure the Department retains responsibility for the proactive monitoring, and any reactive incident responses that may arise from the operation of these activities to avoid shifting this responsibility and cost onto local government. Queensland councils want assurances that the appropriate governance will be retained within the EP Act to ensure operators of code-managed ERAs will remain accountable for maintaining acceptable standards of compliance.

This submission provides recommendations that the Committee and the Department must consider in order to achieve the primary policy objective of the Bill 'to improve administrative efficiency and ensure the regulatory frameworks within Queensland's environmental legislation remain contemporary, effective and responsive'[6], in such a way that reflects the Equal Partners in Government Agreement[7] with Queensland councils.

This is important to local governments as research undertaken in 2024 as part of the LGAQ's Cost Shifting Report[8] quantifies the impact of cost shifting by other levels of government on to councils and the communities in which they serve. This research found local governments

[6] Explanatory Notes: Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025
[7] Equal partners in government | Local Government, Water and Volunteers
[8] A fairer funding deal for Queensland communities

throughout Queensland are stepping in to provide extra services, outside of their core business, to ensure communities remain liveable.

Queensland councils do this while navigating a challenging financial environment as evidenced by the 2024 Queensland Audit Office report into local government financial sustainability, which found local governments continue to remain heavily reliant on external funding sources to deliver the services that their communities rely upon.[9]

As the level of government funded the least – earning around three cents in every dollar of taxation revenue compared to 80 cents for the Federal Government and almost 17 cents for the State Government – councils cannot continue to shoulder further cost and responsibility burdens from others.

Local government are the closest level of government to Queensland communities and are best placed to understand the priorities and expectations at a local level. Mechanisms in place that extend this level of understanding to inform decision-making at other levels of government such as through the Public Interest Evaluation (PIE) process, risk being lost however through the proposed amendments of the EP Act. Councils want assurances that mechanisms within the EP Act will be retained to safeguard communities from the liability of legacy issues from abandoned or partially rehabilitated sites as part of the Progressive Rehabilitation and Closure Plans (PRCP) process.

The Bill seeks to make further amendments to the EP Act regarding forfeiture of property, summary proceedings and Environmental Impact Statements, amendments to Chapter 3 of the Water Act 2000 (the Water Act), and the provisions of the Nature Conservation Act 1992 (the NC Act) which have been articulated throughout consultation commencing in June 2025. The intent of these amendments has been acknowledged, and as it is understood local government are to also benefit from some of these amendments, the LGAQ therefore offers in-principle support.

As highlighted in the LGAQ's Policy Statement and at the LGAQ's Annual Conferences, Queensland councils are supportive of Federal and State Government legislative reforms that protect the sustainability of Queensland's natural resources and the values that define their communities. However, noting the role Queensland councils have in delivering a range of essential services for their communities, any legislative reforms must appropriately consider any unintentional consequences that may shift costs or responsibility burdens onto local governments.

This is particularly relevant for the proposed introduction of Significant Environmental Values (SEVs) where robust frameworks are already in place to manage the values of significance to the State Government. By introducing SEVs into the EP Act, councils want reassurances with the appropriate governance in place to avoid creating inefficiencies and inconsistencies for the way in which these values are protected.

The LGAQ understands the Bill proposes to amend the following Acts and Regulations:

1. Environmental Protection Act 1994 (the EP Act),
2. Environmental Protection Regulation 2019 (the EP Regulation),
3. Forestry Act 1959 (the Forestry Act),

[9] Local government 2024 | Queensland Audit Office

4. Nature Conservation Act 1992 (the NC Act),
5. Planning Act 2016 (the Planning Act),
6. Recreation Areas Management Act 2006 (the RAM Act),
7. State Development and Public Works Organisation Act 1971 (the SDPWO Act),
8. State Penalties Enforcement Regulation 2014 (SPER),
9. Waste Reduction and Recycling Act 2011 (the WRR Act), and
10. Water Act 2000 (the Water Act).

Consultation undertaken by the Department on the proposed amendments broadly categorised these amendments into three parts:

- Part 1 – Environmental Protection Act (EP Act) proposals to reduce regulatory burden, make the Act more responsive to emerging challenges and remove barriers to investment;
- Part 2 – EP Act proposals relating to Progressive Rehabilitation and Closure Plans (PRCPs); and
- Part 3 – Other proposals to amend the EP Act, NC Act and Water Act to improve administrative efficiency.

Additionally, the Bill proposes to introduce additional amendments broadly captured as 'Part 4 – Additional Amendments' as presented during the briefing session held by the Department on Friday, 5 December 2025. To remain consistent with feedback provided to the Department to-date, this submission will be structured in line with the abovementioned parts (1-4) to present the key positions of local government in reflection of the proposed amendments.

## 2.1 LGAQ Policy Statement and Annual Conference resolutions

The LGAQ is committed to member-driven advocacy and working with member councils to build stronger local governments and more resilient local communities.

The LGAQ Policy Statement[10] is a definitive statement of the collective voice of local government in Queensland and provides several key policy positions of local government that are relevant to the Bill. The agreed policy positions of local government, as stated in the LGAQ Policy Statement, are included in Attachment 1.

In addition, 9 resolutions have been passed by Queensland councils at recent LGAQ Annual Conferences on matters relating to the Bill. These are provided in Attachment 2.

[10] LGAQ Policy Statement (2025) – available online here.

# 3.0 Response to the Bill

In preparing this submission, the LGAQ has considered the proposed amendments as set out within the Bill, the Explanatory Notes[11], the Impact Analysis Statement[12], the Consultation Report[13], in addition to the previous Consultation Paper and documents provided to the LGAQ through targeted consultation in September 2025.

The information contained within these documents has been considered with regard to the LGAQ Policy Statement, LGAQ Annual Conference resolutions and direct feedback provided by Queensland councils through consultation undertaken by the Department and the LGAQ since June 2025, which have been used to inform this submission, and previous two submissions in response to consultation by the Department on the legislative reforms.

Overall, the LGAQ acknowledges and is supportive of the intent of the amendments proposed through the Bill in creating efficiencies and streamlining regulatory frameworks of key environmental legislation, however, urges caution when considering the impacts at a local level as a result of shifting the way in which certain activities are regulated. The LGAQ understands the Bill is intended to provide the head of power for proposed reforms, particularly in regard to the administration of ERAs, with the detail of those reforms to be included through future amendments to the EP Regulation. This submission is structured in line with previous submissions in response to consultation undertaken throughout 2025, to convey the key positions of local government.

The LGAQ welcomes the opportunity to engage further with the Department following any amendments to relevant legislation and remains committed to working collaboratively to ensure these amendments are fair, functional, and respectful of the role that Queensland councils have in delivering essential services for their communities.

## 3.1 Part 1 – Environmental Protection Act Proposals

The LGAQ understands several amendments, both significant and minor, to the EP Act are proposed through the Bill. Of particular interest to local government are the amendments for how ERAs are identified and regulated. Notably, the establishment of ERA Codes to regulate certain lower risk ERAs which are currently regulated under an EA, and the proposed introduction of Significant Environmental Values (SEVs) to guide the identification of ERAs and broader administration of the EP Act.

