

Environment Protection Reform Consultation: Shaping the Next Phase of Environmental Reforms

October 2026



The National Farmers' Federation (NFF) is the voice of Australian farmers.

The NFF was established in 1979 as the national peak body representing farmers and more broadly, agriculture across Australia. The NFF's membership comprises all of Australia's major agricultural commodities across the breadth and the length of the supply chain.

Operating under a federated structure, individual farmers join their respective state farm organisation and/or national commodity council. These organisations form the NFF.

The NFF represents Australian agriculture on national and foreign policy issues including workplace relations, trade, and natural resource management. Our members complement this work through the delivery of direct 'grass roots' member services as well as state-based policy and commodity-specific interests.

NFF Member Organisations



09 October 2026

13 October 2026

Environmental Law Reform Taskforce
Department of Climate Change, Energy, the Environment, and Water
King Edward Terrace
Canberra ACT 2600

Via Email: EnvironmentLawReform@dcceew.gov.au

Dear Sir / Madam,

RE: Environment Protection Reform Consultation: Shaping the Next Phase of Environmental Reforms

The *National Farmers' Federation* (NFF) welcomes the opportunity to provide a submission to the *Department of Climate Change, Energy, the Environment, and Water* (Department) on the proposed regulations and implementation arrangements supporting Tranche 3 arrangements under *National Environmental Law*.

NFF has engaged extensively throughout the reform process through Submissions on both the primary legislation itself but also regulations including Standards. Our engagement in these affairs represent a substantial body of work and we refer the Department to our previous comments and recommendations, recognising that this consultation is concerned with implementing the legislative framework now established rather than revisiting the primary legislation itself. Our comments here are focussed on several key areas of interest and outstanding implementation matters relevant to the sector.

At a high-level, reforms must be workable and proportionate to the realities of the farm sector. This includes not only ensuring appropriate recognition of the sector but also providing clarity in decision-making as it relates to key concepts like 'Significant Impact' and improved and clear guidance as to how routine farm activities interact with the broader requirements of the Act.

With respect to this consultation, there is a need to ensure appropriate safeguards for agricultural land-use are established within Bioregional Planning and that agriculture is afforded genuine opportunities to benefit from the revised regulatory pathways. Equally important is the need to ensure timely progress on bilateral agreements and greater clarity regarding the scope of what is intended for accreditation. Finally, the Commonwealth must recognise equivalent environmental outcomes delivered through existing State and Territory frameworks including offset arrangements to avoid unnecessary duplication and regulatory burden.

Agricultural Safeguards in Bioregional Planning

As NFF has stated in previous Submissions, we support the concept of Bioregional Planning provided it is undertaken comprehensively and all relevant factors are considered. A comprehensive approach requires the clear integration of arable land boundaries (i.e., an agricultural layer) to ensure agricultural land is not inadvertently displaced or disadvantaged by competing land-use priorities. Spatial tools such as the *Spatial Agriculture, Forestry, and Environment* (SAFE) model being developed by the *Australian*

Bureau of Agricultural and Resource Economics and Sciences (ABARES), or an equivalent mechanism, provide a pathway towards achieving this. Such safeguards can and should be incorporated into the social and economic assessments provided for under the primary legislation when developing Bioregional Plans with Regulatory Zones where zoning may have a material impact on agricultural land-use. This is an outcome that NFF sought as part of the broader negotiation process before the legislation was passed and remains a substantial issue.

Development Zones and Priority Actions

NFF remains of the view that there is a missed opportunity in the way that the framework has now been operationalised. The current approach, at least as expressed by the Commonwealth, appears to gear Bioregional Plans predominantly toward large-scale developments with a particular focus on critical minerals, housing, mining, and renewable energy projects (and sectors). Agriculture must be explicitly recognised on both sides of the planning framework, including in the identification of development opportunities and the establishment of conservation requirements.

Under the legislation, Development Zones are intended to allow specified classes of activities (Priority Actions) to proceed through a registration process subject to applicable requirements rather than requiring a separate project-level approval. However, it is important to distinguish that Development Zones do not automatically streamline all activities (as only those expressly identified as Priority Actions benefit).

Section 177AE(2) requires the Minister to be satisfied that the relevant class of actions, taken as a whole, meets the statutory ‘Significant Impact’ threshold on one or more Protected Matters before it can be specified as a Priority Action. NFF has previously raised concerns about the lack of clarity around what constitutes a ‘Significant Impact’ and the scope of activities that may benefit from these streamlined arrangements. Notwithstanding this, there is a risk that Priority Actions will predominantly benefit large-scale developments as agriculture has received little attention. Excluding the sector would represent a missed opportunity to recognise agriculture’s role alongside other sectors and streamline assessments. This is particularly important given agriculture’s interaction with *Matters of National Environmental Significance* and its contribution to regional economies and the national interest.

