



21 March 2018

Committee Secretary  
State Development, Natural Resources and  
Agricultural Industry Development Committee  
Parliament House  
George Street  
Brisbane Qld 4000  
Via email: [sdnraidc@parliament.qld.gov.au](mailto:sdnraidc@parliament.qld.gov.au)

Dear Committee Secretary

**CCAA SUBMISSION – VEGETATION MANAGEMENT AND OTHER LEGISLATION AMENDMENT BILL  
2018**

Cement, Concrete and Aggregates Australia (CCAA) is the peak industry body representing the \$12 billion-a-year heavy construction materials industry in Australia. Our members are involved in the extraction and processing of quarry products, as well as the production and supply of cement, pre-mixed concrete and supplementary materials. We welcome the opportunity to provide a submission to the State Development, Natural Resources and Agricultural Industry Development Committee – *Vegetation Management and Other Legislation Amendment Bill 2018* (draft Bill). CCAA notes that a submission was previously provided to the Parliamentary Committee regarding the *Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016*.

**Specific characteristics of the extractive industry**

CCAA members are committed to environmentally sustainable practices and do not wish to avoid relevant environmental obligations. However, certainty in legislation is a primary concern for CCAA members. As well, the extractive industry has a number of specific characteristics that impact on our interaction with vegetation management frameworks:

- Quarries supply the essential raw materials needed to support new infrastructure. 90% percent of all extractive products are used in the construction of homes, commercial buildings, schools, hospitals, roads and bridges. In general, quarries only provide materials to their local communities, and quarry material needs to be sourced from specific geological areas. It is not imported from overseas, nor from other parts of Australia. It is a “high volume, low value” material and transportation costs are significant.
- Extractive industry operators are long-term participants in an industry with many extractive resource areas in Queensland having lives in excess of 50 years. Existing extractive resources sites contain substantial reserves, which, over a long period of time, the industry has identified, investigated, secured and, in a majority of cases, have obtained the necessary planning approvals. Compared to other land uses, extractive industry has a very small footprint.



- The extractive industry carries out progressive vegetation clearing and rehabilitation in line with sequenced extraction. Quarry operators aim to rehabilitate local ecosystems and reduce their environmental impact through ongoing rehabilitation projects. For example, rehabilitated areas are often covered with overburden and soil that has been stored on site and then revegetated. Horticulturalists often work with quarry managers, and provide advice for rehabilitating terminal faces and worked-out areas.
- The extractive industry in most cases will ensure that their quarry operations are buffered spatially from sensitive land uses by retaining significant vegetated buffers. These buffers perform several functions, which include a physical barrier to protect adjacent sensitive land uses from amenity impacts (noise, dust, visual etc.), minimise erosion and sediment control issues and to preserve and enhance biodiversity and in particular maintain fauna movement around the site in many cases. These vegetated buffers can be extensive, in some cases 70-80% of the quarry landholding being undisturbed. It is this need for the provision of vegetated buffers around quarry operations that drives the long established practices of staged vegetation clearing throughout the life of the quarry. However for this practice to continue (as opposed to the clearance of larger areas) the industry requires certainty in the longer term that future clearing approvals will be forthcoming and not an unreasonable burden.
- Quarries represent substantial capital investments and certainty in legislation is a primary concern for CCAA members. This is due to the length of time that operations take to progress from initial investigations through subsequent stages of development applications, to extraction, rehabilitation and closure.

### **Overall comments on the Bill**

On 8 March 2018 the Government introduced the Bill to Parliament. CCAA understands that the Bill will reinstate vegetation management controls repealed in 2013 and we acknowledge the intent of the Bill to deliver sustainable vegetation management laws for Queensland. CCAA's feedback on specific areas of the Bill are outlined below.

### **Exemption for Key Resource Areas**

CCAA supports the retention of 'Extractive Industry' as a 'Relevant Purpose' under the Vegetation Management Act 1999 which means that vegetation clearing is not prohibited development under the Planning Act 2016.

### **Extractive Industry Outside Key Resource Areas**

While the replication of the exemption illustrates recognition of the importance of extractive industry within KRAs, there remains extractive industry operations outside of KRAs that will be subject to the new laws. The retrospective application of the new laws to existing and approved uses is not supported by the CCAA.



Due to the high volume, low value nature of construction materials, extractive industry activities must be located close to the communities that use them. As such, some resources, while not constituting KRAs, remain locally significant and integral to the supply of construction materials to the market. The differentiation between KRA and non-KRA extractive industry uses creates an unnecessary distinction in assessment between operations competing in the same market. The laws essentially create inequity between operators carrying out the same use.