### 3.1.1 Code-managed ERAs

The LGAQ understands the proposed amendment under section 20 of the Bill will devolve powers to the State Government to declare an ERA as a code-managed ERA. The Bill proposes to insert a new chapter (Chapter 6), which governs the administration of code-managed ERAs.

Within this new chapter, it is understood that a person carrying out a code-managed ERA is able to 'register' to operate the activity in accordance with the ERA Code or continue to carry out the activity in accordance with an approved EA as detailed within section 318ZL of the Bill. This

[11] Explanatory Notes: Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025
[12] Impact Analysis Statement: Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025
[13] Consultation report on proposed amendments to the Environmental Protection Act 1994 and other portfolio legislation

proposed new chapter also includes provisions that relate to transitioning to a relevant ERA Code and surrendering an EA.

Provisions have been made within the Bill for the Administering Authority to collect a 'registration fee' under section 318ZM, however it is understood that no provisions are made for annual fees associated with code-managed ERAs.

Additionally, under section 318ZZ, where a person has surrendered their EA to transition to operating the activity in accordance with an ERA Code, the Administering Authority must refund the person the relevant annual free amount fee paid by the person in accordance with the EA.

The Bill also proposes new offence provisions in relation to an ERA Code under section 435A.

What is unclear is whether the responsibility for regulating code-managed ERAs will be devolved to State Government or local government. Through consultation by the Department in September 2025, it was understood this is likely to be a State Government responsibility; however, the Bill remains unclear in relation to the devolution of these powers.

Codes present a risk of becoming more prescriptive and less adaptable to site-specific conditions. Concerns at a local level relating to environmental amenity, traffic, noise, cultural values, or cumulative impacts could be harder to address if EAs with more site-specific conditions are replaced by codes.

Through the transitioning of certain ERAs to code-managed ERAs, the appropriate governance must remain to ensure an acceptable level of compliance is maintained and that codes are being followed. This should also include clarifying how entities operating a code-managed ERA are intended to be recognised, whether this is by means of a state-wide register or database and whether this is publicly accessible. The operational resourcing and capacity of the regulator must therefore be considered here and where there is an absence of financial mechanisms to support this, the associated risks must be suitably mitigated.

It is important for the Committee to seek clarification on this, and in doing so, remain cognisant of any likely operational and resourcing impacts this may impose on local governments should further reforms relate to the devolved responsibilities of local governments.

> Recommendation 1: The LGAQ recommends the Committee seeks clarification on the governance for code-managed ERAs and devolution of relevant offence provisions to ensure the roles and responsibilities of the State Government and local government are clearly articulated within the EP Act.

Upon introducing the first reading of the Bill, the Minister for the Environment and Tourism and Minister for Science and Innovation, the Hon. Andrew Powell identified that 'Review processes to identify ERAs appropriate for regulation via an ERA code, and implementation of new ERA codes, will occur in phases with resource industry activities a priority for reform'[14].

The Consultation Paper also provided an indicative list of ERAs that may be considered as a 'low-risk ERA'. Several of these ERAs include activities that are typically operated and administered by councils, including:

- Smaller sewage treatment plants and pump stations,
- Small water treatment facilities,
- Regulated waste transport,

[14] Record of Proceedings: Thursday, 20 November 2025

- Surface coating (coating, painting or powder coating),
- Asphalt manufacturing,
- Some types of chemical manufacturing,
- Some thresholds of extractive and screening activities,
- Some thresholds of waste disposal, resource recovery and transfer facility operations.

As the Bill does not identify which ERAs are likely to transition to an ERA Code, it is difficult to understand the operational impacts this is likely to impose on local government.

Through consultation conducted by the LGAQ, council officers have identified key considerations that require the appropriate level of discretion in making these broader head-of-power amendments to the legislation. These key considerations are summarised below.

***Local government as the Administering Authority for certain ERAs***

The lack of direct regulatory tools such as EA conditions and periodic inspections is creating challenges for some councils for activities that were formerly prescribed ERAs. Councils must rely on environmental nuisance, and water pollution provisions which can be limited in scope and often reliant on a member of the community lodging a complaint. This regulatory shift from proactive to reactive, undermines local governments' ability to proactively manage environmental risks within their devolved responsibilities, placing pressure on councils responding to incidents.

By shifting the focus to managing more ERAs through a code, some council officers have expressed concerns that it may become less efficient to regulate compliance with the EP Act and may result in weakening the regulatory oversight resulting in an increase in non-compliance and instances of environmental harm.

As councils are investigating offences under the EP Act in relation to water pollution and environmental nuisances, there is a very real risk that the regulatory burden of reactive investigations will increase for councils in relation to activities that are regulated through an ERA Code without an appropriate mechanism to recover these operational costs. The current framework for the administration of ERAs ensures robust risk management with proactive mitigation, is supported by the appropriate financial mechanisms to avoid negative financial impacts for councils.

It has been the experience of some Queensland councils that some codes for activities which were formerly prescribed ERAs under the EP Act, contain general and often vague provisions. An example of this is the Code of Practice for the concrete batching industry[15]. As compliance with these codes gives the entity performing this activity a certain level of protection from enforcement action, the lack of clarity and specificity for certain requirements is creating challenges for some councils to establish compliance.

Additionally, it has been the experience of some councils that where EAs were removed as a requirement for some activities through previous reforms, conditions associated with that EA were also removed. This has resulted in councils requiring other offences with the EP Act to establish compliance as articulated within Case Study 1. These examples show where the deregulation of activities may have unintentional consequences in shifting to a more reactive approach to regulation. This in turn can result in an increase in the number of environmental

[15] Code of practice for the concrete batching industry (ESR/2015/1715)

nuisance or pollution investigations being undertaken by councils, the cost for which is not easily recoverable through current mechanisms in the EP Act.

**Case study 1: Challenges associated with legacy ERA sites that no longer have an EA**

Example 1: A concrete batching facility which has been operating for several years within a local government area is located adjacent to a waterway. The site was previously regulated as a prescribed ERA under the EP Act in accordance with an approved EA.

Allegations of water pollution offences have been investigated in recent years by the local government in relation to section 440ZG of the EP Act. Obtaining sufficient evidence to prove the elements of the offence under the EP Act have presented challenges for council without an authorised officer being witness to the event. The council is largely dependent on public notifications in order to gather sufficient evidence of an offence occurring.

Example 2: A motor vehicle workshop conducting spray-painting activities within a local government area is under investigation by the local government for alleged offences under the EP Act in relation to environmental nuisance.

Reports of overspray from members of the public have alerted council to the possible contravention for which authorised officers commenced an investigation to determine whether an offence with the relevant provisions of section 440 of the EP Act are occurring.

