



8 March 2017  
Review of the native vegetation clearing regulations  
Regulatory Strategy and Design  
Department of Environment, Land Water and Planning  
PO Box 500  
East Melbourne  
VIC 8002

Submitted via email: [nativevegetation.review@delwp.vic.gov.au](mailto:nativevegetation.review@delwp.vic.gov.au)

**SUBJECT: REVIEW OF THE NATIVE VEGETATION CLEARING REGULATIONS**

Cement Concrete & Aggregates Australia (CCAA) welcomes the opportunity to provide a submission to the Department of Environment, Land, Water and Planning's on the proposed native vegetation clearing regulations.

CCAA is the peak industry body for the heavy construction materials industry in Australia including the cement, pre-mixed concrete and extractive industries. For your information, a list of CCAA Victoria's members is provided in Appendix 1.

CCAA members nationally account for 85% of total industry output, which contributes nearly \$12 billion to Gross Domestic Product, employ 18,000 Australians directly and supporting the employment of a further 89,000 people. CCAA members produce and supply the heavy construction materials that are used to construct Victoria's infrastructure. Providing both the raw material and finished product, heavy construction materials contribute to the construction of our roads, railways, bridges, ports, airports, hospitals, schools and dams.

CCAA's members service local, regional and national building, construction and infrastructure markets. The reliable and cost-effective supply to these markets is fundamental to sustainable growth and it is CCAA's aim to promote policies that recognise the importance of these materials to Australia's sustainable future.

CCAA welcomes efforts to simplify the native vegetation permitted clearing regulations that reduce costs and time to progress projects through the planning approvals process and results in improved biodiversity outcomes.

Unfortunately the proposed reforms do little to recognise the unique aspects of the heavy construction materials industry or address the key industry issues to reduce costs, time and complexity of the native vegetation clearing regulations whilst improving biodiversity outcomes.

CCAA makes the following key points on the proposed reforms of the permitted clearing regulations:



- CCAA supports in principle the increase in use of over the counter agreements. CCAA would support the expansion in scope and location of offsets available through this program and expand it to accommodate over the counter payments.
- Greater assistance for industry to locate and secure economic offsets.
- Moving towards co-regulation with local councils has the potential to shift the responsibility to significantly different compliance implementation regimes if councils take the lead in compliance. If weed compliance and biodiversity management are used as indicators then, for example, [REDACTED] will receive much greater compliance attention than the neighbouring [REDACTED] area. This is not a level playing field and clearly not acceptable. Standard, clear state wide compliance and enforcement frameworks should be implemented.
- CCAA supports in principle DELWP developing guidance to support councils to conduct strategic planning for biodiversity. This material should support strategic land use planning that DEDJTR is proposing through the joint government/industry Extractive Industry Taskforce that will identify Strategic Extractive Resource Areas (SERA). It is expected that this process will be supported in the Refresh Plan Melbourne paper. CCAA looks forward to working with DELWP, DEDJTR and local councils to ensure regional biodiversity values are incorporated into the SERA process.
- CCAA welcomes the establishment of the Native Vegetation Regulations Advisory Group as a forum for DELWP to connect with a wide range of stakeholders. As a peak body of a regulated industry, CCAA would provide a unique perspective and be willing to participate in the Advisory Group.
- Staged, onsite revegetation of quarries to an appropriate standard should be incorporated into the offset calculations for the site. Such revegetation would form part of a rehabilitation plan and work plan approved by DELWP and regulated by DEDJTR. As such, extractive industry has enforceable rehabilitation objectives which are not captured in the native vegetation clearing regulations which effectively results in a 'double up' of commitments to the restoration of land and net gain offset.
- CCAA welcomes the review of the native vegetation offset market. CCAA has long been outlining the issues with the offset market in our submissions to the 2012 and 2016 reviews. CCAA has provided a range of suggested solutions to the identified issues and urges DELWP to start this review as soon as possible. The review should allow alternatives to offsets to be available if there are no economic offsets available after reasonable effort has been expended in trying to source them. Potential options include:
  - payment for approved works
  - payment into an approved 'environment fund'
  - offsets on Crown land
  - rehabilitation of degraded land or lower vegetation value land to the required level
  - contribution to environmental research
  - contribution to community environment program
  - contribution to environmental education program
  - other conservation activities or indirect offsets
- CCAA welcomes the review of the Crown Land offsetting policy. CCAA has long been advocating for broader access to offsets on Crown Land in our submissions to the 2012 and 2016 reviews. CCAA urges DELWP to start this review as soon as possible.
  - CCAA's perspective is that the offset market will further mature and be able to provide more cost effective offsets by increasing the size of the market by allowing broader access to offsets on Crown Land. Offsets on Crown Land should be available for ALL potential habitats, NOT just those species habits that are predominantly or wholly in Crown Land. Solutions need to focus on the whole of the landscape, including freehold AND Crown Land.
  - CCAA is disappointed that significant biodiversity losses are continuing on public land, as outlined in Government reports in 2008<sup>1</sup> and 2016<sup>2</sup>. Despite Government being aware of this

<sup>1</sup> Native Vegetation Net Gain Accounting – First Approximation Report, Department of Sustainability & Environment 2008.

