

13 July 2026

Queensland Productivity Commission
George Street
Brisbane QLD 4003

Via: submitted via online portal

CCAA Submission – QPC Inquiry into the EPBC Reform Bill

Dear the Commission

Cement Concrete & Aggregates Australia (CCAA) welcomes the opportunity to provide this submission to the Commission.

Cement Concrete & Aggregates Australia is the voice of the heavy construction materials industry in Australia. In Queensland, our members supply the quarry products, cement and concrete required to deliver the State's housing, transport, renewable energy and major infrastructure programs.

The EPBC reforms will influence not only the approval of new quarry developments, but also investment in existing cement manufacturing facilities, industrial decarbonisation projects, alternative fuels infrastructure, carbon capture, supplementary cementitious materials, resource recovery and associated industrial infrastructure. Productivity outcomes therefore extend across the entire heavy construction materials supply chain.

Our industry supports the objective of achieving better environmental outcomes while maintaining an efficient, predictable and productive environmental approvals system.

The Commonwealth's EPBC reforms represent the most significant changes to Australia's environmental framework in more than two decades. They also represent the implementation of many of the recommendations arising from Professor Graeme Samuel AC's Independent Review (2020) of the EPBC Act, which concluded that Australia should be able to achieve **both improved environmental outcomes and improved productivity** through clearer National Environmental Standards, accredited State assessment and approval systems, streamlined bilateral agreements, reduced duplication and greater regulatory certainty.

CCAA strongly supports that vision. However, whether those productivity benefits are ultimately realised will depend less on the legislation itself and more on how the reforms are implemented by the Commonwealth and the States over coming years. In particular, the negotiation of effective Commonwealth-Queensland bilateral agreements, accreditation of State assessment systems and the practical operation of the new National Environmental Standards will largely determine whether the reforms reduce duplication and improve investment certainty or simply introduce additional layers of regulation.

Queensland therefore has a unique opportunity to shape implementation in a manner that delivers both stronger environmental protection and a more efficient approvals system that supports continued investment in the construction materials industry and the timely delivery of housing, major infrastructure, renewable energy and the Brisbane 2032 Olympic and Paralympic Games.

CCAA notes that the QPC Terms of Reference specifically identify concerns regarding regulatory burden, compliance costs, delays, uncertainty, duplication between Commonwealth and State processes, expanded information and disclosure requirements, new compliance and enforcement

powers, and the practical operation of future bilateral and accreditation arrangements. These issues are directly relevant to Queensland's construction materials sector because delays and duplication in approvals flow directly into higher project costs, reduced supply certainty and increased risk for housing and infrastructure delivery.

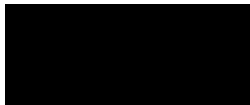
Accordingly, this submission (overleaf) focuses not on revisiting the policy objectives of the reforms, but on identifying practical implementation measures that will maximise productivity, reduce unnecessary regulatory burden and provide greater certainty for proponents while maintaining robust environmental outcomes.

CCAA recommends that the QPC find that the productivity impact of the EPBC reforms on Queensland will depend principally on implementation, not the headline legislative framework. Productivity outcomes will depend on whether Queensland and the Commonwealth deliver genuine bilateral approval pathways, mutual recognition of State assessments and offsets, clear National Environmental Standard guidance, proportional data and engagement requirements, coordinated compliance arrangements and certainty for existing lawful operations.

We appreciate the opportunity to contribute to the Inquiry and would welcome the opportunity to discuss our submission further.

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

Yours sincerely



MICHAEL KILGARIFF
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.

The cement, concrete and aggregates industry contributes \$3.35 billion to Queensland's Gross State Product and supports 14,858 jobs in FY2024–25. The industry's economic footprint reflects both its direct production activities and the extensive supply chains and household spending supported by the sector.

As Queensland advances major housing, infrastructure and energy transition commitments, secure access to heavy construction materials will remain critical to delivery certainty, cost control and productivity across the construction sector.

CCAA submission to the QPC Inquiry into the EPBC Reform Act

Executive Summary

Cement Concrete & Aggregates Australia (CCAA) supports the objectives of the Commonwealth's 2025 reforms to the Environment Protection and Biodiversity Conservation Act.

The reforms represent the most significant overhaul of Australia's national environmental legislation in more than twenty years and are intended to deliver stronger environmental outcomes while improving certainty, transparency and public confidence in environmental decision-making.

For Queensland, however, the greatest opportunity is not the legislation itself but **how it is implemented**.

Professor Graeme Samuel's 2020 Independent Review made it clear that environmental protection and economic productivity are not competing objectives. Central to that vision were:

- legally enforceable National Environmental Standards;
- greater reliance on accredited State and Territory assessment and approval systems;
- streamlined Commonwealth-State bilateral agreements;
- improved strategic planning through regional and bioregional approaches;
- greater transparency and consistency in environmental decision-making;
- improved environmental data; and
- reduced duplication between jurisdictions.

The challenge now is ensuring implementation delivers the productivity improvements envisaged by the Samuel Review.

This is particularly important for Queensland's construction materials industry.

