

## Environmental Protection and Other Legislation Amendment Bill 2022

**Submission No:** 7

**Submitted by:** Cement Concrete & Aggregates Australia (CCAA)

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**Submitter Recommendations:**



25 October 2022

Committee Secretary  
Health and Environment Committee  
PARLIAMENT HOUSE QLD 4000  
E: [hec@parliament.qld.gov.au](mailto:hec@parliament.qld.gov.au)

Dear Committee Secretary

Thanks for the opportunity to provide comments on the **Environmental Protection and Other Legislation Amendment Bill 2022** (the Bill).

### **ABOUT OUR INDUSTRY**

Our members are involved in the extraction and processing of quarry product and cement raw material products, as well as the production and supply of cement, pre-mixed concrete and supplementary materials. Collectively known as the heavy construction materials industry, our members range from large global companies, to SMEs, and family operated businesses.

The Queensland heavy construction materials industry produces approximately 45 million tonnes of material per annum (from hard rock, sand and river gravel quarries), 7.2 million cubic metres of pre-mixed concrete; and 2.2 million tonnes of cementitious material (eg cement, flyash) each year. The material is used for a range of local construction purposes and a range of other applications, such as railway ballasts, landscaping, drainage, water filtration, and sporting fields.

Our industry has worked hard over many years to improve its environmental performance, minimise the environmental impact of operations, and where possible, achieve a net positive benefit to biodiversity and other environmental values. Our industry works in partnership with government regulators and other stakeholders to achieve agreed environmental outcomes in an open and transparent manner.

Within this context, we believe it is important for the environmental policy framework to maintain a robust but constructive approach with the sector in being proactive, proportionate, and supportive in how it deals with the industry and take a balanced approach to education and enforcement functions.

We believe this approach – together with legislative and policy changes over the past 25=30 years - has resulted in significant improved environmental outcomes in relation for our industry compared to previous decades. Emissions associated with our industry – such as dust, noise and stormwater – are much more closely managed now that they were in the past.

### **COMMENTS ON BILL**

Our Association was briefed in the drafting of the Bill by the Department, and we are pleased that much of our feedback has been incorporated. We thank the Department for the opportunity to be consulted as part of this process.

Notwithstanding, there are some areas in the Bill where we retain some concerns. These are outlined below.



### **Definition of minor amendment (threshold)**

CCAA members have significant concerns with the the proposed amendment in the Bill to the definition of 'minor amendment (threshold)' (see Clause 29), which inserts the following:

***(iii) a change that will not result in a change to the impact of the relevant activity on an environmental value;***

We are concerned that this could likely mean that any change to a condition that does result in a change to impacts on an environmental value (whether this be a reduction of impact or insignificant change to an impact) would in future be captured as a 'major amendment'.

A “minor amendment” by its very definition means that there will be a change to an Activity which inherently involves changes/impacts on environmental values because the definition of Environmental Value below is potentially very broad.

## **9 Environmental value**

*Environmental value is—*

- (a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
- (b) another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

If the legislation was to require a strict interpretation of Part (iii) as it is currently drafted, then a Minor Amendments could be redundant.

Under the current drafting, this would capture any increase or any decrease in impact on environmental values; and would very likely see **any** operational change proposed under an amendment application that would currently fit in the definition of minor amendment (threshold) captured as a major amendment.

For example, in the quarrying sector, a proposal to change the location of a water discharge point 5 metre upstream would be a minor amendment where it meets the current criteria (e.g. it can be demonstrated that there is no significant increase of environmental harm).

However, this new criteria, the proposal could be seen to 'change the impact' of the activity as an additional 5m of water/wetland/land environmental values are impacted, and therefore trigger a major amendment. Similarly, a move 5m downstream, albeit reducing the physical area of impact,



would also constitute a 'change' to the impact on environmental values, and under the proposed criteria would trigger a major amendment process.

This poses significant cost and administrative burden for operators and the regulator for potentially little to no benefit to environmental values.

Thanks for the opportunity to provide feedback. I can be reached on [REDACTED] or [REDACTED] for further discussion on this issue.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Aaron Johnstone', with a long horizontal flourish extending to the right.

Aaron Johnstone  
CCAA State Director – QLD