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Koala Policy and Oversight Team
Department of Environment and Science
GPO Box 2454
BRISBANE QLD 4001
Email: SEQKoalaStrategy@des.qld.gov.au

CCAA FEEDBACK ON DRAFT SEQ KOALA CONSERVATION STRATEGY 2019-2024

Dear Koala Policy and Oversight Team

Cement, Concrete and Aggregates Australia (CCAA) is the peak industry body representing the \$15 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.

Providing both the raw material and finished product, heavy construction materials contribute to the construction of our roads, railways, bridges, ports, airports, hospitals and schools. Quarries can only be located in particular geological regions, not too close to sensitive uses, yet not too far away to make transportation costs prohibitive.

CCAA provided a submission on 18 December 2018 regarding the proposed mapping under the Draft SEQ Koala Conservation Strategy 2019-2024 (draft Strategy). This submission provides additional comment on the overall provisions of the draft Strategy and we thank you for the opportunity to make comment.

Specific characteristics of the extractive industry

The extractive industry has a number of specific characteristics that will impact any interactions with the draft Strategy including:

- Extractive industries have an incredibly small ecological footprint particularly when compared to farming or urban development. Operators 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, including koala 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.

- 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 quarry areas at the end of their operational life.
- Extractive industry operators are long term participants in an industry with many extractive resource areas in Queensland having operational lives in excess of 50 years.
- As outlined above, quarries can only be located in particular geographical regions and often specific locations where the required quarry products are located and can be economically extracted to provide cost-effective construction materials to the market.

Extractive Industry and SEQ QLD Koala Protection

CCAA recognises that the health of koalas is very important for South-East Queensland. Our industry's approach on koala protection is set within our overall approach on environmental management and biodiversity, which is to minimise the impact of extractive operations, and where possible, achieve a net positive benefit to biodiversity, sustainable land uses, and other environmental values.

Under the draft Strategy, CCAA notes that the Queensland Government has proposed four key actions to address threats to SEQ koala populations being:

- No decline in the total area of SEQ koala habitat from 2017 levels;
- To commence rehabilitation to restore 1000 ha of cleared SEQ koala habitat;
- No long-term decline in koala population density; and
- A 25% reduction of injury and mortality across 10 sites.

Quarry operators continue to assist in the maintenance of SEQ koala habitat by acting in an environmentally responsible manner and clearing on site vegetation progressively. It is also good quarrying practice to allow former grazing lands, whether in the buffer area or within future workings, to naturally regenerate. The result is that most quarry sites, particularly those in or adjacent to the urban areas of South East Queensland, still contain substantial areas that are or have evolved into remnant native vegetation which can lead to a net gain in koala habitat both in terms of increased food resources and enhanced habitat connectivity.

A number of SEQ quarry operators already successfully manage large, extensive koala habitat areas on their quarry sites which have been established and protected under:

- Legislative provisions (e.g. EPBC Act);
- Offset requirements; and
- Fauna Management Plans.

Furthermore, the industry provides support to koala conservation in SEQ through a number of initiatives including funding for research, monitoring and rehabilitation programs; provision of koala fodder plantations, koala fencing and underpasses; and koala habitat restoration programs.

KEY ISSUES REGARDING THE DRAFT STRATEGY

CCAA members have raised a number of important items regarding the draft Strategy including:

1. Extractive Industry exemptions from the provisions of the draft Strategy;
2. Industry consultation on draft legislative provisions;
3. Interaction with other vegetation legislation requirements; and
4. Mapping issues.

1. Extractive Industry exemptions

CCAA welcomes the acknowledgment of the importance of key resource areas under the draft Strategy (pg.19). It is imperative that the proposed prohibition of clearing Koala Habitat Areas in the Koala Priorities Areas must not apply to Key Resource Areas or Extractive Industry – that is, any Extractive Industry (including Extractive Industry outside Key Resource Areas) – otherwise the long term supply of construction materials for SEQ will be jeopardised.

The ‘exemption’ from any proposed clearing prohibition needs to apply to ‘all development’ because there is such a wide array of activities which are associated with extractive industry (e.g. Concrete Batching Plants, Asphalt Plants, truck depots, explosive storage are just some of the activities which are commonly associated with extractive industry). It is vital that there is scope for this wide range of land uses associated with extractive industry whilst operational; and that when the site is exhausted and repurposed from extractive industry, there is sufficient flexibility to ensure that any former extractive industry or KRA site is developed for the most appropriate use taking in to account land use needs.

As well, the ‘exemption’ from any proposed clearing prohibition needs to apply to ‘Reconfiguration of a Lot’ so that it provides an opportunity for extractive industry landowners to manage their landholdings. It is also vital that any proposed changes must not be retrospective, and existing development approvals and committed development (and vegetation clearing associated with these) are exempt from any new provisions.