This includes both quarry development and investment in existing cement manufacturing facilities. The environmental approvals framework should support—not delay—industrial decarbonisation projects, alternative fuel infrastructure, carbon capture, circular economy initiatives and other investments that improve both environmental and productivity outcomes.

Quarries are geographically constrained, capital intensive, long-life developments that underpin virtually every major housing, transport, renewable energy, water and public infrastructure project undertaken across the State.

Unlike many industries, quarry resources cannot relocate to avoid environmental constraints.

The industry therefore relies upon an environmental approvals framework that is robust, predictable and capable of balancing environmental protection with the long-term public interest in maintaining secure supplies of construction materials.

CCAA considers that the Queensland Productivity Commission Inquiry provides an important opportunity to influence how Queensland implements the Commonwealth reforms and negotiates future bilateral arrangements with the Australian Government.

CCAA recommends that Queensland focus on seven key implementation priorities.

These are:

1. Deliver a genuine Commonwealth-Queensland bilateral approval system based on the principle of **"assess once, approve once."**

2. Reduce investment uncertainty arising from the new legislative tests, definitions and decision-making framework introduced by the EPBC reforms.
3. Ensure environmental offsets are practical, proportionate and capable of supporting long-life, staged developments such as quarries.
4. Ensure bioregional planning informs environmental decision-making without unnecessarily sterilising strategically important construction material resources.
5. Develop practical transitional arrangements for existing lawful operations, including clarification of continuous use provisions.
6. Ensure implementation requirements remain proportionate and evidence-based, avoiding unnecessary duplication of ecological assessment, environmental surveys and technical investigations.
7. Recognise construction materials as **Strategic Supporting Resources** essential to Queensland's housing, infrastructure, renewable energy and economic development objectives.

The following sections discuss each of these issues in detail and provide recommendations for Queensland's future negotiations with the Commonwealth.

1. Bilateral Agreements Represent a Significant Productivity Opportunity

What the reforms do

A central objective of the Commonwealth's 2025 EPBC reforms is to reduce unnecessary duplication between Commonwealth and State environmental approval systems through greater reliance on accredited State assessment and approval processes.

Consistent with the Samuel's review, the reforms recognise that where State environmental assessment systems demonstrably meet the National Environmental Standards, proponents should not be required to navigate separate but substantially similar approval processes. The reforms therefore establish the legislative framework for greater use of accredited State systems, supported by National Environmental Standards, Commonwealth-State bilateral agreements, a National EPA and nationally consistent environmental decision-making.

Whether these productivity benefits are ultimately realised will depend largely on the bilateral agreements currently being negotiated between the Commonwealth and Queensland. These agreements will determine the extent to which Queensland's existing assessment, approval and compliance systems can be recognised by the Commonwealth and replace the need for parallel Commonwealth processes.

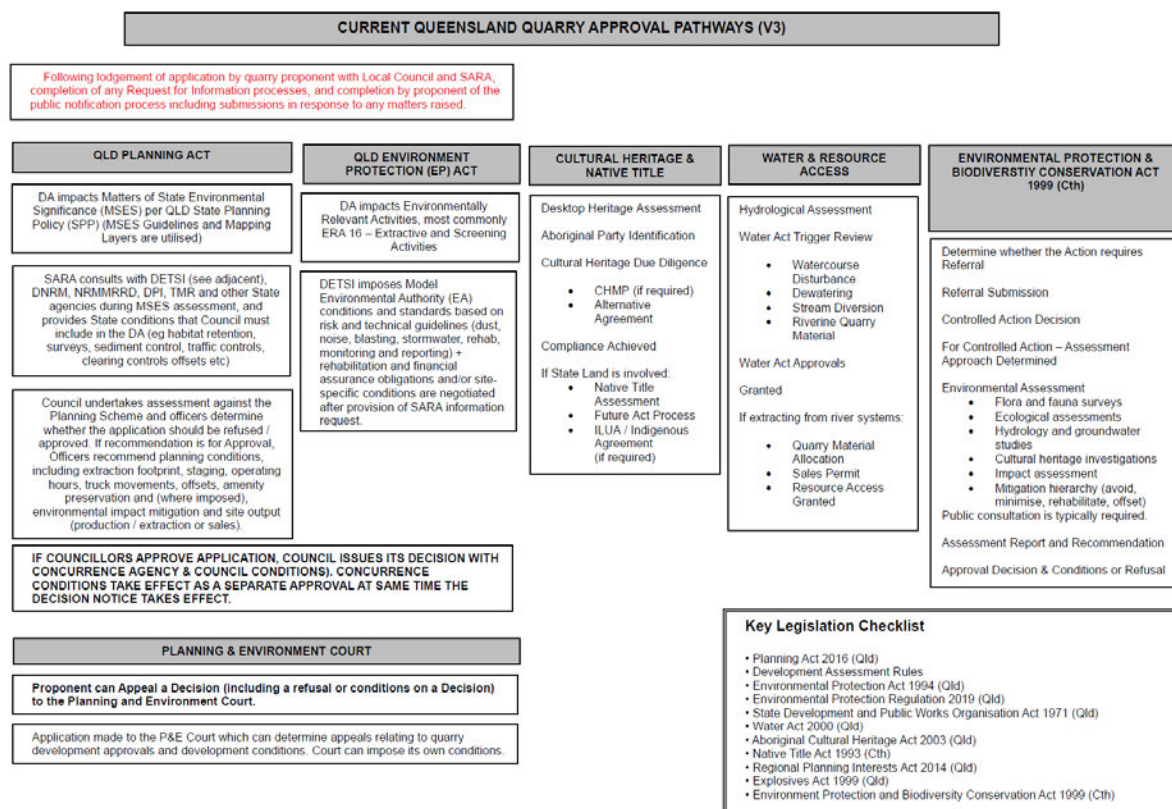
Why this matters to the construction materials industry

