

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

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

 Cape Palmerston



Isaac Regional Council

**Submission to the Health, Environment and Innovation
Committee**

December 2025

EXECUTIVE SUMMARY

Isaac Regional Council (Council) thanks the Health, Environment and Innovation Committee for the opportunity to comment on the *Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025 (The Bill)*. Council supports efficiency reforms in principle, but emphasises that streamlining must not come at the expense of environmental protections, local liveability, or unfunded transfers of responsibility to Local Government.

Council advises that its position in this submission differs in some respects from the views it expressed during earlier stages of consultation. At the time of the initial consultation process, Council was responding to high-level proposals and indicative policy directions. With the release of the full Bill and explanatory material, Council has now been able to undertake a more comprehensive analysis of the legislative changes and their practical implications for local government. This submission is therefore informed by a deeper understanding of the operational, regulatory and financial impacts arising from the Bill as drafted, together with insights drawn from the Department's Consultation Summary Report and targeted liaison with industry representatives and other local government professionals. As a result, Council is now able to provide a more complete assessment of the reforms and the risks and opportunities they present for our region and its communities.

Council also notes that providing fully informed feedback on the Bill remains challenging given that many of the key operational and regulatory details will be contained in supplementary instruments that are not yet available, including the mandatory ERA codes, Significant Environmental Values (SEV) schedules, and associated regulations and guidelines. Without visibility of these materials, it is difficult to accurately assess how the new framework will function in practice or to determine the full extent of local compliance obligations, environmental protections, or community impacts. Council's comments are therefore necessarily high-level in some areas, and further consultation will be essential once the supporting instruments are released.

As the sphere of government that manages local amenity, complaints community interface issues and legacy environmental impacts, Local Government is uniquely affected by the practical consequences of these reforms. Isaac Regional Council's submission identifies eight (8) core concerns and thirty-four (34) recommendations, outlined in depth in the submission's body below.

SUBMISSION

Isaac Regional Council supports the intent of *The Bill* to increase efficiency, streamline processes and ensure the EP Act remains fit for purpose. However, Isaac Regional Council holds the following concerns:

1. Regulatory Detail and Timing of Mandatory Codes

The Bill creates the *mechanism* for mandatory ERA codes but the content and staged timeline for those codes will be made later in regulation and policy. This raises transitional uncertainty for industry and local government about whether and when an EA will be replaced by a code and how existing conditions, fees and assurance requirements will be translated. Without clarity on which EA activities will transition to ERA codes, councils face uncertainty in assessing regulatory impacts, resourcing needs, and potential shifts in local environmental risk profiles. Industry and local government want clear transitional rules and confidence that financial assurance/residual risk obligations won't be removed without necessary safeguards. The Bill's delegation to regulation means these concerns remain practical risks until the codes/regulations are published.

Council has found that streamlining processes at the State level can create downstream operational challenges for local government, especially regarding nuisance issues, community interface, and environmental response. Given Councils will be responsible for managing impacts once the codes are active and to ensure ERA codes are workable, it is essential the State engage with Local Government during the code development and transition design.

Delayed release of codes increases the risk that Local Government will need to rapidly interpret and implement complex changes without adequate preparation time, increasing compliance inconsistency and community confusion.

Recommendations:

1. That the State Government:

- a. Publish a schedule of the lower risk industries and activities identified for transition to ERA codes (including anticipated implementation timeframes) so Local Government can assess risks and plan for regulatory and resourcing impacts.
- b. Publish a map or crosswalk showing how existing EA conditions, PRCP obligations and financial assurance will translate to codes.
- c. Continue to engage with Local Government during code development and transition design.
- d. Provide early release of exposure drafts of all proposed ERA codes to enable Local Government to review local impacts and prepare operational guidance.
- e. Clarify the consultation and notification requirements that will apply when a code replaces an EA within a Local Government area, including how local considerations (amenity, traffic, cumulative impacts) will be incorporated.
- f. Confirm how the significant environmental values (SEV) schedule will interact with local environmental values and planning scheme provisions to avoid regulatory gaps.
- g. Publish a compliance and audit framework for the code regime, outlining expected monitoring, reporting and enforcement approaches during and after transition.
- h. Commit to releasing all codes in a staged and consultative manner to minimise transitional uncertainty and allow Local Government and industry sufficient time to prepare.

2. Significant Environmental Values (SEVs)

Council notes that the Bill establishes a new legislative framework for identifying and prioritising Significant Environmental Values (SEVs); however, the absence of a publicly available draft SEV schedule presents a material limitation on its ability to meaningfully assess and respond to the proposed reforms. Without clarity about which environmental values or areas are intended to be declared SEVs, Local Government cannot fully understand how the new hierarchy of environmental importance will influence ERA classification, assessment pathways, code development, or local regulatory responsibilities. This uncertainty poses a risk that the Bill may unintentionally elevate,

exclude, or alter protections for values of high relevance to particular regions, with consequent implications for cumulative impact management, land-use planning, compliance resourcing, and community expectations. Significant Environmental Values have the potential to materially influence land-use planning and development assessment, and Council therefore requires visibility of SEV content to ensure alignment with local planning schemes.

