CEMENT CONCRETE & AGGREGATES AUSTRALIA

13 October 2026

EPBC Reform Taskforce
Department of Climate Change, Energy, the Environment and Water
Canberra ACT
Via: EnvironmentLawReform@dcceew.gov.au

CCAA submission – Consultation on supporting regulations for Australia's environment protection reforms

Dear Officials

Cement Concrete & Aggregates Australia welcomes the opportunity to comment on the four consultation papers on the supporting regulations for Australia's environment protection reforms.

CCAA supports the objective of a clearer, faster and more transparent environmental approval system that delivers strong environmental outcomes. Achieving that objective will depend on whether the supporting regulations are proportionate, avoid duplication and accommodate the way long-life quarry operations are progressively planned, developed and rehabilitated.

The attached submission responds to the proposals concerning streamlined single-project approvals (Paper 1), bioregional planning (Paper 2), restoration contributions (Paper 3) and bilateral agreements (Paper4). Our central recommendation is that assessment and compensation obligations should relate to the action and impacts actually proposed. This includes allowing discrete quarry stages to be referred and assessed separately, keeping referral and variation requirements proportionate, and calculating restoration contributions by reference to the relevant operational stage.

The submission also asks that bioregional plans recognise strategic extractive resources, approved reserves and essential haulage connections; that restoration contribution and advanced-restoration arrangements provide transparency, finality and commercial certainty; and that equivalent State assessment, consultation, data and offset processes are recognised under bilateral arrangements. These settings are important to maintaining a secure and efficient supply of construction materials while meeting the environmental requirements of the reformed framework.

CCAA also seeks further clarity on matters not adequately addressed in the papers, including the treatment of established operations relying on sections 43A and 43B, substantial commencement for staged quarries, the interaction of the five-year commencement rule with progressive development, and recognition of State offsets and assessment processes.

CCAA welcomes the opportunity for ongoing engagement with the Department and the National Environmental Protection Agency on these significant matters.

Should officials wish to discuss this matter, please contact CCAA's Industry Policy Director, Mr David Rynne via david.rynne@ccaa.com.au and

Yours sincerely

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About CCAA

CCAA is the voice of the heavy construction materials industry representing cement manufacturers, concrete suppliers, and extractive operators throughout Australia.

Our members range from large global companies to SMEs and family operated businesses and are engaged in the quarrying of sand, stone and gravel, the manufacture of cement and the supply of pre-mixed concrete.

These businesses service local, regional, and national construction and infrastructure markets to meet Australia's building and construction needs through the provision of roads, railways, bridges, ports, airports, hospitals, schools, and footpaths.

The cement, concrete and aggregates sector contributes $20.7 billion to GDP and supports more than 112,000 jobs, underpinning Australia's $175 billion construction sector and $242 billion public infrastructure pipeline.

Cement Concrete & Aggregates Australia

Submission on Supporting Regulations for Australia's Environment Protection Reforms

Response to Consultation Papers 1 to 4

Paper 1: Streamlining Single Project Approvals

1. Preserve genuinely staged quarry assessment

The paper says that referrals will be required to describe the project location, activities, timeframes and impacts of each activity. CCAA's concern is that that could be interpreted as requiring a quarry to assess its entire potential resource footprint at the outset.

CCAA seeks an approach that:

- allows a proponent to define and refer a discrete, operationally coherent stage of a long-life quarry;
- does not require assessment of future extraction areas that are uncertain, not designed or not proposed to commence for many years;
- distinguishes the "proposed action" from the broader quarry resource, tenure or development envelope;
- allows subsequent stages to be referred separately based on the environmental conditions and information prevailing at that time; and
- prevents the existence of a long-term resource plan from automatically turning every potential future stage into part of the current action.

CCAA supports an approach whereby referral and assessment requirements is proportionate to the action proposed, rather than the full theoretical life or resource extent of a quarry.

This approach would complement, rather than conflict with, the five-year substantial-commencement requirement.