Construction material developments are already subject to one of the most comprehensive regulatory approval frameworks in Queensland. Before the Commonwealth EPBC Act is considered, proponents may already be required to navigate multiple planning, environmental, water, cultural heritage, native title and resource access approvals administered by local government, State agencies and, in some circumstances, the Commonwealth.

Figure 1 illustrates the current approvals pathway for a typical quarry development in Queensland. It demonstrates that proponents may already require approvals under the **Planning Act 2016**, **Environmental Protection Act 1994**, **Water Act 2000**, **Aboriginal Cultural Heritage Act 2003**, **Native Title Act 1993**, **Regional Planning Interests Act 2014**, **Explosives Act 1999** and other

legislation before a proposal is referred under the EPBC Act. These processes involve local government, SARA, DETSI, the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development, TMR and other State agencies, each with separate statutory responsibilities, technical assessments and approval conditions.

Figure 1: Current Queensland Quarry Approval Pathways



Source: CCAA

Where a proposal is subsequently determined to be a **controlled action** under the EPBC Act, proponents enter an additional Commonwealth assessment process involving referral, controlled action determination, selection of an assessment pathway, environmental assessment, public consultation, offset assessment and approval conditions. While each jurisdiction has legitimate statutory responsibilities, there is often substantial overlap between the information required by the Commonwealth and Queensland assessment processes, particularly in relation to ecological investigations, impact assessment, mitigation measures, environmental management and offsets.

For the construction materials industry, this duplication has a disproportionate impact. Quarry developments are capital-intensive, geographically constrained and typically operate over planning horizons of 30 to 50 years. Investment decisions require significant expenditure on technical investigations, approvals and infrastructure well before production commences. Duplicated approval processes increase regulatory costs, extend project timeframes, delay investment decisions and reduce confidence in the approvals system without necessarily delivering improved environmental outcomes.

Similar duplication affects major upgrades to existing cement manufacturing facilities. Projects involving biomass, alternative fuels, carbon capture, renewable energy connections and emissions reduction technologies often require separate Commonwealth and State environmental approvals despite occurring within long-established industrial sites. These projects deliver clear environmental benefits and should not be subject to unnecessary regulatory duplication.

Productivity implications

CCAA considers the successful implementation of Commonwealth-State bilateral agreements to represent the single greatest productivity opportunity arising from the EPBC reforms.

A genuinely integrated bilateral framework should significantly reduce duplication by enabling greater recognition of Queensland's existing environmental assessment processes wherever they satisfy the National Environmental Standards. This includes opportunities to streamline:

- environmental assessments and technical studies;
- ecological survey requirements;
- requests for further information;
- community consultation processes;
- environmental offset assessment and delivery;
- approval conditions;
- compliance reporting; and
- audit and enforcement arrangements.

Importantly, the objective should not be to reduce environmental standards, but to eliminate unnecessary duplication between jurisdictions so that environmental resources are directed towards achieving better environmental outcomes rather than repeating equivalent assessment processes. Conversely, if bilateral agreements simply overlay Commonwealth requirements onto Queensland's existing approvals framework, many of the productivity benefits envisaged by the Samuel Review will not be realised. Proponents will continue to experience extended approval timeframes, increased regulatory costs and uncertainty, while governments will continue to administer parallel assessment systems addressing many of the same environmental matters.

CCAA Recommendations

CCAA recommends that the Queensland Government pursue a comprehensive bilateral agreement with the Commonwealth founded on the principle of **"assess once, approve once."**

In particular, future bilateral agreements should:

- accredit Queensland's planning and environmental assessment systems wherever they demonstrably satisfy the National Environmental Standards;
- provide a single, coordinated environmental assessment process wherever practicable;
- recognise environmental studies, biodiversity surveys and technical investigations prepared to satisfy accredited Queensland assessment requirements;

- enable a single community consultation process to satisfy both State and Commonwealth requirements;
- integrate environmental offset assessment and delivery wherever equivalent environmental outcomes can be demonstrated;
- coordinate approval conditions, compliance and reporting requirements across jurisdictions;
- provide streamlined bilateral approval pathways for industrial decarbonisation projects, including carbon capture, alternative fuels, renewable energy infrastructure and low-carbon manufacturing upgrades at existing industrial facilities; and
- establish a clear, transparent and predictable approvals pathway that provides proponents with greater investment certainty while maintaining robust environmental protections.