Council requests the State release an indicative SEV schedule to enable informed consultation and ensure that regionally significant values are appropriately recognised before the Bill progresses to implementation.

Recommendations:

2. That the State Government:

- a. Release an indicative SEV schedule (or draft regulatory instrument) prior to commencement of the amendments, to allow Local Government and industry to assess regional implications and provide informed feedback.
- b. Publish the criteria, methodology and evidence base that will be used to determine which environmental values or areas qualify as SEVs, including how “state significance” will be assessed.
- c. Undertake targeted consultation with Local Government on the proposed SEVs to ensure regionally significant values and locally sensitive areas are appropriately represented.
- d. Clarify how SEVs will interact with ERA classifications, code development, assessment pathways, and local planning frameworks, so stakeholders can understand how the prioritisation of SEVs will be operationalised.
- e. Commit to releasing SEV updates, additions or revisions through a transparent, consultative and publicly notified process, including opportunities for Local Government input before any SEV declarations are finalised.

3. Financial Assurance Framework

Council holds concerns that moving to codes could remove or weaken financial assurance/assurance mechanisms at sites with local impacts. At Isaac, this is specifically relevant for small quarries, mining and mineral exploration sites). The Bill clarifies residual risk/surrender rules and provides for payment timing and extensions, but it does not explicitly say codes will preserve current financial assurance approaches for all activities. At this stage, it is unclear if the financial assurance stays, the amount will change, or if it could disappear entirely.

Recommendations:

3. That the State Government:

- a. Provide clear guidance on how existing financial assurance requirements will transition to the new framework, including any recalculation methods that may increase or reduce financial assurance obligations.
- b. Confirm how financial assurance will interact with residual risk requirements and post-closure obligations to ensure Local Governments are not left with unfunded liabilities.

4. Progressive Rehabilitation Closure Plan (PRCP) Impacts and Residual Risk

The Bill, under the code model, also increases Local Government's exposure to unreclaimed sites and unfunded residual risks. While the Bill removes Public Interest Evaluation (PIE) requirements and shortens approval pathways within the PRCP framework, it is Isaac Regional Council's opinion that it increases 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/or land becoming unsuitable for community or alternative industry. Abandoned or partially rehabilitated sites can become expensive liabilities with Councils being left to deal with legacy issues such as contaminated land, erosion, sediment, unsafe voids and stormwater impacts. This subsequently impacts and severely limits post mine land use opportunities.

As drafted, the Bill increases the likelihood that residual environmental liabilities will ultimately be borne by local landscapes and Local Government. For mining-dependent regions such as Isaac, these risks are significant and long-term.

Recommendations:

4. That the State Government:

- a. Ensure early consultation with Local Government on proposed changes that shift risk or liability to Councils, including post-closure obligations
- b. Clarify how residual risk assessments will be triggered, undertaken and approved in the streamlined regime, including responsibilities where PRCP obligations are replaced or reduced.
- c. Publish transition guidance showing how existing PRCP requirements will be reconciled with codes or updated EA conditions, ensuring no environmental performance gaps emerge.
- d. Engage with Local Government to identify sites that present elevated residual risks (e.g. contaminated land) to ensure these are not deprioritised during streamlining.
- e. Confirm how residual risk payments will be calculated and managed to ensure Local Government are not left with unfunded long-term liabilities.

5. Loss of Site-Specific Conditions and Community Input

EAs allow customised conditions tailored to the local area. Codes do not – they're broad and uniform. Codes (by nature) are more prescriptive and less adaptable to site-specific conditions. While Council acknowledges the efficiency benefits of codes, their standardised nature necessarily limits responsiveness to site-specific issues. Local government and community concerns about local

amenity, traffic, noise, cultural values, or cumulative impacts could be harder to address if EAs are replaced by codes. Further, the Bill's removal of the standalone PIE process reduces a formal transparency step (even though public interest is retained as a decision factor for PRCs). This procedural change ultimately reduces opportunity for community participation. So, when the generic nature of codes misses locally relevant problems and the community can't influence approvals or outcomes, trust drops, complaints rise, and local government is again left to pick up the pieces.

Recommendations:

5. That the State Government:

- a. Ensures each mandatory code includes a mechanism for Local Government to request site-specific variations where local environmental or community conditions require stronger controls.
- b. Define the process, criteria and decision-making framework for when Local Government evidence can trigger amendments or additions to code requirements.