2. Industry consultation on draft legislative provisions

CCAA notes that the draft Strategy (pg. 19) states:

“A new code in the State Development Assessment Provisions will be introduced to provide the criteria for assessing clearing of koala habitat areas that are:

- *Outside of Koala Protection Area (KPA)*
- *For an extractive industry in a key resource area in a KPA”*

CCAA requests that further information be provided regarding the proposed Code including how it will apply to the extractive industry (i.e. how it would work with the exemption from any proposed

clearing prohibition). CCAA believes that any Code that provides exemptions also needs to be consistent with the EPBC Act, and other legislative provisions.

As well, further industry consultation on the specific details of the proposed legislative amendments (i.e draft Regulations) is essential so that the full impacts of the proposed changes can be considered by the sector, and that the unique clearing, rehabilitation and land management practices of the extractive industry are understood.

Furthermore, CCAA believes that the lead agency for assessment of koala matters should be SARA and not the Department of Environment and Science (DES) as SARA is best equipped to weigh the balance of competing state interests.

3. Interaction with other vegetation legislation

With the introduction of the draft Strategy, there is the possibility that another layer of protection of koala habitat/remnant vegetation on properties in bushfire prone regions. Under the Planning Act there are exemptions for clearing vegetation for bush fire protection and it is important that such exemptions remain with the introduction of the draft Strategy in order to protect life, environment and property. The safety of people working in the industry is a paramount concern for CCAA members.

The draft Strategy provisions are unclear as to whether the current 'exempt clearing works' under the Planning Act and Planning Regulations will apply in relation to the draft Strategy. CCAA members have noted that the draft Strategy (pg. 18) makes reference to the Koala Expert Panel (KEP) recommendation "*to reduce the scope and complexity of exemptions, as clearing for exempt activities has had an impact on koala habitat*".

Further, it is important to recognise that the clearing of vegetation associated with quarry activities is currently regulated by a range of legislative requirements, including:

- *Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth);*
- *Environmental Offsets Act 2014;*
- *Nature Conservation Act 1992;*
- *Planning Act 2016;*
- *Regional Planning Interests Act 2014;*
- *Vegetation Management Act 1999;*
- *Water Act 2000;*
- Local Government planning schemes; and
- Local Government local laws.

CCAA believes that legislative amendments resulting from the strategy should be considered as a single cohesive package to avoid conflict and duplication of regulation and ensure a full understanding of how the changes will be implemented.

4. Mapping issues

CCAA members have advised that the draft mapping available in December 2019 has been removed from the DES website in January 2020 (ie at the end of the consultation period). The removal of the mapping has created difficulties for the industry when preparing site specific submissions to the draft strategy because the mapping can no longer be accessed and compared to the current regulatory mapping and other environmental databases.

The CCAA Submission dated 18 December 2019, outlines additional mapping concerns raised by CCAA members (summarised below).

1. The consultation period on the mapping is very short which makes it difficult to undertake a full evaluation of mapping issues and how they relate to Extractive Industry operations.
2. The mapping should clearly mark all Key Resource Areas, Extractive and Processing areas, as well as all existing approved extractive industry as being exempt from the provisions of the draft Strategy.
3. The draft Strategy does not appear to provide an indication of the Koala Priority Areas (KPA) where clearing of Koala Habitat Areas would be prohibited.
4. KPAs are not currently available on the Biomap links or by requesting a mapping search.
5. The maps in the draft Strategy are not detailed enough to give an accurate indication of whether a site will be impacted by the KPA.
6. A number of the KPAs appear to overlap Key Resource Areas, which should be exempt from the provisions of the draft Strategy and excised out of the mapping to ensure accuracy and minimise confusion.
7. It is unclear as to how the mapping will relate or integrate with the current SEQ koala mapping.
8. Mapping as it currently stands should not be used by the Department of Environment and Science for regulatory purposes. Furthermore, the legislative provisions should include a mechanism for the mapping to be 'ground-truthed' via the development assessment process to ensure the regulations only apply to genuine koala habitat areas.

CONCLUSION

In summary, CCAA submits that:

- The proposed prohibition of clearing Koala Habitat Areas in the Koala Priority Area must not apply to Extractive Industry, associated development, or to Key Resource Areas.
- Any proposed changes must not be retrospective and existing development approvals and quarry operations must be protected.
- Further specific industry consultation on the detail of the proposed legislative amendments and any development assessment codes is essential.
- The lead agency for assessment of koala matters should be SARA not DES.
- Consideration to be given to the interaction of the draft Strategy with other vegetation management legislation, including the current SEQ koala mapping.
- Legislative amendments resulting from the strategy should be considered as a single cohesive package.
- The draft mapping should be made available for further consideration and comment. The current mapping has a number of inconsistencies and there should be the opportunity to 'ground-truth' to ensure the regulations only apply to genuine koala habitat areas.

CCAA looks forward to continued engagement with the Government including the opportunity to comment on draft legislation, codes and mapping prior to commencement of the draft Strategy. If you would like to further discuss any of the issues raised in this submission, please contact Cassandra Koutouridis on Cassandra.koutouridis@cca.com.au or 0417 738 268.

Yours sincerely



Aaron Johnstone
CCAA State Director – Queensland