

15<sup>th</sup> January 2020

Strategy Policy - Environmental Protection Act 1986 Amendments  
Department of Water and Environmental Regulation  
Locked Bag 10  
JOONDALUP DC WA 6919

**Submission by email to:** [EPActamendments@dwer.wa.gov.au](mailto:EPActamendments@dwer.wa.gov.au)

Dear Sir

**Amendments to the *Environmental Protection Act 1986* - Modernising the Environmental Protection Act Discussion Paper**

Cement Concrete & Aggregates Australia (CCAA) appreciates the opportunity to comment on the proposed amendments to the *Environmental Protection Act 1986* (EP Act). We are the peak industry body representing the heavy construction materials industry in Australia, including the cement, pre-mixed concrete and extractive industries.

**About CCAA**

CCAA members account for approximately 90% of the \$7 billion in revenues generated by these industries that, between them, employ 18,000 Australians directly and a further 80,000 indirectly.

CCAA members operate a vital industry that is the foundation of WA's infrastructure and construction markets and to the entire WA economy. As such, it is an imperative that the regulatory framework in which we operate is consistent, transparent and minimises regulatory burdens.

Our industry provides Basic Raw Materials (sand, stone, limestone - BRMs), Cement & Concrete to the construction and infrastructure markets, without these materials WA's roads, housing and buildings cannot be constructed. Best environmental practices are strived for by our industry during the extraction, manufacture and supply of these materials.

**Comment: Modernising the Environmental Protection Act Discussion Paper**

Overall CCAA welcomes the proposed amendments recommended in the discussion paper and view them as a positive effort to streamline environmental assessments and correct current problems with the Act.

Referring the Modernising the Environmental Protection Act Discussion Paper, we hereby make the following specific comments, numbered according to the sections of the discussion paper:

- **Section 2.1 New areas of environmental reform (Pg.8 Environmental Monitoring Programs):** Extractive industry projects are significantly smaller in size than typical mining projects and they typically have smaller impacts and emissions. We therefore recommend that recovery of costs for key State environmental monitoring programs should be focused on the significant polluters and not all licence holders that are present within a specified catchment.
- **Section 2.6 Part IV - Environmental Impact Assessment (Pg.16 Cost Recovery):** CCAA notes that Part IV assessments are lengthy and time consuming, with the proposed cost recovery potentially significant.

Applying cost recovery for environmental impact assessment under Part IV could be cost prohibitive to smaller extractive industry projects and we recommend that these costs are only applied to the larger, high capital projects.

- **Section 2.7 Part V – Environmental Regulation - Licences (Pg.19 Regulation of Prescribed Activities):** CCAA believes that the introduction of prescribed activities rather than prescribed premises would be of benefit to the extractive industry, particularly with concrete plants and crushing and screening plants, as this provides greater flexibility in being able to mobilise to site faster. For this to be effective the thresholds applied to each activity level should be reasonable, or vary depending on the environment, acknowledging that an activity may be performed in many different locations. We further request that the list of prescribed activities and thresholds is released for public review prior to enactment.
- **Section 2.7 Part V – Environmental Regulation - Licences (Pg.20 Controlled Works Regulated within Licence):** Combining works approvals and licences is supported and would be of benefit as it streamlines the approval process, providing one document for controlled works and activities.
- **Section 2.8 Part VI – Enforcement (Pg.21 Entry Powers):** Referring Section 89A of the Act relating to the entry powers, it is recommended that these be carefully considered, including restrictions to ensure health and safety. Powers which permit environmental officers to force entry if there is a perceived imminent environmental emergency need to be balanced with the officers technical ability to make changes to an operational plant and site health and safety considerations. Typically a police officer needs to obtain a considered warrant to enter a property, similarly environmental officer access powers should be measured.
- **Section 3.7 Offsets:** Historically there have been varying outcomes relating to offsets, we therefore submit the following points for consideration:
  - The ability for offsets to be progressive and paid for progressively during the life of a Clearing Permit as land is cleared will greatly improve the use of offsets.
  - Rehabilitation with a return to local native vegetation should be formally recognised as reducing any potential impact for offset purposes.
  - A fair and equitable method of offset should be provided whereby different proponents provide the same offset in terms of money or hectares per hectare of clearing, irrespective of the area to be cleared. Currently there is a lack of consistency or fairness.
- **Streamlined approval system required for small projects:** Across all the proposed Act amendments, consideration needs to be given to a small project and low impact streamlined approval path. Consider steps that would remove the need for smaller projects or impacts to be referred to the Commonwealth under a bilateral agreement. Currently the State can approve an action, but the Commonwealth can take considerable time to sign it off, even for the most simple or minor impact.

CCAA thanks the Department of Water and Environmental Regulation for this opportunity to comment on the discussion paper. Please feel free to contact us if you would like to discuss this submission further.

Yours sincerely,



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**CEMENT CONCRETE & AGGREGATES AUSTRALIA**