A genuinely integrated bilateral approval framework would significantly improve the efficiency of Queensland's environmental approvals system, reduce unnecessary regulatory burden and support timely investment in the construction materials required to deliver the State's housing, renewable energy, transport and major infrastructure objectives.

Case Study – Industrial Decarbonisation Projects

Cement Australia's experience highlights that these issues extend beyond quarry developments to major upgrades of existing industrial facilities.

Cement Australia is currently implementing Commonwealth-supported industrial decarbonisation projects at its Railton Cement Plant (Tasmania) and Gladstone Cement Plant (Queensland), including biomass alternative fuel infrastructure funded under the Australian Government's **Powering the Regions Fund**.

While these projects deliver clear emissions reduction benefits and occur within long-established industrial sites, their implementation has nevertheless required proponents to navigate multiple Commonwealth and State approval processes. This experience demonstrates that, without effective bilateral agreements and genuine mutual recognition of environmental assessments, approval duplication can delay investment in projects that are intended to improve environmental outcomes.

As Australia seeks to accelerate industrial decarbonisation, the environmental approvals framework should facilitate—not impede—investment in emissions reduction projects at existing industrial facilities.

2. New Decision Tests and Untested Definitions Create Investment Uncertainty

What the reforms do

While the 2025 EPBC reforms retain the long-standing **"significant impact"** test that determines whether a proposal requires Commonwealth assessment, they fundamentally change how projects are assessed and approved once they enter the EPBC framework.

The reforms introduce a range of new legislative concepts, decision-making tests and statutory requirements that will underpin future approval decisions, including:

- **Residual Significant Impacts**—being impacts that remain after all reasonable avoidance and mitigation measures have been applied and which must satisfy the new offsets framework;
- **Unacceptable Impacts**—a new statutory refusal threshold requiring decision-makers to refuse proposals where impacts are considered unacceptable against the National Environmental Standards;
- **National Environmental Standards**, which become the primary benchmark against which proposals are assessed;
- **Protection Statements**, which will guide interpretation of the Standards and assist decision-makers in determining when impacts become unacceptable;
- Strengthened offset requirements based on delivering **net environmental gain**;
- Greater emphasis on cumulative impacts, climate resilience and ecosystem restoration; and
- A significantly expanded role for the National EPA in monitoring compliance and implementation.

Collectively, these reforms represent a fundamental shift from the previous approvals framework. While the legislative architecture has now been established, many of the detailed implementation tools—including the final National Environmental Standards, Protection Statements, guidance material and administrative practices—are still being developed.

Importantly, many of these new statutory concepts have not yet been interpreted by the courts or tested through practical regulatory decision-making.

Why this matters to the construction materials industry

For long-life industries such as quarrying, regulatory certainty is one of the most important factors influencing investment decisions.

A new quarry or major quarry expansion typically requires:

- substantial upfront investment;
- planning horizons extending 30–50 years;
- progressive development and rehabilitation over several decades;
- long-term customer supply commitments; and
- confidence that approval conditions can be understood and managed throughout the life of the operation.

At present, proponents are entering an approvals framework where many of the fundamental decision-making concepts remain untested.

For example:

- What constitutes an "**unacceptable impact**"?

- How will decision-makers determine whether sufficient avoidance and mitigation has occurred before considering residual impacts?
- How will **net environmental gain** be measured?
- How will cumulative impacts be assessed?
- What weighting will be given to Protection Statements?
- How consistently will the National Environmental Standards be applied across jurisdictions?

These questions cannot yet be answered with confidence because administrative practice, guidance material and judicial precedent are still evolving.

As a consequence, proponents are likely to adopt increasingly conservative approaches to project design, environmental assessment and technical investigations until greater regulatory certainty emerges.

Productivity implications

Periods of regulatory transition inevitably create uncertainty.

For the construction materials industry, that uncertainty is likely to manifest through:

- additional ecological investigations;
- broader technical studies;
- increased legal and specialist advisory costs;
- longer project design and assessment periods;
- more requests for further information from regulators;
- greater approval risk; and
- delayed investment decisions.

CCAA members are already reporting that the reforms are likely to require substantially more biodiversity assessment and supporting technical information than has historically been required.

One member company has advised that implementation of the new framework is expected to significantly increase the volume of ecological assessment required to support future quarry approvals. CCAA is currently working with members to quantify these impacts so they can be more fully understood as implementation progresses.

While robust environmental assessment is both necessary and appropriate, additional assessment requirements should be proportionate to environmental risk and should not duplicate information already available through contemporary State assessment processes.

CCAA Recommendations

Queensland should work with the Commonwealth to minimise unnecessary investment uncertainty during implementation of the reforms.