In accordance with the definition of environmental nuisance under section 15 of the EP Act, the overspray or odour needs to have caused an unreasonable interference or likely interference with an environmental value. The complexity to prove the elements of the offence at the nearest sensitive receptor in consideration of the scale of the activity in this circumstance is creating challenges for council.

> Recommendation 2: The LGAQ recommends the State Government works in partnership with local government to address the regulation of activities that were formerly regulated as ERAs with the intention of refining current standards.

As already discussed within this submission, the Bill proposes amendments to include provisions that permit a person operating an ERA to do so in accordance with the relevant ERA Code or continue to carry out the activity in accordance with an approved EA. Some councils have expressed concerns regarding the efficiency in regulating these activities where some entities performing the same activity are likely to be operating under different standards.

Additionally, the transition period between operating the activity in accordance with an ERA Code must include an appropriate mechanism for the regulatory authority and operator to plan for this transition which should include verifying compliance with the ERA Code.

Upon reviewing the Bill, the LGAQ understands that in making an ERA Code, the proposed provisions under section 551B will require the Department to consult with EA holders for a minimum of 30 business days before deciding. These provisions appear to come into effect once the Department has already prepared the ERA Code and is at the point in which it is published on the Department's website. To continue with a collaborative approach in deciding which ERAs should be managed via a code, local governments are concerned about the level of consultation that will occur in the initial drafting of an ERA Code.

It is understood from previous consultation on the Bill that once an ERA Code has been made, it is proposed they are only reviewed upon sunset of the Regulation (i.e., every 10 years). The

gazettal of any ERA Code must also allow for an appropriate mechanism for periodic review to ensure it remains current with industry best practice and that known environmental risks associated with the activity are continuing to be effectively mitigated.

As a solution to avoid any of the abovementioned unintended consequences of the Bill, early consultation with local government should be undertaken prior to commencing work in determining which ERAs are considered 'low risk', drafting codes and subsequent public consultation process.

Any proposed amendments to the EP Act should continue to uphold the object of the Act in protecting Queensland's environment, and it is essential the Department continues to consider the views of local government to ensure any risks, such as those listed below, can be appropriately mitigated:

- Loss of proactive oversight and increased reliance on public complaints to prevent adverse environmental impacts,
- Lowering of industry standards to those currently in place and ineffectiveness of self-regulation resulting in increased environmental incidents,
- Ineffective regulatory tools and less specificity of conditions placing more pressure on the ability of councils to enforce standards,
- Loss of revenue (e.g., through the collection of annual fees associated with an EA),
- Operational and/or systems changes to accommodate requirements for operators to register, and
- Additional resourcing and/or training requirements for council staff.

Based on the above, the LGAQ makes the following recommendation:

> Recommendation 3: The LGAQ recommends the State Government continues to work as equal partners with local government by establishing a technical working group to engage in early consultation on ERAs proposed to transition to a code-managed ERA and ensure any risks are appropriately identified and managed.

***Local government (or contracted third party) as the EA holder for certain ERAs***

As identified above, valuable insight from local government as a key stakeholder will be essential for early input into any proposed ERA amendments. This is equally important for councils as EA holders for certain ERAs that deliver essential services for Queenslanders.

Queensland councils recognise that a 'one-size-fits-all' approach to landfill licensing is inappropriate. Appropriate regulations to drive improved waste management outcomes and consumer behaviour should be developed in recognition of the diverse needs and circumstances of Queensland communities.

This position is further articulated through the passing of resolution 74 at the 2023 LGAQ Annual Conference which calls on the State Government to provide greater differentiation for rural and remote councils in meeting increasing environmental compliance costs for landfill and waste management by increasing timeframes, funding and adopting a tiered level of compliance standards in recognition of smaller councils' inability to pay and the relatively low impact per square kilometre of environmental impact of waste on small populations.

This resolution speaks to the unique challenges that exist within each Queensland community and should be a key consideration for any regulatory reforms. Councils must continue to be

supported by the State Government to reduce regulatory burdens and avoid negative financial impacts due to increased standards of compliance.

Additionally, in the provision of wastewater services, councils acknowledge that wastewater should be treated in accordance with legislative requirements or to a 'fit for purpose' standard provided due consideration is given to the social, economic and financial impacts on communities, in addition to preventing significant adverse impacts on receiving environments. Any increases in the standard of treatment required for wastewater should be phased in over an appropriate period following consultation and be accompanied by an appropriate level of State or Federal government funding.

> Recommendation 4: The LGAQ recommends the State Government maintains the flexibility within the legislation for local government Environmental Authority (EA) holders to adopt an ERA Code, where applicable, for ERAs that are performed by councils, to acknowledge the site-specific requirements for certain activities, particularly for small regional, rural and remote local governments.

### *Quarry limits for ERA 16*

Recent amendments made to the EP Regulation through the Environmental Protection (Extractive Activities) Amendment Regulation 2025[16] now permit regional local governments (as defined in the Environmental Protection (Extractive Activities) Amendment Regulation 2025) the ability to extract quarry material of 10,000 tonnes or less in a year used in relation to the provision of roads or infrastructure in accordance with the Local Government Act 2009, or Transport Infrastructure Act 1994.

The LGAQ greatly welcomed these changes to increase the tonnage allowable for extraction without requiring an EA, consistent with resolution 29 from 2023.

These changes assist councils throughout regional, rural and remote Queensland to access State-owned quarry material under the Forestry Act 1959 and in doing so, improve the efficiency of road construction and maintenance.

Councils strongly support efforts to streamline regulatory requirements where environmental risk is low and operational need is high. As such, feedback from some councils has also indicated a strong desire for the threshold to also apply to freehold and leasehold land tenures, including circumstances where quarry material rights and interests are retained by the landholder.

Currently, ERA 16 governs extractive activities involving screening, washing, crushing, grinding, milling or separating materials. Extraction of more than 5,000 tonnes per year on non-State land still triggers the requirement for an EA. Councils operating in rural and remote regions face challenges with this threshold, particularly when looking to use small, low impact borrow pits situated in private or leasehold land. These pits play a critical role in the efficient delivery of road maintenance programs where obtaining material from approved quarries would otherwise result in substantial cost increases.

[16] Environmental Protection (Extractive Activities) Amendment Regulation 2025

The use of small, localised pits on non-State land offers significant operational and environmental benefits, particularly in areas where access to State-owned material is limited or impractical. These include reduced haulage distances, reduced impact to existing road networks from carting, and minimised environmental impact through reduced emissions and fuel usage.

Extending the current 10,000 tonne EA exemption to also include non-State-owned quarry material, where such activities are conducted by or on behalf of local government for essential road and infrastructure maintenance would support a more consistent, practical and risk proportionate regulatory approach. Such a change would also reduce administrative burden and support local government in delivering their infrastructure responsibilities in a timely and financially responsible manner.

It is of significant importance to Queensland's regional and remote councils that the current provisions under ERA 16 be extended to include activities undertaken on freehold and leasehold land. Extending these provisions represents a pragmatic and equitable reform that supports the long-term sustainability of regional communities, improves the cost efficiency of local government service delivery and reduces impacts associated with long haul quarrying.

