NRM Regions Australia submission to the Environment Protection Reform Consultation: Shaping the Next Phase of Environmental Reforms

October 2026

Thank you for the opportunity to make a submission on the Environment Protection Reform Consultation: Shaping the Next Phase of Environmental Reforms.

About NRM Regions Australia

NRM Regions Australia is the national peak body of the 54 regional natural resource management (NRM) organisations which cover the whole of Australia. Our members plan, partner, and deliver projects and programs that support healthy landscapes, vibrant communities and productive primary industries.

Regional NRM organisations were established across the country 25 years ago to ensure national coverage for environmental restoration and sustainable land management issues. The regional NRM approach has enabled governments to move beyond ad hoc environmental investment by providing the foundations for integrated land management planning and project delivery. The regional NRM model ensures there are skilled, independent professionals in place across the country working with local stakeholders to develop strategic NRM plans that reflect the local environment, and social, cultural and economic contexts to ensure the right projects are delivered in the right places to achieve landscape restoration and resilience. Regional NRM organisations efficiently deliver practical, integrated, on-ground environmental and land management projects to restore nature, promote sustainable agricultural industries, and support economies and communities to thrive.

NRM Regions Australia's response to this consultation is provided below. We would welcome the opportunity to further discuss these issues.

Consultation paper 2: Enabling landscape scale pathways

- NRM RA supports the regulations requiring the consistent application of all National Environmental Standards across bioregional plans, bioregional guidance plans, and strategic assessments.
- NRM RA supports the proposed regulations for bioregional planning in principle, but note the need for additions to the regulations as follows:
    - The regulations as proposed do not currently require bioregional plans and bioregional guidance plans to include relevant information from regional NRM planning. Each region in Australia has an existing regional NRM plan, which is updated every five years and includes highly relevant information to the bioregional planning process, including identification of the regional objectives for restoring natural and productive assets, including its water, soil, plants, animals and coastal environments at a landscape scale. Their relevance to bioregional plans is exemplified in the recent drafts of the bioregional guidance plans for the Brigalow Belt North and Gulf Plains. To ensure this highly relevant information is included consistently in the development of bioregional plans, **the regulations should require bioregional plans to include a description on how the bioregional plan is consistent with the objectives of the relevant regional NRM plans.**
    - As proposed, the regulations on mandatory inclusions in bioregional plans (particularly the Registration Charge Information Statement and the conditions on restoration contributions) do not require information on the *timing and total expected charges and contributions to be received for restoration, and how these charges and contributions will be sufficient for the delivery of the required restoration actions and net gain over the required timeframe*. **Detail on the expected charges is critical information for assessing the feasibility of delivering the required bioregional restoration actions, and should be required through the regulations as a mandatory inclusion in bioregional plans.**
    - Likewise the proposed regulations for mandatory inclusions in bioregional plans do not require the inclusion of information on the expected likelihood of participation from relevant entities in the delivery of the restoration actions, including necessary coordination and delivery infrastructure. Of particular note here is the likelihood of landholder participation in the restoration actions, which can vary considerably across the country and within landscapes. Alongside the identification of the location, and relevant habitat for MNES within the plan area, **information on the likelihood of participation from relevant landholders and other participants is critical to delivery and should be required through the regulations as a mandatory inclusion in bioregional plans**.
    - Relatedly, the proposed regulations do not require information within the bioregional plan for identification of which entities are responsible for the delivery and maintenance of restoration actions. Identifying responsibility is necessary for clarity and assurance of effective restoration. **The regulations should require as**

mandatory the clear identification of entities responsible for delivery and maintenance of restoration actions under the bioregional plan.

- NRM RA strongly supports the inclusion of First Nations participation in the development of bioregional plans. **The regulations should require bioregional plans to include a specific statement on how First Nations have contributed to the development of the bioregional plan**.

- NRM RA strongly recommends the development of a specific National Environmental Standard for Bioregional Planning and Bioregional Guidance Planning
    - The bioregional planning and bioregional guidance planning mechanisms under the reformed EPBC Act have important implications for protecting, maintaining and enhancing protected matters. Their development and delivery also have considerable implications for local communities.
    - Whilst the prescription of mandatory inclusions for bioregional plans through the EPBC regulations is welcome, it is noted that without a standard, there is considerable risk that the quality and effectiveness of the bioregional plans and bioregional guidance plans and associated development and delivery processes will vary markedly across regions.
    - Standardised principles to ensure that relevant environmental, economic and social information and knowledge are drawn into the development of bioregional plans and bioregional guidance plans, at appropriate scales, and through appropriate participatory processes, are essential. As such, **NRM RA strongly recommends the development of a National Environmental Standard for Bioregional Planning as a matter of priority.**

Consultation paper 3: Delivering new compensation options

- NRM RA supports in principle providing the Restoration Contributions Holder with flexibility to achieve restoration outcomes through the regulations, noting the following:
    - It is important for consistency that the offsets standard apply equally to all offsets under the EPBC Act, regardless of the pathway. Except where there is clear conflict between the primary legislation and the offsets standard (e.g. an offset commencing prior to impact), **the proposed regulations must prescribe that all offsets delivered through the Restoration Contributions Holder *are consistent with* all National Environmental Standards, including the offsets standard (rather than having 'regard to') .**
    - In situations where the impact or exemption has already been compensated for through an advanced restoration action (see section 2.2.4 Acquitting liabilities in advance), **the Restoration Contributions Holder should be required to direct any unspent bioregional planning amounts or unspent exemption amounts towards advanced restoration actions that are tied to the relevant bioregional plan or protected matter.** This is to ensure that these unspent amounts cannot be used for unassociated bioregional plans or protected matters. At present the proposed

regulations read as though these unspent funds could be used for any other bioregional plan or protected matter.

