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EPBC Reform Taskforce  
Department of Climate Change, Energy, the Environment and Water  
Canberra ACT

Email: [EPRconsultation@dcceew.gov.au](mailto:EPRconsultation@dcceew.gov.au)

**CCAA submission – consultation on the revised exposure draft of the National Environmental Standard for Matters of National Environmental Significance (MNES Standard)**

Dear Officials

Cement Concrete & Aggregates Australia (CCAA) welcomes the opportunity to provide further comments on the revised draft National Environmental Standard for Matters of National Environmental Significance (MNES).

CCAA strongly supports the intent of the EPBC reforms to deliver clearer, more predictable and more effective environmental outcomes.

However, several concerns identified in the [CCAA Submission to DCCEEW on Offsets and MNES Standards – 13 Feb 2026](#) remain material in the revised package.

While DCCEEW has partly addressed some operability issues since February 2026, the revised MNES draft continues to rely on highly discretionary concepts and does not yet provide the operational guidance needed to deliver consistent, predictable outcomes for long-life, staged and geographically constrained extractive industries such as quarrying.

CCAA notes that DCCEEW is consulting separately on the revised Environmental Offsets Standard. This submission therefore focuses on issues arising directly from the revised MNES Standard, while emphasising that alignment between the MNES and Offsets standards remains essential to avoid uncertainty and delay in practice.

CCAA remains concerned that the revised draft continues to rely on several undefined or highly discretionary concepts which may lead to inconsistent interpretation and approval uncertainty in practice.

CCAA is also concerned that key aspects of the reformed framework remain dependent on future regulations and guidance that are not yet available. This staged release increases the risk of unintended consequences and may undermine the stated objectives of improving assessment efficiency and providing greater commercial certainty.

**Undefined “national interest”**

While not opposed to a “national interest” exemption, CCAA remains concerned that the draft consultation materials do not explain how the statutory national-interest criteria will be applied in practice, what evidence proponents should provide, or how environmental, economic, infrastructure and strategic supply considerations will be weighed.

For long-life quarry operations requiring substantial upfront investment and long-term planning certainty, the absence of objective criteria creates the potential for inconsistent application, political variability and uncertainty late in assessment processes.

CCAA considers that the framework should provide clearer guidance regarding how environmental, economic, infrastructure and strategic supply considerations will be balanced where this exemption is contemplated.

CCAA also notes that quarrying is a location-constrained activity: aggregate resources are fixed by geology and supply chains are constrained by transport economics. Within metropolitan catchments, this creates genuine supply-chain constraints for housing and infrastructure delivery.

Guidance should therefore clarify how the “avoidance” step of the mitigation hierarchy is intended to operate for extractive industries where relocating is not a realistic option. Where a proponent can demonstrate that no reasonable alternative site exists within a practical and economically viable transport radius to serve the intended market, assessment should not treat “avoidance” as a live option and should focus on mitigation, progressive rehabilitation and (where required) compensation measures.

- 1. CCAA recommends DCCEEW publish operational guidance (including decision factors and evidence requirements) for the national-interest pathway, including how critical materials supply for housing and infrastructure will be considered, and how this will interact with avoidance, mitigation, repair and compensation expectations.**

#### **Undefined thresholds for “viable in the wild” and “irreplaceable and necessary”**

CCAA also remains concerned that the revised drafting continues to rely heavily on ecological viability concepts such as “viable in the wild” and “irreplaceable and necessary” without providing published decision factors, assessment thresholds or worked examples that proponents and decision-makers can apply consistently, particularly where conservation planning documents are absent, outdated or silent on matter-specific thresholds.

These concepts are central to determining whether impacts are acceptable, offsettable or potentially unacceptable.

CCAA notes the draft Policy Position Paper frames “unacceptable impacts” for threatened species and ecological communities by reference to serious impairment of “viability in the wild” and serious damage to “critical habitat”, where that habitat is “irreplaceable and necessary”. This framing is appropriate for genuinely irreplaceable habitat, but without published decision factors it risks being interpreted as an implicit presumption that listed species habitat and ecological communities are not capable of restoration or re-creation, and that habitat creation trials cannot be credited as mitigation or compensation.

Guidance should make clear that “irreplaceable and necessary” is a high-threshold subset (to be objectively defined), and that evidence-based restoration and habitat creation can be considered within the mitigation hierarchy and/or as eligible restoration outcomes where it can be demonstrated to be feasible and durable.

However, without objective criteria or guidance, proponents may be unable to predict whether moderate and mitigable impacts could later be interpreted as crossing undefined viability thresholds, particularly for long-life staged developments operating over multiple decades.