**Case study 4: Quarry limits**

A regional Queensland council manages an extensive unsealed road network comprising of a large number of lower order rural roads. To maintain this network, council relies heavily on a series of small, local borrow pits dispersed throughout their network. These pits are typically used for low-risk activities such as medium grading and re-sheeting works.

Following successive severe weather seasons, the demand for gravel and fill material to support recovery increased substantially. In several instances, council has fully exhausted annual extraction limits for these smaller pits in the calendar year due to an accumulation of Disaster Recovery Funding Arrangements (DRFA) repair works and routine maintenance tasks. Under the current regulatory settings, these lower extraction pits are subject to limitations of 5,000 tonnes per year without an EA due to being located within private land.

With smaller pits no longer accessible, council has been required to draw on larger approved pits located further from the road sections requiring routine maintenance. In one example, council was forced to cart gravel from a designated pit located 50 kilometres away to support maintenance works, substantially increasing fuel usage, contractor time and project costs. These increased haulage distances also raise the risk of material degradation during transport and reduce the overall efficiency of the maintenance program.

This case study highlights that while councils could theoretically pursue an EA for each pit exceeding the 5,000 tonne threshold, this approach is neither practical nor sustainable in the context of rural road maintenance. Many of these borrow pits are small, low impact sources used intermittently, and the administrative burden for smaller councils in securing an EA for each location is disproportionate to the scale and risk of the activity.

**Recommendation 5:** The LGAQ recommends the State Government co-designs an ERA Code with local government to permit the extraction of 10,000 tonnes from borrow pits on leasehold and freehold land for each regional local government to perform its responsibilities under the Local Government Act 2009 or Transport Infrastructure Act 1994 to providing roads or infrastructure.

### 3.1.2 Significant Environmental Values (SEVs)

The LGAQ understands the proposal for Significant Environmental Values (SEVs) was originally put forward in the State Government's Consultation Paper (June 2025) as State Environmental Protection Policies (SEPPs).

In response to the Consultation Paper, the LGAQ expressed concern with the concept of SEPPs noting the potential for duplication and/or confusion in the application of existing environmental significant values lists and mapping (for example, matters of state environmental significance), under other legislation including the State Planning Policy 2017 (SPP) Environmental Offset Act 2014, and Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC).

As noted within the introductory speech given by the Minister for the Environment and Tourism and Minister for Science and Innovation, the Hon. Andrew Powell, 'The list of significant environmental values will not—I stress will not—introduce further regulatory requirements or burden. Rather, it will clarify and consolidate into one place those environmental values that are a priority for protection in this state.' [17]

Notwithstanding, there remain some concerns with a lack of clarity with the way in which the SEVs will be identified within the EP Act and how they are proposed to be administered as the proposed amendments to section 9A of the EP Act to enable a regulation or an environmental protection policy to declare certain environmental values as Significant Environmental Values (SEVs)[18].

The LGAQ understands SEVs are proposed for inclusion within the EP Act to ensure these values are considered within the broader administration of the EP Act, including regulatory oversight for environmentally relevant activities. This is an important objective, however, there is a need to ensure alignment in significant environmental values with the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act), the Nature Conservation Act 1992, and the State Planning Policy (SPP).

As referenced under Clause 54 of the Bill, section 19 of the EP Act is proposed for amendment to prescribe an ERA where 'the activity will or may otherwise adversely affect – (i) a significant environmental value'[19] amongst other things. The LGAQ understands the intent for the inclusion of SEVs within the EP Act is to clarify to stakeholders, applicants and those administering the legislation on the aspects of the environment that are a priority for the State Government to protect. It does however remain unclear how the framework is intended to operate, including how it may inform decisions relating to the transition of certain activities to an ERA Code.

[17] Record of Proceedings: 20 November 2025
[18] Explanatory Notes: Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025 (page 14)
[19] Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025 (page 71)

The LGAQ notes this regulation-making power does remain subject to parliamentary oversight, however, as per the LGAQ Policy Statement, Queensland councils seek stronger alignment and less duplication in mapping advice and direction between Matters of National, State and Local Environmental Significance, including consolidated species distribution and habitat mapping for threatened species and ecological communities; consistency between recovery actions under the Environment Protection and Biodiversity Conservation Act 1999 and the Nature Conservation Act 1992; and availability of species-based data for incorporation into local government planning systems where appropriate (LGAQ Policy Statement 5.3.8.5).

Noting the robustness of current legislative frameworks in designating Matters of State Environmental Significance under the SPP, and the introduction of bioregional mapping under the EPBC Act reforms, councils remain concerned the introduction of SEVs within the EP Act may create inefficiencies in the way in which these matters are protected.

Amendments to the EP Act to introduce SEVs must be done so in alignment with other governing legislation to avoid duplication or in consistencies in the way in which they are protected, and clarify how this framework is intended to inform the prescribing of ERAs.

> Recommendation 6: The LGAQ recommends the State Government ensures that Significant Environmental Values (SEVs) within the EP Act align with Matters of National, State and Local Environmental Significance under other legislative frameworks, to ensure these align and avoid duplication.

Noting this position of local governments, proposed amendments to the EP Act must not duplicate or conflict with matters under other governing legislation and should additionally consider recognising the environmental matters that are significant to local government and their communities, including Matters of Local Significance.

It is understood from a review of the Impact Analysis Statement, that a final list of SEVs will be refined through further stakeholder consultation, and will be prescribed via a regulation amendment[20]. Should SEVs progress through the passing of the Bill, it is important to Queensland councils that they remain a key stakeholder and the Department engages in early consultation with local government throughout this process.

> Recommendation 7: The LGAQ recommends the State Government engages in further consultation with local government for any environmental values declared SEVs in accordance with section 9A(2) of the Bill with the intention of limiting the impact to council operations and in recognition of environmental matters that are significant to local government and their communities.

## 3.2 Part 2 – Environmental Protection Act Proposals relating to Progressive Rehabilitation and Closure Plans

### 3.2.1 Public interest evaluation process

With regard to Part 2 of the Bill, the LGAQ seeks that amendments to Progressive Rehabilitation and Closure Plan (PRCP) requirements continue to consider public interest as a key requirement in the decision-making process.

[20] Impact Analysis Statement: Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025 (page 16)

As outlined within the Explanatory Notes to the Bill, the LGAQ understands the State Government is proposing the removal of the public interest evaluation process due to 'administrative and financial burden without clear benefits'[21].

Whilst it is understood that public interest considerations will continue to be a requirement of the PRCP approval process, the LGAQ submission to the Consultation Paper raised concerns about what is accepted as 'in the public interest' at the time of an EA application and assessment process, may not be accepted 'in the public interest' when a project is nearing its end of life - 30 to 40 years later. This is particularly relevant to PRCPs and Managed Post Mining Land Use (MPMLU) as they are determined early in the project lifecycle.