<sup>2</sup> Draft Protecting Victoria's environment – Biodiversity 2036, Department of Environment, Land, Water & Planning 2016.

issue for the last 8 years, the proposed improvements do not adequately address this issue. Habitat and biodiversity issues are best addressed through a landscape systems approach, not a public vs private land debate. DELWP should recognise the potential to improve native vegetation gains in public land and private land through the provision of offsets and allow broader access to large scale offsets on public land. Private land owners alone should not be expected to reverse the long term native vegetation losses in Victoria.

- Offsets on Crown Land should be to the same standard as required for freehold land without any additionality measures.

*An **industry specific approach** to native vegetation offsets that provides greater certainty and lowers start-up costs is required for the extractive industry to encourage investment and facilitate affordable construction materials.*

Unlike many other land uses for which the native vegetation permitted clearing regulations appear to be designed, there are several unique characteristics of extractive industry that should be considered in developing the regulations, such as:

- There is potential for staged, quality, onsite rehabilitation during the life of the quarry,
- Location of quarries is dictated by geology with often little opportunity for the operation to be moved,
- The industry has small foot print in the landscape, with quarries only occupying 0.26% of Victoria,
- Quarrying is a temporary land use with great opportunity for a community asset to be developed once the resource has been exhausted.

Generally, the native vegetation permitted clearing regulations are designed for industry sectors such as urban development that clear then land, develop it, and do not “put it back”. The capital intensive extractive industry, on the other hand, develops the land slowly, clears the land slowly, and rehabilitates the site, with a longer time for a return on the initial investment. High initial costs due to approval delays and the high costs of native vegetation offsets can act as a barrier to entry for new quarry developments.

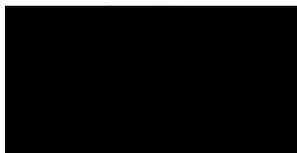
In this way the extractive industry is disproportionately affected by native vegetation offsets compared to other industries. In fact, the proposed regulations will reduce options, increase costs and with the reduced threshold of a Detailed Assessment, trigger pathways not currently required for several member development proposals.

Victoria’s regulatory environment needs to be internationally competitive to continue to attract capital to invest into Victoria to ensure a sustainable and competitive heavy construction materials industry. This in turn facilitates Victoria’s improved productivity, housing affordability and lower infrastructure costs.

CCAA looks forward to working with Government on strategic land use planning for Strategic Extractive Resource Areas, the future development of the Crown Land Offsetting Policy and the Native Vegetation Offset Market Reviews.

Please do not hesitate to contact me to discuss any of these issues in more detail.

Yours sincerely



**State Director Vic/Tas**



## APPENDIX 1

# CEMENT CONCRETE & AGGREGATES AUSTRALIA

## MEMBERSHIP

### FOUNDATION MEMBERS

 <i>Adelaide Brighton Ltd</i>	 <b>Boral Construction Materials</b>	 <b>Boral Cement Limited</b>
 <b>Cement Australia Pty Ltd</b>	 <b>Hanson Australia Pty Ltd</b>	 <b>Holcim (Australia) Pty Ltd</b>

### VICTORIA

#### ORDINARY MEMBERS

Alsafe Pre-Mix Concrete Pty Ltd Barossa Quarries Pty Ltd Barro Group Pty Ltd Baxters Concrete Pty Ltd Broadway & Frame Premix Concrete Pty Ltd	Fulton Hogan Industries Hillview Quarries Pty Ltd Hymix Australia Pty Ltd Independent Cement & Lime Pty Ltd Kennedy Haulage Pty Ltd	Mentone Pre Mix Metro Quarry Group Pty Ltd Premier Resources T/A Hy-Tec Industries Pty Ltd Volumetric Concrete Australia Pty Ltd
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#### ASSOCIATE MEMBERS

Agi-Kleen Pty Ltd BASF Australia Pty Ltd Concrete Colour Systems	Concrete Waterproofing Manufacturing Pty Ltd T/a Xypex Australia GCP Applied Technologies	Sika Australia Pty Ltd WAM Australia
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