2. Do not front-load the whole approval assessment into the referral

The paper says the assessment pathway will be selected based on the information supplied with the referral.

CCAA's concern is that this creates a risk that proponents will have to undertake extensive seasonal surveys, offset calculations and near-complete assessment work before even knowing whether the action is controlled.

CCAA supports the paper's proposal to move detailed offset information out of the referral stage, and we seek regulations that:

- continue to support early consultation and engagement with the National EPA;

- confine referral information to what is reasonably necessary for the controlled-action and pathway decisions. Provide guidance with worked project examples and level of information to convey expectations to Proponents;
- do not require a complete net-gain or offset strategy at referral;
- allow minor information gaps to be addressedwithout automatically requiring a full EIS, including through preliminary documentation where a streamlined assessment can no longer be completed;
- prevent a streamlined assessment being refused simply because a project is complex or long-lived;
- accept contemporary, site-specific evidence where it is more reliable than government mapping; and
- apply the Data and Information Standard proportionately to the scale and risk of the proposed action.

CCAA believes that a streamlined pathway should be determined by the adequacy of the information, not by a presumption that quarries are too large or complex to qualify.

Where an assessment must move to another pathway, the regulations or guidance should identify who may initiate the change, the circumstances and criteria for doing so, and the notice and reasons to be given to the proponent. A pathway change should preserve assessment work already completed and avoid unnecessary repetition, additional fees and delay.

3. Variations and extensions should assess only the proposed change

The paper proposes new information requirements for variations and extensions, including demonstrating continued consistency with the Standards, unacceptable-impact test and net-gain test.

CCAA believes that this presents a substantial risk for existing quarries as a relatively minor amendment could trigger reconsideration of the entire operation against legal requirements that did not apply when it was originally approved.

CCAA seeks:

- materiality thresholds for variations;
- an incremental-impact test focused on the environmental consequences of the proposed change;
- no reassessment of previously approved and unchanged impacts;
- proportionate information requirements for minor or administrative amendments;
- recognition of environmental work and offsets already delivered; and
- transitional protection for existing approvals and operations.

CCAA believes a variation or extension should not reopen the environmental acceptability of the entire approved action unless the proposed change would materially alter its impacts on a protected matter.

Paper 2: Bioregional planning

CCAA supports bioregional planning if extractive resources are considered when plans and development zones are designed.

CCAA seeks:

- early consultation with the extractive resources industry;
- consideration of State-identified Key Resource Areas and equivalent strategic resource mapping;
- identification of existing quarries, approved reserves, potential expansion areas and essential haulage connections;
- quarrying and associated infrastructure to be considered for inclusion as eligible classes of priority action;
- transparent evidence and reasons for development-zone and conservation-zone boundaries;
- assumed development levels to reflect realistic future demand for construction materials;
- a process allowing proponents to correct inaccurate mapping or environmental data;
- a published explanation of what bioregional plan registration charges fund, how they interact with restoration contributions and State offset payments, and safeguards against charging twice for compensation for the same impact; and
- protection for registered priority actions against adverse changes made during the five-year review of a plan.

CCAA believes a bioregional plan should not protect urban development while failing to reserve the construction-material resources needed to deliver that development, and registration of a priority action should provide a clear, timely approval exemption or pathway (and not simply replace project approval with another expensive registration and contribution process).

Paper 3: Restoration contributions

The final Offsets Standard expressly contemplates separate offsets for distinct project stages. CCAA therefore seeks:

- restoration contribution liabilities must be calculated by reference to the impacts of the relevant operational stage;
- payment should not be required upfront for the full theoretical life of a quarry;
- later stages should be calculated when their impacts, timing and environmental context are known; and
- progressive rehabilitation and restoration delivered by a quarry should be properly credited.