In particular, CCAA recommends that governments:

- finalise National Environmental Standards and Protection Statements before new assessment requirements are broadly implemented;
- develop nationally consistent guidance on the interpretation of new statutory concepts such as **Residual Significant Impacts**, **Unacceptable Impacts** and **Net Environmental Gain**;
- ensure decision-making methodologies are transparent, practical and consistently applied across jurisdictions;
- recognise contemporary environmental information already collected through accredited State assessment processes;
- avoid unnecessary duplication of technical investigations where sufficient environmental information already exists; and
- undertake an early post-implementation review of the reforms to identify whether the new framework is delivering both improved environmental outcomes and the productivity benefits envisaged by the Samuel Review.

3. Environmental Offsets Must Support Better Environmental Outcomes While Remaining Practical for Long-Life Projects

What the reforms do

A central feature of the Commonwealth's EPBC reforms is the strengthening of Australia's environmental offset framework.

Under the new legislative framework, proponents are expected to first avoid environmental impacts wherever practicable, then minimise impacts through project design and mitigation measures. Where impacts remain, these **residual significant impacts** must be addressed through environmental offsets capable of delivering an overall **net environmental gain**.

This represents a significant evolution from the previous EPBC framework. Offsets are no longer simply a mechanism to compensate for unavoidable impacts, but become an integral part of the statutory decision-making framework supporting the new **unacceptable impacts** test and the National Environmental Standards.

Implementation of the new framework will occur through a combination of:

- the National Environmental Standards;
- the National Environmental Standard for Environmental Offsets;
- Protection Statements;

- subordinate legislation;
- guidance issued by the National EPA; and
- the emerging Nature Repair Market, which is intended to increase the supply of environmental offset opportunities.

Collectively, these reforms have the potential to significantly influence the cost, timing and availability of environmental offsets for future development.

Why this matters to the construction materials industry

CCAA supports environmental offsets as an important mechanism for addressing unavoidable environmental impacts.

However, quarry developments differ fundamentally from many other forms of development.

Most quarry operations:

- are developed progressively over several decades;
- disturb relatively small areas at any one time;
- progressively rehabilitate exhausted extraction areas;
- continually refine extraction sequencing throughout the life of the operation; and
- often require multiple approval amendments as market demand changes over time.

Traditional offset frameworks have generally been developed around one-off developments where disturbance occurs within a relatively short period following project approval.

That model does not readily align with the operating characteristics of long-life extractive industries.

Requiring proponents to secure and fund offsets for the entire life of a quarry at the commencement of a project may unnecessarily increase upfront capital requirements, reduce operational flexibility and create significant commercial uncertainty without delivering earlier environmental outcomes.

Similarly, the availability of suitable offset sites is becoming an increasing constraint across many parts of Queensland.

Without practical implementation arrangements, offset availability may become the limiting factor for strategically important projects despite suitable mitigation measures being available.

Productivity implications

CCAA considers that the implementation of the new offset framework has the potential to materially influence investment decisions within the construction materials industry.

Key productivity risks include:

- significantly increased upfront capital costs associated with securing offsets decades before impacts occur;
- reduced flexibility to optimise quarry staging over the life of an operation;

- increasing scarcity and cost of suitable offset sites;
- uncertainty regarding the future operation of the Nature Repair Market;
- inconsistent offset methodologies between State and Commonwealth systems; and
- duplication where proponents are required to satisfy separate State and Commonwealth offset requirements for the same environmental values.

Conversely, a practical offset framework has the potential to improve both environmental and economic outcomes.

Recognising staged development and progressive rehabilitation would better align offset delivery with actual environmental impacts while improving investment certainty and reducing unnecessary financial burden.

Similarly, greater integration between Queensland and Commonwealth offset frameworks would substantially reduce duplication and improve regulatory efficiency.

CCAA Recommendations

CCAA recommends that Queensland advocate for an offset framework that maintains strong environmental outcomes while recognising the operating characteristics of long-life extractive industries.

In particular, Queensland should seek:

- mutual recognition of accredited Queensland and Commonwealth offset frameworks wherever equivalent environmental outcomes can be demonstrated;
- staged offset delivery aligned with staged quarry development rather than requiring offsets to be secured for the entire life of a project at commencement;
- practical recognition of progressive rehabilitation as an important component of environmental management for extractive industries;
- greater flexibility in the application of offset methodologies where quarry resources are geographically constrained and alternative locations are not reasonably available;
- transparent and nationally consistent methodologies for determining **net environmental gain**;
- provide certainty regarding restoration contribution charges and ensure they complement, rather than replace, practical project-specific offset arrangements. The Commonwealth should publish clear guidance on when restoration contribution charges will apply, how they will be calculated, how they interact with State offset schemes, and ensure proponents are not subject to duplicate offset obligations or required to make disproportionate upfront payments for long-life staged developments such as quarries;
- continued development of the Nature Repair Market to improve the availability, transparency and commercial certainty of environmental offsets; and
- clear implementation guidance to provide proponents with confidence regarding offset expectations before major investment decisions are made.

CCAA considers that these reforms would maintain the integrity of Australia's offset framework while significantly improving investment certainty and supporting the continued supply of the construction materials required to deliver Queensland's housing, renewable energy and infrastructure objectives.