- 2. CCAA recommends DCCEEW provide interim decision factors and worked examples that clarify how “viable in the wild” and “irreplaceable and necessary” thresholds should be assessed, including:**
  - a) objective criteria that distinguish truly irreplaceable habitat from habitat where restoration/creation is feasible, and**

- b) worked examples showing how evidence-based restoration/habitat creation proposals are treated within the mitigation hierarchy and/or compensation pathways.**

### **Unclear relationship between significant, residual and unacceptable impacts**

The revised package sets out the broad architecture for significant impacts, residual significant impacts (after avoidance, mitigation and repair) and unacceptable impacts. However, it still does not provide an operational decision pathway (decision tree / worked examples) showing how an assessment moves from one category to the next in common project scenarios, including long-life staged quarry development.

These concepts sit at the core of the assessment and approval framework because they determine (respectively):

- when an action triggers assessment;
- when impacts may be mitigated or offset, and
- when impacts are considered incapable of approval regardless of mitigation or offset measures.

There remains insufficient clarity regarding:

- when a significant impact becomes an unacceptable impact;
- when impacts remain capable of being offset, and
- how the unacceptable-impact test interacts with mitigation and rehabilitation measures.

Without clearer thresholds and decision-making criteria, proponents may be unable to reliably determine whether impacts are likely to remain offsettable or may later be reclassified as unacceptable through evolving interpretation or policy application.

For staged extractive operations, this creates material approval uncertainty because proponents may be unable to confidently determine which impacts remain offsettable over the life of a project.

CCAA also notes that the practical application of “significant”, “residual significant” and “unacceptable” impact concepts will often turn on underlying datasets (including listing-related information, distribution mapping and habitat datasets). Members have experienced situations where contemporary, site-specific survey evidence differs from desktop datasets relied on in assessment. To avoid contested decisions, delay and inconsistent outcomes, the framework should specify minimum currency and evidentiary expectations for datasets used in decision-making, and require decision-makers to explicitly consider and respond to credible survey evidence provided by proponents in the statement of reasons (or equivalent decision record).

### **3. CCAA recommends DCCEEW publish a simple decision tree and worked examples that demonstrate:**

- a) when an impact is treated as unacceptable;**
- b) when an impact remains offsettable;**
- c) how repair/progressive rehabilitation is credited in determining residual significant impacts.**

- d) **how Step 1 “avoidance” and alternatives analysis is intended to operate for geographically constrained extractive industries (including the evidence required to demonstrate that no reasonable alternative site exists within a practical and economically viable transport radius to serve the intended market), and**
- e) **the evidentiary expectations for resolving conflicts between desktop/listing/mapping data and contemporary, site-specific survey evidence, including how that evidence will be addressed in statements of reasons (or equivalent decision records).**

### **Repair, rehabilitation and progressive rehabilitation**

CCAA also remains concerned regarding the inconsistent treatment of “repair”, “rehabilitation” and “progressive rehabilitation” throughout the draft framework.

These concepts are important because they directly influence how residual impacts are assessed, what mitigation measures may be recognised prior to offsets being required, and how long-term environmental management outcomes are treated within the assessment hierarchy.

Progressive rehabilitation is a core component of best-practice environmental management for quarry operations and is commonly undertaken progressively throughout the operational life of a project, often over multiple decades.

This may include the progressive stabilisation and revegetation of completed areas, habitat restoration, erosion control and broader landform rehabilitation activities undertaken alongside ongoing extraction activities.

CCAA welcomes indications in the revised materials that progressive rehabilitation may be recognised where it meets the applicable repair tests. The remaining issue is that the boundary between “repair” and “rehabilitation” remains narrow and unclear in practice.

Quarry operations require rehabilitation to be planned and delivered progressively over decades, and proponents need clear examples and evidence requirements showing when progressive rehabilitation reduces residual impacts, and when it will instead be treated as a separate compensation mechanism.

In particular, the distinction currently drawn between “repair” and “rehabilitation” appears to exclude certain rehabilitation activities from being recognised within the mitigation hierarchy, despite those activities delivering genuine long-term environmental improvements and reducing the overall environmental footprint of operations over time.

CCAA notes the draft MNES policy definitions expressly state that rehabilitation activities, including progressive rehabilitation, undertaken at the conclusion of an action or stage (e.g., under a mine or site closure plan) are not considered “Repair”. This creates a real risk that rehabilitation outcomes — including outcomes that measurably reduce the extent and duration of impacts over time — are not credited in residual impact determinations, and are instead treated as if impacts were permanent and unremediated.