Through consultation undertaken by the LGAQ, councils have expressed concerns that the removal of the public interest evaluation process will increase the risk that local government will inherit long-term environmental and social legacy issues regarding abandoned or semi-rehabilitated mines, insufficient rehabilitation standards being accepted, and land becoming unsuitable for community and/or stormwater management issues. In effect it may transfer residual environmental liability into local landscapes placing pressure on local government.

The LGAQ therefore makes the following recommendation:

> Recommendation 8: The LGAQ recommends the State Government retains the public interest requirement for Progressive Rehabilitation and Closure Plans. If removed, the State Government should clearly articulate how the risks of removing public interest evaluation will be appropriately mitigated to avoid impacting on the rehabilitation of end-of-life mine sites in line with community expectations.

While it is understood that amendments proposed to include section 126E will define public interest considerations to ensure key elements of the former public interest evaluation process are retained within the assessment application requirements, as this occurs at the time of application, the public interest is likely to change over the life of a project.

For Queensland councils, having strong and sustainable communities is a high priority. As such, the LGAQ emphasises the importance of community consultation to ensure public interest remains a key component of the PRCP decision criteria, particularly where future energy opportunities exist for decommissioned mines, and end-of-mine life assets.

In relation to the closure of mines and decommissioning more broadly, Queensland councils are calling on the State Government to undertake a comprehensive investigation, develop policy and remove impediments in legislation, and invest in the repurposing of existing and decommissioned mines for energy production and storage.

Many active and decommissioned mines have critical infrastructure, including water and transmission lines, that would provide cost efficiencies by significantly reducing construction costs for new energy projects and minimise environmental impacts as these sites have already been utilised for heavy industry. By working with local government, the State Government can leverage mechanisms within the EP Act to significantly improve progress towards state renewable energy targets to provide social and economic revitalisation for Queensland's resource regions.

[21] Explanatory Notes: Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025

Recommendation 9: The LGAQ recommends the State Government develops mechanisms within the EP Act that consider the repurposing of existing and decommissioned mines for energy production and storage.

## 3.3 Part 3 – Other Proposals to amend the Environmental Protection Act, Nature Conservation Act and Water Act

### 3.3.1 Other amendments to the EP Act

In relation to Part 3 of the Bill, the LGAQ acknowledges the intent of the proposed amendments and supports in-principle the amendments proposed in relation to:

- Strengthened powers for the court to order forfeiture of property, and
- Increased time limitations for commencing summary proceedings for offences.

The LGAQ understands these proposed amendments are intended to support local governments in their administration of provisions of the EP Act and WRR Act.

Based on feedback from earlier consultation, the LGAQ notes that timeframes for summary offence proceedings have been revised to three years rather than five years originally outlined in the Consultation Paper. The LGAQ understands the proposed amendments are materially similar to that presented within the Consultation Paper and therefore, no further feedback is offered in relation to this proposed amendment.

***Terms of Reference for an Environmental Impact Statement (EIS)***

The LGAQ understands the amendments proposed within the Bill will remove the requirement in the EP Act to publish the draft terms of reference (TOR) for the environmental impact statement (EIS) process (under section 43), which is additional to the requirement to publish the draft EIS (under section 51). However, the notification process for the draft environmental impact statement under section 51 will remain a legislated requirement.

It is understood by the LGAQ that the intent of the proposal to remove the section 43 requirement is to:

- reduce delays decision-making within the EIS process;
- reduce administrative burden borne by government, industry and community stakeholders; and reduce duplication to streamline stakeholder effort in providing responses as submissions received from the TOR publication often duplicate the submissions received upon publication of the draft EIS under section 51.

Due to recent changes under the EPBC Act reforms the LGAQ understands the State Government will consult with the Federal Government to ensure requirements are consistent with amendments to EPBC Act approval requirements and conditions of assessment under the bilateral agreement prior to the amendment progressing.

The LGAQ is supportive of solutions that reduce red tape and duplication for councils and their communities, and as such the LGAQ supports the proposed amendment in-principle, noting the additional work required by the State Government to align with EPBC Act requirements.

### 3.3.2 Amendments to the Nature Conservation Act

The Bill intends to amend the NC Act in relation to investigation powers for offences under the Planning Act and to clarify the definition of 'protected area'.

*Investigation powers for Planning Act offences*

The LGAQ understands the proposed amendments seek to streamline the investigation of matters under the NC Act and the Planning Act to ensure investigative powers may be utilised for an investigation of a development offence that relates to an NC Act matter that is regulated by the Planning Act. The changes ensure that authorised officers from the agency responsible for the NC Act will have the full suite of tools to undertake compliance action, comparable with other frameworks linked to the Planning Act.

The LGAQ submission in response to the Consultation Paper provided in-principle support for the amendment, recommending that any amendments do not alter the State Government retaining primary responsibility for the management of wildlife. This feedback was provided in line with the LGAQ Policy Statement that states the following positions of Queensland councils:

- Support the State Government retaining primary responsibility and expertise for wildlife management (LGAQ Policy Statement 5.3.1.3)
- Seeks to work cooperatively with Federal and State governments to protect biodiversity values and threatened species in Queensland (LGAQ Policy Statement 5.3.8.2)
- Seeks State Government regional support to assist in the administration of environmental reforms – including the Environmental Protection Act 1994 (LGAQ Policy Statement 5.1.1.1).

Upon review of the Bill, the LGAQ understands the proposed amendments are materially similar to that presented within the Consultation Paper and therefore, no further feedback is offered in relation to this proposed amendment.

*Definition of 'Protected Area'*

The Bill proposes to clarify the definition of 'protected area' within the NC Act which is currently defined within the Dictionary of the NC Act, in addition to section 28 of the NC Act. The LGAQ understands the proposed amendments are to clarify which definition is applicable when considering its primary meaning, in contrast to its context-specific definition within Part 4, Division 2 of the NC Act, in reference to State land.

As the amendment appears to be minor and administrative in nature, the LGAQ supports the proposed amendment in-principle, noting the support from Queensland councils for the establishment, and appropriate management of, a state-wide network of protected areas which is comprehensive, adequate and representative of Queensland's terrestrial and marine protected areas.

### 3.3.3 Amendments to the Water Act

The part of the Water Act 2000 most relevant to local government is Part 3. The LGAQ recognises the administration of chapter 3 of the Water Act 2000 sits with the Department with the remainder of the Act administered by the Department of Local Government, Water and Volunteers.

The LGAQ understands the proposed amendments to chapter 3 and chapter 3A of the Water Act aim to 'streamline and enhance regulatory provisions to ensure processes focus on outcomes associated with monitoring of groundwater impacts, contemporary modelling and reporting of underground water impacts, and better coexistence arrangements'.

Specifically, the Bill proposes to make amendments that the LGAQ understands to be minor and machinery in nature to:

- Clarify the scope of minor amendments to underground water impact reports, and
- Clarify matters that constitute a make good agreement.