4. Bioregional Planning Must Improve Strategic Planning Without Constraining Future Construction Material Supply

What the reforms do

The 2025 EPBC reforms place much greater emphasis on strategic environmental planning through the development of **Bioregional Plans**.

The intent of these plans is to move environmental assessment further "upstream" by improving understanding of biodiversity values, cumulative impacts and development opportunities across an entire region before individual projects are proposed.

Professor Samuel strongly supported greater use of strategic planning, recognising that better regional environmental information has the potential to improve environmental outcomes while providing greater certainty for governments, communities and proponents.

The Commonwealth has commenced implementation through a series of pilot Bioregional Plans, including the **Brigalow Belt North Bioregional Guidance Plan** in Queensland, with additional plans expected to follow over coming years.

CCAA supports this strategic planning approach.

If implemented appropriately, bioregional planning has the potential to:

- improve understanding of regional environmental values;
- identify cumulative impacts at a landscape scale;
- improve project planning;
- reduce duplication of environmental investigations;
- improve investment certainty; and
- shorten future project approval timeframes.

Why this matters to the construction materials industry

While strategic planning has considerable merit, its success will depend on how it is implemented.

Construction materials differ from most other forms of development because economically viable hard rock, sand and gravel resources occur only where geology permits.

Unlike residential, industrial or commercial development, quarry operations cannot simply relocate to an alternative site if environmental constraints emerge.

Consequently, bioregional planning that identifies environmental priorities without also identifying and safeguarding strategically important construction material resources risks unintentionally sterilising future supply.

This has implications well beyond the construction materials industry.

Every kilometre of road, every hospital, every renewable energy project, every transmission corridor and every new home ultimately depends upon reliable access to locally available quarry products, cement and concrete.

CCAA therefore considers construction materials **and associated strategic manufacturing infrastructure** to be **Strategic Supporting Resources**—resources that enable delivery of virtually every other Government economic, social and environmental objective. This includes quarries, limestone resources, cement manufacturing facilities, cement distribution terminals, associated rail infrastructure and port facilities that collectively underpin Queensland's construction supply chain.

Future strategic planning frameworks should explicitly recognise this role. In particular, this role should be recognised as a priority class of action in a development zone.

Productivity implications

Well-designed bioregional planning has the potential to significantly improve productivity by reducing uncertainty before individual projects are proposed.

However, if implemented without recognising strategically important resource areas, the opposite outcome may occur.

Potential productivity impacts include:

- increasing sterilisation of future quarry resources;
- greater difficulty identifying replacement extraction areas;
- increasing haul distances as local resources become unavailable;
- higher freight costs and transport emissions;
- reduced competition within regional construction material markets;
- increased construction costs for housing and infrastructure; and
- reduced resilience of Queensland's construction material supply chain.

Similarly, if proponents are still required to undertake comprehensive project-level environmental investigations after strategic planning has already been completed, many of the productivity benefits of bioregional planning will not be realised.

Strategic planning should provide a genuine **planning dividend** by reducing duplication and improving approval efficiency.

CCAA Recommendations

CCAA recommends that Queensland work with the Commonwealth to ensure future Bioregional Plans support both environmental protection and long-term resource security.

In particular, CCAA recommends that future bioregional planning:

- recognises construction materials as **Strategic Supporting Resources** essential to Queensland's housing, renewable energy and infrastructure programs;

- recognises strategically important cement manufacturing facilities and associated industrial infrastructure as critical components of Queensland's construction materials supply chain and protects them from incompatible land use and planning conflicts.
- incorporates explicit resource safeguarding principles for Key Resource Areas and other strategically important construction material resources;
- informs environmental decision-making rather than predetermining project approval outcomes;
- continues to rely on contemporary, project-specific environmental investigations when assessing individual developments;
- recognises that biodiversity values, habitat condition and land management practices change over time and should not rely solely on historic environmental datasets or broad-scale mapping;
- provides a genuine planning dividend by reducing duplication of environmental investigations where strategic planning has already occurred; and
- improves access to Government environmental mapping, biodiversity information and spatial datasets to support better project planning and environmental outcomes.

CCAA considers that bioregional planning should become a mechanism for improving both environmental outcomes and investment certainty—not a substitute for project-level assessment or a de facto land-use zoning framework that progressively constrains access to Queensland's strategically important construction material resources.

5. Transitional Arrangements Must Provide Certainty for Existing Lawful Operations

What the reforms do

The 2025 EPBC reforms introduce a fundamentally new environmental decision-making framework while also making important changes to the transitional provisions that apply to existing lawful activities.

Historically, sections **43A** and **43B** of the *Environment Protection and Biodiversity Conservation Act 1999* have provided important protection for activities that were lawfully established before the commencement of the EPBC Act. Broadly, these provisions recognise that existing lawful activities should not automatically become subject to Commonwealth approval simply because environmental legislation has subsequently changed.

During passage of the EPBC Reform Act, amendments were made to these provisions that appear to have been directed principally at concerns surrounding historical agricultural activities and the protection of Matters of National Environmental Significance, particularly within Great Barrier Reef catchments. While the policy intent appears to have been focused on those circumstances, the amended provisions apply much more broadly across the EPBC Act and therefore have the potential to affect a wide range of existing lawful industries, including quarrying and other long-life extractive operations.