Conversely, where Bioregional Plans establish Conservation Zones or otherwise restrict activities, the implications for existing lawful agricultural uses (i.e., property rights) and future land-management decisions must be properly considered as part of that zoning process. Poor application will constrain landholders’ ability to use and develop their property, and in some circumstances those restrictions would have the practical effect of sterilising future productive use for what would be in-affect an indefinite period which brings into question arguments around compensation. In this context, we highlight the criticality of ensuring meaningful engagement with agricultural landholders is explicitly provided for within the plan-making process. This should include opportunities for two-way dialogue during the development of zoning proposals and direct notification where identifiable agricultural land may be materially affected.

Agriculture cannot be excluded nor overlooked as a priority sector from the benefits of Bioregional Planning, it is critical that State and Territory processes are accredited in a timely manner and bilateral agreements established to address dual-consent issues and

reduce assessment timeframes for agricultural controlled actions. Without these measures, the sector will see limited productivity benefits from reforms which were intended to deliver more efficient assessments due to the default toward project-level approvals notwithstanding the introduction of the new Streamlined Assessment pathway. Broadly, this is an equity issue as it would create a two-tiered regulatory system where favoured sectors enjoy broad regional-scale exemptions while the agricultural sector is left to navigate what is now a well-acknowledged complex system despite its critical role in regional communities and food security (i.e., national interest).

Assessment Bilaterals and Accreditation

NFF has consistently advocated for bilateral agreements and accreditation processes as critical mechanisms for addressing dual-consent issues in environmental assessments and approvals under *National Environmental Law* and corresponding State and Territory legislation. As we have stated repeatedly for several years, agriculture is profoundly impacted by dual-consent issues. There are countless examples where farmers operating under State and Territory legislation are subsequently made aware that their activities may contravene separate obligations under *National Environmental Law*. This has been a longstanding issue for the sector and was most prominently raised through the *Independent Review of Interactions Between the EPBC Act and the Agriculture Sector* (Craig Review).

NFF supports reforms that address dual-consent issues and remove the need for duplicative assessments and approvals under an accredited framework that is consistent with *National Environmental Standards* that are workable for agriculture.

NFF understands that Environment Ministers recently agreed to accelerate implementation of bilateral assessment and approval agreements, with new or updated assessment bilateral agreements targeted for delivery across all jurisdictions by mid-2027. This will be an important priority and focus for the sector. A clear example that comes to mind is Queensland where overlapping Commonwealth and State requirements continue to create uncertainty around land-management as it relates to *Property Maps of Assessable Vegetation* (PMAV), as well as firebreak clearing and maintenance where State fire prevention requirements may conflict with obligations under Federal law.

We understand that outcomes will be tied to broader questions of funding and resourcing and that the scope and extent of individual agreements will be subject to negotiations between the Commonwealth and relevant jurisdictions. Nevertheless, from a national perspective, NFF seeks greater clarity on the Commonwealth's intended scope for accreditation of agricultural assessment and land-management processes across jurisdictions given the limited visibility and communication to-date regarding what is being considered and the outcomes being sought (recognising that this will be negotiated at a State-by-State level).

In the interim, we consider it important that the Department provide clear guidance on the interaction between the new Commonwealth requirements and existing State and Territory agricultural land-management arrangements to provide that clarity and confidence regarding expectations as these arrangements continue to be negotiated and developed.

Restoration Contributions and Environmental Offsets

NFF supports additional flexibility in the delivery of environmental compensation and that as a principle of best-practice, duplication across regulatory frameworks is avoided. Existing State and Territory offset schemes should continue to be recognised as compatible with the Commonwealth framework where they deliver equivalent outcomes for the same protected matter. We also reiterate our previous concerns regarding the potential for restoration activities to displace agricultural land or otherwise create additional land-management risks reinforcing the importance of flexibility in how restoration outcomes are delivered. We have more detailed views regarding what this may look like in-practice which we will be progressing through the Department's separate public consultation on the *Restoration Contributions Calculator Methodology*.

There is mistrust and misguided ambition in the 'like for like' ambition. The process needs to be outcomes-based and focus more on predation and invasive weed infestation than on creating more habitat making the existing landscape a better place is a worthy and more achievable goal.

Where a State or Territory scheme has already established and secured an eligible environmental outcome for the same action and protected matter, the Commonwealth framework should recognise that outcome when determining any remaining compensation requirements. Landholders and proponents should not be required to deliver the same environmental obligation twice.

Closing Remarks

Thank you for the opportunity to contribute to this important matter. Please do not hesitate to contact Warwick Ragg, General Manager, Natural Resource Management, via e-mail: WRagg@nff.org.au in the first instance to progress this discussion.



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