Additionally, amendments are proposed to Chapter 3 of the Water Act to streamline and enhance regulatory provisions in relation to baseline assessment plans, underground water impact reports, and bore assessments.

The intent of the Water Act is to provide for the sustainable management of water including the management of impacts on underground water and the LGAQ welcomes amendments that align with this purpose.

Local government recognises it has primary responsibility for providing potable water services to Queensland communities (LGAQ Policy Statement 8.5.1.1) and that the State Government must ensure that no community is substantially disadvantaged in terms of basic access to and price of a reasonable supply of potable water (LGAQ Policy Statement 8.5.1.2).

As water service provides who sometimes rely on groundwater as the only source for the supply of potable water, regional, rural and remote councils believe the State Government must adopt a precautionary approach to the protection of water supply aquifers. It is essential the impacts of resource extraction on aquifers are adequately understood, monitored and managed.

No detailed feedback or significant concerns have been raised to the LGAQ by councils in relation to these amendments.

## 3.4 Part 4 – Additional Amendments

### 3.4.1 Tourism activities on protected areas

The LGAQ understands amendments proposed within the Bill intend to deliver a single integrated permission for tourism activities on protected areas, state forests, recreation areas and state marine parks in accordance with the State Government's 20-year tourism plan, Destination 2045 – Delivering Queensland's Tourism Future[22] (the Destination 2045 Plan).

As noted within the Explanatory Notes of the Bill[23], amendments within the Bill are to address feedback received in response to consultation on the Destination 2045 Plan, to improve the permitting process for operators by developing a single permission for businesses undertaking tourism operations across a number of protected areas (Initiative 1.2 of Destination 2045).

[22] Destination 2045 - Delivering Queensland's Tourism Future

[23] Explanatory Notes: Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill (page 4)

It is also noted, the Bill seeks to amend the RAM Act to increase the permit term for commercial activity permits to five years, and allowing them to be transferable[24].

Through feedback sought by the LGAQ, some councils have raised concerns that as a result of streamlining the approval processes, additional pressures may be imposed on local waste, sanitation, infrastructure, and wildlife habitats. In the efforts of creating efficiencies and streamlining the administration of key environmental legislation, this may unintentionally result in creating pressures at a local level which may stretch already strained local government resources.

As prior consultation on these proposed amendments has not occurred before inclusion within the Bill, councils are seeking reassurance that robust processes to assess these impacts across multiple tenures will be retained.

This is important to local government as the submission prepared by the LGAQ in response to the Destination 2045 Plan made several recommendations to the State Government, in particular, one of those recommendations was to clearly define a statewide policy position on ecotourism in national parks which includes adequate compensatory measures for councils for any adverse financial impact that is expected as a result of the establishment and operation of National Parks, World Heritage Areas and Crown land within their local government areas, in recognition of the loss of rateable revenue and potential impacts of park visitation.

> Recommendation 10: The LGAQ recommends the State Government ensures there are no adverse impacts on Queensland councils as a result of proposed changes to the Recreation Areas Management Act 2006 to enable one single permission for tourism operators on protected areas and streamline the permitting process for businesses.

[24] Explanatory Notes: Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill (page 6)

# 4.0 Other considerations

## *General Environmental Duty (GED) Codes*

The LGAQ understands the Bill proposes to amend section 551of the EP Act (Codes of Practice) to 'Code of practice for general environmental duty' (GED Code). The LGAQ submission in response to consultation in September 2025 urged the Department to ensure there are no unintentional consequences in giving effect to Codes of Practice that are gazetted in accordance with current provisions of the EP Act.

This is particularly relevant for local government mosquito management activities, where a Code of Practice may be required in managing associated public health risks. Any proposed amendments to the EP Act should continue to allow local government the ability to utilise a GED Code were applicable, in the same manner as is currently utilised through Codes of Practice in order to demonstrate compliance in accordance with general environmental duty provisions within the EP Act.

Additionally, the LGAQ understands provisions are proposed within the Draft Bill that allow for minor amendments to a GED Code (section 551E). It is important for the Department to consult with local government where any amendments to a GED Code prepared by local government are made under the proposed provisions.

## *Trade Waste Discharge*

Some councils have found difficulty with proceeding straight to issuing a show cause notice under the Water Supply (Safety and Reliability) Act 2008 (Qld) (WSSR Act) relating to a breach of a trade waste agreement resulting in environmental harm. For a council to suspend or cancel a trade waste approval it needs to prove that the approval holder has contravened a condition of the approval or a provision of the WSSR Act, that the approval is no longer appropriate or urgent action is necessary in the interests of public health.

For smaller and regional wastewater systems operating under ERA 63 for Sewerage Treatment, the sewerage systems do not necessarily have flow meters and monitoring equipment at the point of entry from a discharging business. If a party illegally dumps trade waste into the sewerage system and does environmental damage, it is the point of discharge at the wastewater treatment plant that is potentially prosecuted, not the point of entry into the system.

Local governments are seeking support and assistance from State Government in the identification and prosecution of breaches of General Environmental Duty by Trade Water approval holders by ensuring that the changes to the EP Act focus enforcement on the original point of discharge into the sewer system and not the point of discharge at the treatment plant.

## *Emerging contaminants*

With the implementation of ERA 53 Model Operating Conditions in accordance with the EP Act, local government have expressed concern for the pressures this may impose on the organic material processing industry. With local governments continuing to seek opportunities to divert waste from landfill, concerns have been raised by Queensland councils that additional pressure

on the industry may have unintended consequences for councils considering offering organic collection services.

To ensure organic processing facilities remain viable, it is crucial the State Government continues to work with local government and industry to ensure the standards that apply for these types of activities are appropriately balanced and to consider a flexible policy schedule that allows for different uses for compost end products dependent on the level of contaminates such as Per- and Polyfluoroalkyl Substances (PFAS).

**Case study 3: Challenges in managing emerging contaminants**

Within the waste management and resource recovery industry, the management of emerging contaminants, such as per- and poly-fluoroalkyl substances (PFAS), are becoming an increasing challenge - particularly as they relate to resource recovery solutions.

Local governments remain concerned about compliance expectations imposed on councils despite being passive receivers and not point-source polluters for PFAS contamination in not only waste streams but also wastewater.

Queensland councils are calling on State and Federal governments to not increase expectations on EA holders, but instead review the effectiveness of regulatory frameworks aimed at preventing, controlling and managing such risks, through an appropriately balanced approach that addresses:

- The impact on compost end products,
- The need to indemnify water and sewerage service providers, and
- The cost and timing impacts of regulatory reforms on local governments' ability to maintain sustainable delivery of essential services.

## *Wildlife conservation under the NC Act*

With regard to wildlife conservation under the NC Act more broadly, Queensland councils are seeking:

- A review the current 'protected' wildlife status of flying foxes under the Nature Conservation Act 1992 and the EPBC Act, considering evidence of population densities, reduced risk of endangerment and public health and amenity concerns in regional town and urban areas. An elevation in the conservation status of the Platypus from 'Special Least Concern' to 'Near Threatened'.

