

Environmental Protection (Extractive Activities) Amendment Regulation 2025

Explanatory notes for SL 2025 No. 93

made under the

Environmental Protection Act 1994

General Outline

Short title

Environmental Protection (Extractive Activities) Amendment Regulation 2025

Authorising law

Section 580 of the *Environmental Protection Act 1994*

Policy objectives and the reasons for them

The objective of the *Environmental Protection (Extractive Activities) Amendment Regulation 2025* (Amendment Regulation) is to provide an additional exemption for regional local governments to undertake extractive and screening activities without needing an environmental authority. This exemption applies only where activities are related to State-owned quarry material under the *Forestry Act 1959* (Forestry Act), and where the regional local government is acting in accordance with their responsibilities under the *Local Government Act 2009* (LG Act) or *Transport Infrastructure Act 1994* (TI Act) and it involves 10,000 tonnes of material or less within a year.

The exemption is intended to reduce red tape for regional local governments, as defined in the Amendment Regulation, helping to lower the time and cost involved in delivering essential community infrastructure. By reducing the regulatory burden for accessing materials used in road and infrastructure maintenance, the exemption supports more efficient service delivery. It is particularly intended to assist northern and western Queensland local governments, in responding more quickly to natural disasters, such as flooding, by enabling timely repairs to critical infrastructure.

Achievement of policy objectives

To achieve its objectives, the Amendment Regulation will amend schedule 2, section 16 of the *Environmental Protection Regulation 2019* (EP Regulation), which details what the

environmentally relevant activity for extractive and screening activities does not include. A new exception will be included and provide details around the threshold for when an environmentally relevant activity does not require an environmental authority. The exception for when an environmental authority is not required will be limited to regional local governments conducting activities under the LG Act, or TI Act. It will also be limited to activities relating to extracting quarry material owned by the State under the Forestry Act and processing 10,000 tonnes or less per year.

Consistency with policy objectives of authorising law

The Amendment Regulation aligns with the primary objective of the *Environmental Protection Act 1994* (EP Act), which is to protect Queensland's environment while enabling development that enhances the overall quality of life, both now and for future generations, through ecologically sustainable development. This means supporting economic and social progress in a way that preserves the ecological processes essential to life.

Enabling regional local governments to extract and screen up to 10,000 tonnes of quarry material annually without requiring an environmental authority in limited circumstances allows for regional local governments to maintain necessary community infrastructure efficiently and effectively. However, stronger regulatory oversight will be maintained for accessing and screening a greater tonnage of material. In addition, local governments will remain subject to other obligations under the EP Act such as the duty to prevent or minimise environmental harm. This strikes a balance between reducing regulatory burden and ensuring that cost effective access to quarry materials to develop and maintain community infrastructure, such as local roads, can be undertaken in an environmentally sustainable manner.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation. Additionally, the Amendment Regulation is consistent with broader State laws governing local government operations, ensuring that regulatory requirements are streamlined and coherent across legislative frameworks. This alignment helps support efficient governance, and more effective service delivery by local governments, particularly in regional and remote areas.

Benefits and costs of implementation

In accordance with *The Queensland Government Better Regulation Policy*, a Summary Impact Analysis Statement was prepared in relation to the regulatory proposal. The proposal will not add to the burden of regulation and is unlikely to result in significant adverse impacts. No formal regulatory impact analysis is required. The Amendment Regulation is expected to benefit local governments in regional and remote areas, by providing them with more efficient and administratively cost-effective access to quarry materials to develop and maintain necessary community infrastructure. It is estimated that this amendment could save local governments approximately \$2,700 per application for a site-specific environmental authority. The change is also expected to benefit local communities, providing for more timely infrastructure maintenance, particularly after local events such as flooding that can adversely impact local roads and other infrastructure. Very minor costs may be associated

with implementation, with some local governments expected to seek changes to existing environmental authorities to reflect the arrangement. No other costs have been identified.

Consistency with fundamental legislative principles

The fundamental legislative principles under the *Legislative Standards Act 1992* require that legislation has sufficient regard to the rights and liberties of individuals and for the institution of Parliament. The Amendment Regulation is consistent with these principles.

The Amendment Regulation does not infringe on individual rights or liberties, nor does it impose retrospective obligations. The new exception for local governments is clearly defined, limited in scope, and ensures transparency and accountability.

Furthermore, the Amendment Regulation aligns with other relevant State laws governing local government operations, promoting coherence across Queensland's legislative framework. Appropriate safeguards remain in place to ensure environmental standards are upheld.

Consultation

In 2024, the Department of Primary Industries (DPI) established a bi-monthly Quarry Material Native Title Update meeting to provide key local government stakeholders with a platform to discuss various issues including those relating to quarrying operations. This group included representatives from the Local Government Association of Queensland (LGAQ), Northwest Queensland Regional Organisation of Councils, Southwest Regional Organisation of Councils, Remote Area Planning and Development Board, and Far North Queensland Regional Organisation of Councils. The group met five times in 2024 and has convened twice in 2025. DPI also maintains regular communication with local governments through a bi-monthly newsletter and has appointed a dedicated local government liaison officer within its quarry operations team.

During stakeholder discussions, concerns were raised about the regulatory burden imposed by the EP Act, which requires an environmental authority for quarry operations extracting between 5,000 to 10,000 tonnes annually. The complex application process adds administrative and financial pressure, particularly on local governments that rely on quarry materials for essential infrastructure like roads and drainage. This requirement can hinder their ability to deliver core services efficiently.