6. Enforcement and Compliance Resourcing

Moving to codes requires the regulator to have sufficient compliance, inspection, and enforcement capacity to ensure codes are followed — otherwise the policy will lead to weaker on-ground outcomes. The Bill increases some enforcement powers (forfeiture, longer time limits) but does not (and cannot in legislation) create the operational resourcing needed to support these expanded responsibilities. This is particularly relevant in relation to waste offences, where detection, reporting and evidence-building will remain with councils, even where the State leads prosecution. Councils may also need to hold evidence for longer periods and manage more referrals as cases become more prosecutable over time. Without adequate resourcing, these reforms may unintentionally weaken environmental performance and shift regulatory burdens onto Local Government.

These resourcing pressures are further compounded by the Bill's streamlining of multi-tenure tourism approvals across marine parks, forests, and recreation areas. Increased visitation to regulated natural spaces is likely to drive higher demand for local waste services, sanitation, infrastructure maintenance, habitat protection, and customer complaint handling — all of which fall to Local Government. While the reforms may generate administrative efficiencies for the State, these will be offset by unfunded operational responsibilities and increased compliance workloads at the local level.

Coordination with State regulators on compliance approaches should therefore be prioritised to minimise fiscal and resourcing impacts for Local Government. The State should also consider a shared enforcement model and establish appropriate resourcing or cost-recovery pathways that recognise Local Government's expanded reporting, investigative, and operational workload under the new regime.

Recommendations:

6. That the State Government:

- a. Clarify which compliance functions will remain with the Department and which will transfer (formally or informally) to Local Government under a code-based regime.
- b. Provide resourcing or funding support where streamlining results in increased monitoring, investigations or enforcement demands on Local Governments.
- c. Develop a shared compliance framework (tools, templates, escalation pathways) to ensure consistent enforcement across codes and Local Government areas.
- d. Provide clear guidance on how complaints, nuisance matters, and cross-jurisdictional issues will be coordinated between the Department and Local Government to prevent regulatory gaps.

7. Interaction with Local Government Planning Approvals

It is uncertain how ERA codes and regulated changes will interface with local planning instruments and development approvals and whether there will be overlap, duplication or gaps. The Bill recognises IARs/SDPWO processes for avoiding duplication, but co-ordination mechanisms with local planning regimes remain an implementation issue. Council understands that some ERA activities may still trigger Material Change of Use (MCU) approvals at a local government level. Clarity is sought on how codes will interact with development approvals and what evidentiary requirements will apply at the local level. Clarity is essential to avoid duplication, double-conditioning, or contradictory requirements between environmental and planning approvals.

Recommendation:

7. That the State Government:

- a. Clarify how the new code-based ERA framework will integrate with Local Government planning schemes, development approvals and land-use triggers.
- b. Publish a decision-making map that shows how planning and environmental approvals interact for code-regulated activities including which instrument prevails in cases of conflict.
- c. Ensure Local Government has input into the drafting of codes and regulations where land-use impacts (traffic, noise, dust, odour, hours of operation) are relevant to planning scheme assessments.
- d. Provide guidance confirming how Local Government should condition development approvals where environmental impacts are now governed by a mandatory ERA code.

8. Legal Challenge Risk During Transition

Because the Bill delegates many important practical decisions to regulation or code instruments, there is a potential for legal contestation during the transition period (e.g., operators arguing a code wrongly replaces an EA; community groups challenging the adequacy of public notice). Clear, legally defensible transitional instruments will be critical to avoid delays, appeals and disputes during the

changeover period. This risk will increase if rules are introduced before clear transitional pathways and mapping of current EA conditions and assurances are published.

Recommendations:

8. That the State Government:

- a. Publish a clear legal transition pathway showing how existing approvals, conditions and obligations will remain valid, be replaced or be interpreted when codes take effect.
- b. Confirm that transitional arrangements will protect Local Government decision-making from challenge where environmental risks arise from State-mandated codes
- c. Provide statutory guidance or amendments to remove ambiguity around the status of former EA conditions and PRCP requirements during the changeover period.
- d. Release explanatory materials that Local Government can use to inform the community and industry, reducing the likelihood of disputes arising from misunderstandings or uncertainty.

CONCLUSION

Isaac Regional Council (IRC) thanks the Queensland Government for reading their submission and considering their recommendations on the Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025.

Isaac Regional Council supports reforms that improve regulatory efficiency and environmental outcomes; however, the success of the Bill will depend heavily on the detail contained in forthcoming codes, SEVs, regulations and transitional instruments. Council urges the State Government to prioritise transparent, staged consultation and provide adequate resourcing to ensure that responsibilities transferred or created under the new framework do not result in unfunded burdens on Local Government or diminished environmental protections for regional communities.

SUBMISSION CONTACT

Should the Health, Environment and Innovation Committee have any questions or require further information on content contained within this response, please contact Jessica Bugeja, Research and Policy Advisor on [REDACTED] or email [REDACTED].