In relation to flying foxes, councils across Queensland are experiencing increasing conflict between growing flying fox populations and community wellbeing – hampered by statutory limitations which impede councils from responding in a timely manner to address the adverse circumstances created by the emergence of temporary, high density and large scale roosts.

Flying fox roosts in some locations have been established in or near residential areas, parks, and schools - generating widespread concern over odour, noise, disease risk, and declining liveability. However, the protected status of flying foxes under State and Federal legislation and

the complex permit process involved in dispersal or relocation, does limit a council's ability to manage the situation.

As such, there is a need to review the protected status of flying foxes and establish more agile local management arrangements for councils to deal with the impacts of flying foxes in regional town and urban areas.

In relation to the conservation status of the platypus, Queensland councils passed a resolution at the 2023 LGAQ Annual Conference calling on the State Government to elevate the conservation status from 'Special Least Concern' to 'Near Threatened'.

In 2016, the International Union for Conservation of Nature Red List elevated the conservation status of the platypus to 'Near Threatened', based on evidence of habitat fragmentation, localised declines and extinctions, and increasing threats.

Similarly, the platypus is currently listed in South Australia as Endangered (National Parks and Wildlife Act 1972) and in 2021, Victoria listed the platypus as Vulnerable (Flora and Fauna Guarantee Act 1998). However, in Queensland, platypuses are listed as 'special least concern' under the Nature Conservation (Wildlife) Regulation 2006 which offers no protection against the increasing threats.

Elevating the conservation status of platypuses to Near Threatened in Queensland would increase the urgency to identify the priority actions needed to help stop the decline of platypus populations and align with the approaches taken in other jurisdictions.

### *Reducing* red tape

Additionally, the LGAQ would like to draw the Committee's attention to the submission prepared by the LGAQ as a result of consultation undertaken by the State Government throughout February and March 2025. The submission prepared and lodged by the LGAQ to the Local Government Red Tape Reduction Taskforce made a comprehensive set of recommendations which were aimed at reducing red tape and the regulatory burden imposed on local government.

Several of those recommendations are relevant to creating efficiencies and streamlining the administration of the EP Act and should be considered by the Committee in relation to the proposed amendments of the Bill which include:

- Providing a mechanism for councils to recover the costs of clean-up for illegal dumping offences, and
- A review of regulatory policies relating to PFAS in compost end products.

Based on the comments above relating to trade waste discharge, emerging contaminants, wildlife conservation under the NC Act, and red tape reduction, the LGAQ makes the following recommendation:

Recommendation 11: The LGAQ recommends the State Government continues to engage with the LGAQ and Queensland councils to progress additional regulatory reform to:

- Provide greater support and assistance to identify and where applicable prosecute illegal trade waste discharge into sewerage systems at the point of entry,

- Consider a flexible policy schedule for compost end products uses,
- Reassess the conservation status of flying foxes and platypus under the Nature Conservation Act 1992, and
- Address recommendations outlined within the LGAQ's submission to the Red Tape Reduction Taskforce that seek to reduce regulatory burdens for local government.

# 5.0 Conclusion

In conclusion, the LGAQ welcomes the introduction of legislative reform that reduces red tape, as local government seeks efficiencies in the administration of key environmental legislation to alleviate pressures felt at a local level.

As highlighted in the LGAQ's Policy Statement and raised regularly at the LGAQ's Annual Conferences, Queensland councils are supportive of Federal and State government legislative reforms that protect the sustainability of Queensland's natural resources and the values that define their communities.

However, and noting the role local government has in delivering a range of essential services to local communities, Queensland councils want assurances that proposed amendments will avoid unintentionally shifting costs or responsibilities onto councils. Legislative reforms must be fit-for-purpose and with the appropriate governance in place to uphold the core objects of the Acts without burdening local government with additional costs or responsibilities as they continue to deliver essential services for their communities.

Overall, the LGAQ acknowledges and is supportive of the intent of the amendments proposed through the Bill in creating efficiencies and streamlining regulatory frameworks of key environmental legislation, however, urges caution when considering the impacts at a local level as a result of shifting the way in which certain activities are regulated.

The LGAQ has also identified additional opportunities for further regulatory reform that seeks to build on the work of the Department in creating efficiencies within key environmental legislation. The LGAQ, on behalf of Queensland councils looks forward to continuing to work collaboratively with the Department on any further legislative reforms, so that it operates efficiently with effective mechanisms in place to mitigate any potential harm to Queensland's environment.

# Attachment 1: LGAQ Policy Statement

The LGAQ Policy Statement[25] (2025) is a definitive statement of collective voices from our councils in Queensland. The following statements represent the agreed policy positions of local government as outlined in the LGAQ Policy Statement, and as relevant to the proposed amendments in the Bill and other considerations as outlined in this submission:

### 1.5 Fundamental basis of relationship

1.5.2 Local government should be subject to minimum intervention from other spheres of government with respect to its legitimate interests and jurisdictional responsibilities (including revenue raising, local laws and land use planning). Devolution or delegation of new responsibilities, roles and functions to local government should only occur where prior consultation has been undertaken, the financial implications and other impacts on local government are taken into account, and do not result in a cost shift and the identification and availability of an ongoing revenue source has been considered.

### 1.6 Governance Arrangements

1.6.3 Local governments have a responsibility to comply with any applicable legislative, industry or professional requirements to ensure that appropriate standards are maintained for the benefit of the entire community. Wherever possible, local governments should have the ability to tailor regulatory regimes to suit local conditions and interests while still achieving the desired performance-based outcome.

### 1.10 Policy Formulation Process

1.10.4 Consultation

1.10.4.1 Local government seeks a commitment to consultation from the Queensland branches of all political parties in the development of policies, and for any significant changes to service or program delivery, which has the potential to impact the local community and affect local government.

1.10.4.3 When the State Cabinet has before it a proposal that will significantly affect the responsibilities or resources of local government, the responsible Minister should provide a report to Cabinet that includes:

- The likely impact on local government;
- The view of local government as expressed by the LGAQ and the relevant councils; and
- Consultation mechanisms for final proposal development and potential implementation, including mechanisms to appropriately fund or compensate local government for costs arising from the proposal.

[25] LGAQ Policy Statement (2025)

## 2.1 Legislative Framework

2.1.2 Legislation/Compliance

2.1.2.1 Legislation affecting local government in Queensland should be framed in recognition of the diversity of capacity, size, resources, skills and physical location of local governments, and should not be drafted under a 'one size fits all' model.

2.1.2.2 Additional compliance placed on local government by the State Government should take into consideration risk management and materiality and the value of transparency to the community and should not be based on simply aligning local government with the State Government.

2.1.2.3 Legislation affecting local government is Queensland should not increase red tape or result in any cost shifting on to local governments.

## 5.1 Environment Protection

5.1.1 Roles, Responsibilities and Procedures

5.1.1.1 Local government seeks State Government regional support to assist in the administration of the Environmental Protection Act 1994, Biosecurity Act 2014 and other environmental reforms.