The concept of regulating vegetation clearing differently within or outside KRAs was experienced under the previous Sustainable Planning Act 2009 and associated concurrence agency/referral codes. In this case, the separation of assessment was associated with the clearing of remnant vegetation. This concept was later superseded with a single code developed to assess vegetation clearing associated with the 'use' being extractive industry whether or not associated with a KRA.

Development assessment generally regulates defined uses. Extractive industry within or outside KRAs is not separately defined in Planning Schemes or other relevant planning and environmental legislation.

The KRA concept was not designed to regulate extractive industry. KRAs are designed to protect resources of State and regional significance from incompatible developments and urban encroachment. KRAs are a trigger mechanism for other developments not associated with extractive industry proposed within KRA areas to be subject to certain requirements to ensure the continued availability of resources now and in the future. The term KRA was not intended to create a distinction in assessment for extractive industry and should not be used in this instance to do so.

While the recognition of extractive industry within KRAs is appreciated by CCAA, we maintain the position that extractive industry whether or not in a KRA should be exempted from the new provisions.

#### **Property Maps of Assessable Vegetation (PMAVs)**

It is understood that the Bill will not effect:

- PMAVs made prior to 8 March 2018
- PMAV applications lodged prior to 8 March 2018
- Any PMAV application not involving areas proposed for regulation
- Development approvals for HVA and IHVA issued prior to 8 March 2018
- Development applications for HVA and IHVA, properly made prior to 8 March 2018

CCAA is supportive of ensuring PMAVs approved prior to 8 March 2018 will not be affected. CCAA is also supportive of:

- Retaining the special provisions for Extractive Industry in the State Development Assessment Provisions (SDAP)
- Retaining exemption provisions to clear Category C - High Value Regrowth (HVR) and Category R - Reef Regrowth Vegetation for extractive industry which is particularly important given that it is proposed to start regulating clearing of HVR.



- Penalties which are commensurate with the seriousness of the breach of laws or policies.

### **Definition of Essential Habitat to include 'Near Threatened Species'**

CCAA notes that PMAVs are a mechanism for 'locking in' or correcting vegetation classifications. CCAA is therefore concerned in relation to this extension of the definition of Essential Habitat to include 'Near Threatened Species' under the Nature Conservation Act.

CCAA believes that the Proposed Essential Habitat mapping affects a significantly larger area of the State than the existing Essential Habitat mapping. It is not clear whether the inclusion of near threatened species will result in regional ecosystems within PMAV areas being subject to the addition of essential habitat. Furthermore under the SDAP for Extractive Industry essential habitat mapping is a significant constraint to development. Essential habitat constitutes a Matter of State Environmental Significance (MSES) and the essential habitat mapping layer is used to inform various assessments by different agencies, including a requirement for offsets in some circumstances.

Certainty in legislation is a primary concern for CCAA members, therefore, **the inclusion of Proposed Essential Habitat mapping in areas subject to an existing PMAV is not supported.**

### **Clearing vegetation in a watercourse, lake or spring**

Extractive industry regularly involves significant transformation of landforms to develop quarry pits, necessitating the removal of watercourses. CCAA members **do not support** protection of vegetation in watercourses in instances where the watercourse will effectively be isolated in a disturbed landscape/landform (eg quarry pit). CCAA believes that it is crucial that practical regulation of vegetation in watercourse occurs for the extractive industry.

### **Accepted Development Vegetation Clearing Codes**

CCAA notes that under Page 6 of the Bill that the Minister can make an Accepted Development Vegetation Clearing Code for Extractive Industry. The proposed accepted development clearing code for regrowth vegetation has not been provided for comment concurrent with the Bill. Consequently, a complete submission on the technical aspects of the code on behalf of our industry cannot be made at this time. CCAA believes it is vital that the Government consults with industry to ensure the Code supports the industry and retains or improves the existing provisions.

CCAA also notes that there are proposed amendments to the SDAP to address ambiguity and recommends that the State consults with CCAA to ensure the Codes are redrafted to appropriately address the requirements of the Extractive Industry.

### **Next steps/implementation**

CCAA thanks you again for the opportunity to comment on the *Vegetation Management and Other Legislation Amendment Bill 2018* and welcomes the opportunity to be involved in the design and implementation of the Bill's provisions including draft Codes to ensure that the specific issues



associated with our industry are taken into account. To further discuss any of the issues raised in the submission, please contact me on [REDACTED]

Yours sincerely

A handwritten signature in black ink, which appears to read 'Aaron Johnstone', followed by a long horizontal flourish.

Aaron Johnstone  
CCAA State Director - Queensland