The reforms also introduce a **15-year substantial commencement rule**, under which EPBC approvals that have not been substantially commenced within 15 years may lapse unless a further approval is obtained. While intended to ensure approvals remain contemporary, the practical application of this provision to long-life, staged developments remains uncertain.

Collectively, these changes create uncertainty regarding how existing lawful operations will be treated under the new framework and the extent to which ongoing operational changes may require new Commonwealth approval.

Why this matters to the construction materials industry

The construction materials industry is fundamentally different from many other industries regulated under the EPBC Act.

Quarries are long-life assets that commonly operate for 30 to 50 years and evolve progressively throughout their operational life. It is entirely normal for quarry operators to:

- progressively develop new extraction areas within approved resource boundaries;
- relocate extraction faces as reserves are depleted;
- replace or modernise crushing and processing infrastructure;
- construct replacement haul roads and water management infrastructure;
- progressively rehabilitate exhausted extraction areas; and
- seek modest production increases to respond to changing market demand.

Historically, these operational changes have generally been managed through existing State planning and environmental approval processes.

However, increasing uncertainty regarding the future application of sections **43A** and **43B** means proponents are becoming less certain about the circumstances in which these activities may now be regarded as constituting a new action requiring Commonwealth assessment.

Similarly, the introduction of the **15-year substantial commencement requirement** creates uncertainty for projects that are deliberately developed in stages over several decades. Construction material developments frequently secure approvals well in advance of extraction to provide long-term resource security for future housing, infrastructure and major project demand. These approvals are intentionally implemented progressively as market demand emerges rather than being fully developed immediately.

Productivity implications

Investment certainty is fundamental to maintaining Queensland's future construction materials supply.

Brownfield quarry expansions generally represent the fastest, lowest-cost and least environmentally disruptive means of increasing production because they:

- utilise existing transport infrastructure and processing facilities;
- minimise additional land disturbance;
- avoid establishing entirely new quarry operations;
- reduce capital costs;
- shorten approval timeframes compared with greenfield developments; and

- generally deliver better environmental and community outcomes.

If uncertainty surrounding sections **43A**, **43B** or the **15-year substantial commencement provisions** discourages investment in existing operations, Queensland risks delaying or preventing precisely those projects that represent the quickest and most efficient opportunities to increase construction material supply.

At its most significant, uncertainty surrounding the continued operation of sections **43A** and **43B** has the potential to call into question the continued operation of some long-established quarry sites. If an operation can no longer rely on the existing lawful use provisions, a proponent may be required to obtain a new approval under the contemporary EPBC framework before continuing operations, assuming the activity is capable of satisfying the current statutory tests.

Given the introduction of the new **unacceptable impacts** threshold, strengthened offset requirements and National Environmental Standards, there can be no certainty that a quarry lawfully established decades ago would necessarily satisfy today's approval framework. The potential implications for existing operations, investment confidence and Queensland's future construction material supply are therefore significant.

These concerns are not unique to the construction materials industry. Similar issues have been raised by Queensland's agricultural sector which has advocated strongly for greater clarity around the operation of the amended continuous use provisions.

While the amendments appear to have been principally directed at addressing agricultural circumstances, they have the potential to create broader uncertainty across other long-life industries that rely on progressive development and continual operational improvement.

Without clear implementation guidance and practical transitional arrangements, proponents are likely to adopt increasingly conservative investment decisions, resulting in delayed brownfield expansions, increased approval costs and reduced confidence in Queensland's environmental approvals framework.

CCAA Recommendations

CCAA recommends that the Queensland Government work collaboratively with the Commonwealth to ensure the transition to the new EPBC framework provides certainty for existing lawful operations while maintaining strong environmental protections.

Specifically, Queensland should advocate for:

- clear statutory and administrative guidance regarding the ongoing application of sections **43A** and **43B** of the EPBC Act;
- nationally consistent interpretation of what constitutes the continuation of an existing lawful activity and the circumstances in which changes to an existing operation require Commonwealth approval;
- recognition that routine operational changes, replacement infrastructure, progressive quarry development and modest brownfield production increases should not unnecessarily trigger new EPBC approvals;
- practical implementation of the **15-year substantial commencement provisions** that recognises the staged nature of long-life extractive industries and the need to secure future construction material resources well ahead of demand;

- transitional arrangements that provide confidence for proponents with existing lawful operations while the new regulatory framework matures;
- early review of the amended continuous use provisions if evidence emerges that they are creating unintended consequences for existing lawful industries beyond those originally contemplated; and
- ongoing Commonwealth, Queensland Government and industry engagement to ensure implementation reflects the practical realities of long-life industries and delivers the investment certainty envisaged by the Samuel Review.

CCAA supports strong environmental protection and recognises the importance of ensuring Australia's environmental laws remain contemporary. However, transitional provisions should provide certainty for existing lawful operations and encourage continued investment in established quarry resources that are critical to Queensland's ability to deliver housing, renewable energy projects, major infrastructure and long-term economic development.