5.1.1.4 Local government supports the development and use of corporate Environmental Management Systems to achieve best practice environmental management.

5.2.1 Sustainable Natural Resource Management

5.2.1.1 Local government is committed to the sustainable use of Australia's natural resources for the intergenerational benefit of the broader community.

5.2.1.2 Local government seeks full and comprehensive consultation with relevant government agencies on proposals for the exploration and extraction of natural resources and associated activities that pose potential negative impacts to local communities.

5.2.1.3 Local government seeks ongoing support for local communities impacted by the extraction and exploitation of natural resources and associated activities within their local government area.

5.2.1.4 Local government supports the protection of natural resources to ensure the future sustainability of local communities and their industries.

## 5.3 Natural Asset Management

5.3.1 Natural Asset Management

5.3.1.1 Local government is committed to protect, enhance and maintain natural assets as well as provide support to community groups and private landholders to encourage stewardship and sound land management.

5.3.7 Biodiversity

5.3.7.4 Local government seeks the reinstatement of a local government's right to seek offsets for matters of local environmental significance that are largely the same as matters of national or state environmental significance in geographical areas where the State and Federal governments have determined they do not require offsets.

5.3.7.5 Local government seeks stronger alignment and less duplication in mapping advice and direction between Matters of National, State and Local Environmental Significance (MNES, MSES, MLES) including consolidated species distribution and habitat mapping for threatened species and ecological communities; consistency between recovery actions under the Environment Protection and Biodiversity Conservation Act 1999 and the Nature Conservation Act 1992; and availability of species-based data for incorporation into local government planning systems where appropriate.

## 5.4 Waste Management

5.4.9 Landfill Management

5.4.9.2 The development of landfill licence conditions and standards should involve genuine consultation with local governments.

5.4.9.3 The implementation of higher standards of landfill management should be phased in over time to allow for long term financial planning.

5.4.9.4 A 'one size fits all' approach to landfill licensing is inappropriate. Appropriate regulations to drive improved waste management outcomes and consumer behaviour should be developed in recognition of the diverse needs and circumstances of Queensland communities.

5.4.9.5 For regulations to be effective there must be public recognition that they are realistic, relevant, appropriate to the circumstances, achievable and able to be implemented by the responsible agencies.

## 8.5 Water Supply and Sewerage

8.5.1 Institutional Arrangements

8.5.1.1 Local government recognises it has primary responsibility for providing potable water services to Queensland communities. Local government recognises water is a resource that should be shared equitably across each region through institutional arrangements that best facilitate efficient service delivery and resource use.

8.5.5 Sewerage Management

8.5.5.1 Local government recognises it has primary responsibility for the collection and treatment of wastewater and disposal of treated wastewater in urban areas.

8.5.5.2 Local government acknowledges wastewater should be treated in accordance with legislative requirements or to a 'fit for purpose' standard provided due consideration is given to the social, economic and financial impacts on communities in addition to preventing significant adverse impacts on receiving environments

8.5.5.3 Any increases in the standard of treatment required for wastewater should be phased in over an appropriate period following consultation and be accompanied by an appropriate level of State or Federal government funding.

8.5.5.8 Local government supports a consistent national or state approach to the management of contaminants of emerging concern, on a case-by-case basis, focussed on control at source, with local government considered a key stakeholder in each land and sewerage management consultation process.

# 6.0 Attachment 2: LGAQ Annual Conference Resolutions

The following resolutions have been passed by Queensland councils at previous LGAQ Annual Conferences and are relevant to the proposed amendments in the Bill and the other matters for consideration as outlined in this submission:

Resolution 91 (2025) – Reconsideration of flying fox management limitations

That the LGAQ calls on the State and Federal Government to:

1. Review the current protected wildlife status of flying foxes under the Nature Conservation Act 1992 and the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), considering evidence of population densities, reduced risk of endangerment and public health and amenity concerns in regional town and urban areas.

Resolution 63 (2024) – Prioritise future energy opportunities in existing and decommissioned mines, and end of mine life assets

That the LGAQ calls on the State Government to undertake a comprehensive investigation, develop policy and remove impediments in legislation, and invest in the repurposing of existing and decommissioned mines for energy production and storage.

Resolution 48 (2024) – Clarity on the State Government's pathway to statewide Food Organics Garden Organics (FOGO) implementation

The LGAQ calls on the State Government to provide clarity on the pathway to statewide FOGO implementation, by addressing local government questions relating to end markets, PFAS data and limits, regulations, costs and viability of services.

Resolution 49 (2024) – Ban the importation and use of products containing PFAS-group chemicals

The LGAQ calls on the State and Federal governments to ban the importation and use of products containing PFAS-group chemicals by the end of 2026, including products not covered by the Industrial Chemicals Environmental Management Standard (cosmetics, personal care products, food packaging, clothing) rather than requiring local government water service providers to upgrade treatment technology, to protect community health and the environment from these chemicals.

Resolution 59 (2024) – Flexible policy schedule for compost end product use

The LGAQ calls on the State Government provide organic processing operators with a flexible policy schedule that allows for different uses of compost end product, dependent on the PFAS level.

Resolution 98 (2024) - Trade waste discharge

The LGAQ calls on the State Government, through the Department of Environment, Science, and Innovation, to review provisions for Environmentally Relevant Activity and trade waste discharge with the focus of enforcement, to be the original point of entry into sewerage networks rather than at point of discharge at the treatment plants.

Resolution 29 (2023) - Increase to annual gravel pit borrowings

The LGAQ calls on the State Government to increase the amount of gravel to be drawn annually from borrow pits from 5,000 tonnes to 10,000 tonnes.

Resolution 70 (2023) - Protection of Great Artesian Basin from carbon capture and storage technology

The LGAQ calls on the State Government not to approve carbon capture and storage technology on the Great Artesian Basin, and further requests the State and Federal governments work collaboratively to protect the Great Artesian Basin for regional communities, as it is the only reliable source of fresh water for much of inland Australia.

Resolution 74 (2023) – Impact of State Environmental targets and Environmental Authority compliance on rural and remote local government for landfills and waste

The LGAQ calls on the State Government to provide greater differentiation for rural and remote councils in meeting increasing environmental compliance costs for landfill and waste by increasing timeframes, funding and adopting a tiered level of compliance standards in recognition of smaller councils' inability to pay and the relatively low impact per square kilometre of environmental impact of waste on small populations.

Resolution 58 (2022) – Elevating the Conservation Status of Platypus (Ornithorhynchus anatinus)

The LGAQ calls on the State Government to elevate the conservation status of the Platypus from 'Special Least Concern' to 'Near Threatened'.

Resolution 47 (2022) – Illegal dumping – Cost Recovery Notices

The LGAQ calls on the State Government to amend relevant legislation under the Environmental Protection Regulation 2019 to enable local government to recover costs involved in the management of illegal dumping offences.