DCCEEW should clarify (with examples) when rehabilitation/progressive rehabilitation is credited as mitigation that reduces residual significant impacts, versus when it may be treated as a compensatory “restoration” outcome (including as an “advanced offset” in staged developments), and how double counting is avoided.

For example, a staged quarry may progressively rehabilitate completed extraction areas over many years through revegetation, habitat restoration and landform stabilisation while extraction continues in other stages of the site.

If those rehabilitation activities are not recognised as mitigation or “repair” within the framework, residual impacts may be assessed as though those environmental improvements do not exist, potentially resulting in higher offset obligations despite substantial on-ground rehabilitation outcomes already being delivered.

Without greater clarity, there is a risk that progressive rehabilitation outcomes may not be appropriately recognised during assessment processes, potentially resulting in inflated residual impact assessments, additional offset obligations and inconsistent treatment between projects and jurisdictions.

**4. CCAA recommends the final guidance expressly recognise progressive rehabilitation (including rehabilitation undertaken as part of staged development and closure planning) as a legitimate mitigation measure where it demonstrably reduces the duration, seriousness and/or extent of impacts and therefore reduces residual significant impacts — and clearly distinguish this from (and align it with) any circumstances where rehabilitation outcomes may instead be treated as a compensatory restoration outcome (including “advanced offsets” for staged projects).**

**This guidance should include worked examples for staged quarries and specify evidence standards, timing, and how double counting between mitigation and offsets will be avoided**

**Undefined concepts including “restoration” and “averted loss”**

CCAA further notes that important concepts including “restoration” and “averted loss” remain insufficiently defined within the compensation hierarchy.

“Restoration” appears to refer to activities intended to improve or restore ecological condition, structure or function over time, while “averted loss” appears intended to describe actions that prevent the future decline or degradation of ecological values that might otherwise occur.

However, despite these concepts sitting at the core of the compensation framework, the revised draft still provides limited guidance regarding:

- when each mechanism is appropriate;
- what types of activities qualify under each category;
- the evidence standards expected;
- how ecological outcomes and uplift will be assessed;
- how additionality will be demonstrated, and
- how these concepts interact with broader offset and compensation obligations.

For example, it remains unclear whether activities such as long-term land stewardship, threat reduction, progressive habitat improvement or rehabilitation works would qualify as “restoration”, “averted loss” or another form of compensation outcome altogether.

DCCEEW should explicitly address whether, and in what circumstances, rehabilitation/progressive rehabilitation that delivers a measurable improvement above the pre-impact baseline condition can be treated as a “restoration” outcome for compensation purposes (including eligibility tests for additionality, durability and like-for-like equivalence).

Without this, there is a risk the framework unintentionally discourages best-practice progressive rehabilitation by treating remediable, temporary impacts as if they were permanent losses, with flow-on cost and supply impacts for essential construction materials.

Similarly, there is limited guidance regarding how proponents are expected to demonstrate that an “averted loss” outcome is genuine, measurable and additional to existing land management obligations.

Without clearer operational definitions and assessment criteria, proponents may find it difficult to design offset and compensation strategies with confidence, while regulators may apply inconsistent interpretations across projects and jurisdictions.

For long-life staged extractive operations, where environmental management and rehabilitation activities occur progressively over many decades, the absence of clear definitions and operational guidance creates a significant risk of uncertainty, duplication, inconsistent offset expectations and approval delays.

**5. CCAA recommends DCCEEW provide clearer operational definitions and assessment criteria for restoration and averted loss, including worked examples relevant to staged developments such as quarries, and explicitly address whether (and how) progressive rehabilitation / rehabilitation outcomes can qualify as restoration outcomes (including additionality and durability tests).**

CCAA appreciates the Department’s ongoing consultation throughout the reform process and welcomes continued engagement to help ensure the final framework delivers both strong environmental outcomes and practical regulatory certainty.

Should officials wish to discuss this matter, please contact CCAA’s Industry Policy Director, Mr David Rynne via [david.rynn@ccaa.com.au](mailto:david.rynn@ccaa.com.au) and

Yours sincerely

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Chief Executive Officer

## **About CCAA**

Cement Concrete & Aggregates Australia is the voice of the heavy construction materials industry in Australia.

CCAA members produce the majority of Australia's cement, concrete, and aggregates, which are crucial to Australia's building and construction sectors. These materials support the development of our nation's transport, energy, water, housing, defence, and social infrastructure.

Nationally, the [industry contributes](#) \$20.7 billion to GDP and supports 112,970 jobs across Australia. It generates \$6.8 billion in direct value added and underpins activity across the broader economy through extensive supply chain and induced effects.