6. Industrial Decarbonisation Projects Should be Facilitated Through the EPBC Framework

What the reforms do

One of the principal objectives of Australia's environmental reform agenda is to improve environmental outcomes while supporting the transition to a lower emissions economy.

Across Australia's heavy construction materials sector, significant investment is now occurring in industrial decarbonisation initiatives including carbon capture and storage (CCS), carbon capture utilisation (CCU), alternative fuel infrastructure, renewable electricity connections, waste heat recovery, electrification, low-carbon clinker technologies and the increased use of supplementary cementitious materials (SCMs).

Many of these projects are being supported through Commonwealth programs such as the **Powering the Regions Fund** and form an important component of Australia's broader emissions reduction strategy.

Like quarry developments, these projects often require approvals under both Commonwealth and State environmental legislation.

Whether the EPBC reforms accelerate or delay industrial decarbonisation will therefore depend largely on how Commonwealth and State approval processes are integrated through future bilateral agreements.

Why this matters to the construction materials industry

Queensland's cement manufacturing sector is undertaking significant investment to reduce emissions while maintaining Australia's sovereign capability to manufacture one of the nation's most essential construction materials.

Unlike new industrial developments, many decarbonisation projects occur within long-established manufacturing facilities that have operated lawfully for decades. Projects commonly involve upgrading existing plant and equipment rather than expanding industrial footprints.

Examples include:

- carbon capture and storage infrastructure;
- biomass and alternative fuel systems;

- renewable electricity connections;
- waste heat recovery systems;
- electrification of industrial processes;
- low-carbon clinker technologies; and
- increased use of supplementary cementitious materials and other circular economy initiatives.

These projects are intended to improve environmental outcomes by reducing emissions, improving energy efficiency and increasing resource recovery. However, they can still be subject to multiple approval pathways involving Commonwealth and State regulators.

Where environmental approvals unnecessarily duplicate assessment or extend project timeframes, investment in industrial decarbonisation may be delayed despite delivering clear environmental benefits.

Productivity implications

Industrial decarbonisation projects generally represent productivity-enhancing investment.

They improve manufacturing efficiency, strengthen Australia's sovereign industrial capability, support emissions reduction objectives and improve the long-term competitiveness of domestic cement manufacturing.

Accordingly, the environmental approvals framework should actively facilitate—not inadvertently delay—investment in emissions reduction technologies at existing industrial facilities.

This is particularly important where projects are supported through Commonwealth funding programs specifically intended to accelerate industrial decarbonisation.

A coordinated approvals framework would reduce unnecessary regulatory burden while supporting both environmental and economic objectives.

CCAA Recommendations

CCAA recommends that Queensland work with the Commonwealth to ensure implementation of the EPBC reforms supports timely investment in industrial decarbonisation.

In particular, Queensland should seek:

- streamlined approval pathways for emissions reduction projects at existing industrial facilities;
- recognition that projects undertaken within established manufacturing precincts generally present different approval considerations to new greenfield developments;
- coordinated Commonwealth and State assessment of carbon capture, alternative fuel infrastructure, renewable energy connections and other industrial decarbonisation projects;
- recognition of circular economy initiatives, including supplementary cementitious materials and alternative raw materials, as contributing to both productivity and environmental outcomes;

- implementation of bilateral agreements that minimise duplication for industrial decarbonisation projects while maintaining robust environmental protections; and
- assurance that projects supported through Commonwealth industrial decarbonisation funding programs are not unnecessarily delayed by overlapping Commonwealth and State approval processes.

7. Community Engagement and Data Requirements Must Support Faster Approvals, Not Additional Process

What the reforms do

The Commonwealth is developing legally enforceable National Environmental Standards for Community Engagement and Data and Information. These standards are intended to improve transparency, consistency and public confidence in environmental decision-making.

Why this matters to the construction materials industry

CCAA supports meaningful engagement and robust environmental data. However, Queensland quarry projects already undergo extensive State assessment, public notification, technical studies and agency referral processes. If the new Commonwealth Standards duplicate Queensland consultation, surveys, mapping, reporting or data-format requirements, they will increase cost and delay without materially improving environmental outcomes.

CCAA Recommendations

CCAA recommends that Queensland seek agreement with the Commonwealth that:

- State-led engagement undertaken through Queensland planning, EIS, environmental authority and quarry approval pathways should be recognised where equivalent in effect;
- proponents should not be required to repeat community engagement solely to satisfy Commonwealth administrative requirements;
- environmental approvals should facilitate industrial decarbonisation and circular economy initiatives where they demonstrably improve environmental outcomes, including alternative fuels, supplementary cementitious materials, carbon capture and resource recovery projects;
- environmental data collected for Queensland assessment processes should be accepted for Commonwealth purposes where fit-for-purpose;
- government mapping and species/habitat datasets should include clear currency, source and confidence information;
- contemporary site-specific survey evidence should be preferred over outdated desktop mapping where the two conflict; and
- further information requests should be limited to matters that materially reduce decision-relevant uncertainty.