If a proponent elects to pay a restoration contribution, the payment should completely acquit the corresponding compensation obligation. The regulations should provide that:

- the amount is fixed using a transparent published methodology;
- the proponent is not responsible for the subsequent performance of government-delivered restoration;
- no later top-up or replacement offset can be imposed for the same impact;
- money is not retrospectively recalculated because delivery costs subsequently increase; and
- State offset payments and activities are credited to prevent double payment.

The paper allows the Restoration Contributions Holder up to three years to commence restoration. CCAA supports strategic pooling, but seeks:

- transparent reporting linking collections to affected protected matters;
- published delivery timeframes and performance measures;
- reporting on funds held but not committed;
- reasons where money is redirected to an alternative restoration action; and
- independent oversight of delivery and administrative costs.

CCAA's position should be that industry should not face strict "prior to impact" obligations while government can hold collected compensation indefinitely without equivalent accountability.

The paper expressly says the calculation of restoration charges will be the subject of later consultation. CCAA therefore reserves its position and requests that the future methodology:

- be published and independently reviewable;
- reflect realistic land, establishment and management costs;
- not use highly conservative multipliers without evidence;
- account for the probability of success without repeatedly loading the same risk;
- recognise staged impacts and progressive rehabilitation;
- provide credits for State offsets and other approved restoration; and
- include a review or appeal mechanism.

CCAA supports advanced restoration actions, subject to commercial certainty. The regulations should however ensure:

- registration creates a durable and bankable entitlement, subject to delivery of the registered outcomes, that remains valid and available for future use or transfer if a project initially associated with the action is refused or does not proceed;

- credits can be used progressively against different quarry stages;
- unused value can be transferred to another party or project;
- an action can receive recognition under both Commonwealth and State systems without double counting;
- changes to policy or methodology do not retrospectively devalue a registered action;
- minor amendments to management plans do not require complete re-registration;
- suspension or cancellation occurs only after notice and an opportunity to rectify noncompliance;
- existing restoration and advanced offsets can qualify where their purpose, baseline and outcomes can be demonstrated; and
- registration and acquittal decisions are made within firm statutory timeframes.

The proposed 40-business-day registration period is reasonable, but it should stop only where genuinely necessary additional information has been requested.

Paper 4 — Bilateral agreements

CCAA supports regulations that enable:

- Jurisdictional assessment reports, consultation, technical studies and offsets to satisfy Commonwealth requirements;
- information prepared under State legislation to be accepted where it is equivalent in effect to the National Standards;
- a single public consultation process;
- no repetition of ecological studies unless there is an identified MNES information gap;
- coordinated State and Commonwealth information requests; and
- the Commonwealth to rely on a State assessment even where the State pathway or terminology differs from the Commonwealth pathway.

The regulations should focus on equivalence of outcomes, rather than requiring jurisdictional processes to replicate Commonwealth procedures word for word.

Regulations and bilateral agreements should specify when each assessment and Commonwealth decision-making timeframe begins, how concurrent State and Commonwealth processes are coordinated, and how equivalent State information, consultation and assessment work will be accepted. Proponents should receive coordinated information requests and, where both jurisdictions approve an action, conditions should be aligned to avoid inconsistent or duplicate obligations.

Publication requirements should identify whether assessment material is to appear on a Commonwealth portal, a State portal or a website maintained by the proponent. A single authoritative publication location should satisfy the requirement, with clear responsibility for protecting confidential, culturally sensitive and personal information.

Matters not adequately addressed by the papers

CCAA seeks greater clarity on the following matters not addressed in the four consultation papers:

- treatment of pre-2000 operations relying on sections 43A or 43B;
- what constitutes “substantially commenced” for a staged quarry;
- interaction between the five-year commencement rule and progressive development;
- how a later referral affects the continuing-use status of the balance of an existing operation;
- treatment of State offsets already paid or secured;
- the practical operation of staged referrals; and
- how jurisdictional assessment and approval processes will be recognised under future bilateral arrangements.

Some of these matters may ultimately require guidance, rulings or bilateral arrangements rather than regulations. CCAA requests that the department and National EPA lead the development of these those materials in consultation with the CCA industry.