- Where flexibility is provided for undertaking alternative restoration actions, to provide clarity and help ensure appropriate outcomes, the **regulations must require demonstration of why the original restoration action is no longer feasible, that the alternative restoration action must achieve an equivalent or better outcome, is directly tied to the relevant bioregional plan or protected matter, and is guided by the advice of the Restoration Contributions Advisory Committee.**

- NRM RA does not support the regulations limiting offsets to a maximum maintenance period of 100 years.
    - The proposed regulations at present identify a maximum maintenance period for restoration actions of 100 years (section 2.2.5). We think that the maintenance period for offsets should be equivalent to the permanence of the impact – a permanent impact on biodiversity must result in a requirement for the offsets to be established on a site that is protected and maintained in perpetuity. Limiting the maintenance period to 100 years will mean that these restoration sites are at risk of future loss and decline in condition, with a cumulative effect of adversely impacting the ongoing outcomes and durability of restoration actions over time. Rather than setting a maximum maintenance period of 100 years, **the regulations should instead align the maintenance period of the restoration actions with the offset obligation, taking into account the permanence of the impact**.

- NRM RA notes the following in relation to restoration actions commencing within three years (section 2.2.6) and the delivery of alternative restoration actions and alternative bioregional restoration actions (section 2.2.7):
    - The delivery of restoration actions, including those under bioregional plans, is tied to the willing participation of relevant landholders. Standing infrastructure at a local scale that builds the understanding of landholders and supports them in their decisions about restoration opportunities, such as the extension and outreach services provided by the regional NRM network, is critical for enabling landholder participation in restoration schemes. This standing infrastructure and the on-ground knowledge it brings is also critical for identifying on-ground opportunities for the delivery of restoration actions.
    - The proposed regulations identify for the Restoration Contributions Holder a minimum timeframe of one year prior to seeking alternative actions. Offset-type arrangements and restoration activities are often a considerable obligation on landholders and can often take longer than one year to negotiate, secure, set-up and implement. Because of this, the minimum timeframe of one year is likely insufficient in many instances. Noting the need to avoid accumulating restoration funds without expenditure, the regulations should instead require that **any proposal for alternative restoration actions be supported by evidence of the 'reasonable attempt' undertaken to secure the original restoration action (inclusive of exploration through local networks), and for any decision on an alternative be tied to the**

relevant bioregional plan or protected matter, and be guided by advice from the Restoration Contributions Advisory Committee.

- NRM RA supports the proposed regulations for clarifying requirements for management plans for bioregional restoration actions and exemption amount restoration actions, noting the following:
    - The regulations as proposed will require identification of third parties involved in the restoration action to be identified in the management plan. This is welcome but does not provide clarity on the expertise and experience of the third party to undertake the restoration work. **The regulations should also require a statement within the management plan of the third party's experience and expertise with ecological restoration**.
    - The current proposed regulations do not require a statement of how the restoration actions are consistent with the restoration priorities identified in the relevant regional NRM plan. Aligning the restoration actions with the relevant regional NRM plan objectives will enable the project to contribute to other efforts in the landscape to conserve, protect and restore protected matters, and contribute to the objective of a net gain for biodiversity through the project. **The regulations should require a statement within the management plan describing how the restoration actions are consistent with the relevant regional NRM plan**.
- Advanced offsets should be aligned with National Environmental Standards for Environmental Offsets:
    - The proposed regulations include a requirement for detail on whether the application for advanced offsets is consistent with relevant components of the National Environmental Standards. This appears insufficient for providing clarity on how the advanced restoration actions are actually consistent with the National Environmental Standards. For clarity, rather than whether they are consistent, **the regulations should instead require a statement on *how* the advanced restoration actions are consistent with the National Environmental Standards**.
    - The current proposed regulations also do not require a statement of how the advanced restoration actions are consistent with the restoration priorities identified in the relevant regional NRM plan. Aligning the advanced restoration actions with the relevant regional NRM plan will enable the project to contribute to other efforts in the landscape to conserve, protect and restore protected matters, and therefore the strategic impact of the project. **The regulations should require a statement within the management plan of how the advanced restoration actions are consistent with the relevant regional NRM plan**.
- NRM RA supports the proposed transparency and reporting measures, noting in addition:
    - The proposed regulations for bioregional planning will require details on each alternative bioregional restoration action where a general restoration action was not available. This is important for transparency but **the regulations for annual reports would be greatly strengthened with the inclusion of a requirement for detail on *why* the alternative restoration actions were needed.** This will assist in identifying

the causes for needing alternative restoration actions (e.g. constraints on or disinterest from landholders), enabling continual improvements to the scheme over time.

Consultation paper 4: Other consequential amendments

- NRM RA supports the proposed general publishing changes to improve transparency, in particular:
    - Any measures that improve transparency and accessibility of assessment materials from proponents that supports public participation and provides a clear pathway for the public to submit comments
    - Publication of assessment documentation that is accompanied by a summary of the feedback received during consultation

Thank you for the opportunity to provide this submission. We would be happy to discuss these points further. Please direct enquiries to NRM Regions Australia CEO Marnie Lassen at marnie@nrmregionsaustralia.com.au or Dr Mat Hardy mat@nrmregionsaustralia.com.au