11 December 2025

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Subject: Feedback on *Minimising Pollution and Waste Risks in a Changing Climate – Draft Guidance*

Australian Dairy Farmers (ADF) and Dairy Australia (DA) welcome the opportunity to comment on the draft *Minimising pollution and waste risks in a changing climate* guidance.

About Australian Dairy Farmers (ADF)

Australian Dairy Farmers (ADF) is the national peak industry representative body for dairy farmers, representing farmers across Australia's six dairy regions through State Dairy Farming Organisations and direct farmer members. ADF works with governments and industry partners to ensure policy and regulation is effective, practical and recognises the realities of food and fibre production.

About Dairy Australia (DA)

Dairy Australia is the national services body for the Australian dairy industry. Its role is to help farmers adapt to a changing operating environment and support profitable, sustainable dairy businesses. As the industry's research and development corporation, DA invests in projects that cannot be efficiently undertaken by individual farmers or companies, with a strong focus on climate risk, environmental management and resilience.

About the Victorian Dairy Industry

Victoria is the powerhouse of Australian dairy. With 2,476 dairy farms and 805,000 cows, the state produces 5.27 billion litres of milk annually - 63% of the nation's total supply. The industry directly employs 17,000 people, including 7,500 on farms and 9,500 in manufacturing, underpinning the economic fabric of Gippsland, the Murray region and southwest Victoria. Victoria's farmgate milk value is $3.62 billion, and the state accounts for 65% of Australia's dairy export value, reflecting its globally competitive processing sector and strong international demand.

1. Summary

ADF and DA support EPA Victoria's objective of helping businesses understand and manage climate-related pollution and waste risks under the General Environmental Duty (GED). We also recognise that dairy farms are exposed to many of the climate hazards described in the guidance – including floods, heatwaves, storms and drought – and that these hazards can increase environmental risk.

However, the draft guidance has been developed primarily with industrial and licensed facilities in mind. Applying the same expectations to unlicensed agricultural businesses introduces significant regulatory, practical and interpretive risks. All Victorian dairy farms are non-licensed duty holders; they have never been required to prepare an RMMP or conduct formalised climate risk assessments, and they lack the technical, staffing and infrastructure profiles assumed in the draft guidance.

The draft guidance also does not provide clear criteria for identifying "high-risk activities" in an agricultural context or what a proportionate regulatory response for farm businesses would look like. Without this clarity, there is a serious risk that dairy farms will be swept into a framework that was not designed for them.

For these reasons, ADF and DA recommend that EPA explicitly exclude agriculture from the application of this draft guidance.

This does not mean agriculture avoids climate risk or environmental responsibility; rather, it reflects that the guidance is fundamentally mismatched to the structure, risk profile and operational realities of farming. A separate, proportionate and co-designed approach is required.
Our concerns are that applying the guidance to unlicensed agricultural businesses would:

1. Create uncertainty and regulatory creep, with RMMP-style expectations migrating into GED enforcement.
2. Set impractical or disproportionate expectations for farm systems, especially regarding engineered controls, climate modelling, monitoring and documentation.
3. Cut across or duplicate existing industry climate adaptation programs, which are already practical, farmer-facing and evidence-based.
4. Risk inconsistent and inappropriate interpretation by officers, due to the lack of agriculture-specific clarity.

Given these risks, an explicit exemption for agriculture is the simplest, clearest and most proportionate solution.

2. Victorian dairy context and existing climate adaptation programs

2.1 Dairy farms as "medium to high-risk activities"

Our understanding is that most Victorian dairy farms would fall within the guidance's definition of "medium to high-risk activities", given:

- proximity to rivers, creeks, drains and groundwater
- outdoor storage and handling of fuels, fertilisers and chemicals
- on-farm effluent collection, storage and reuse systems
- extensive outdoor plant and pipework exposed to weather.

However, the draft guidance does not provide clear or practical criteria for distinguishing what constitutes a "high-risk activity" in an agricultural context, nor what a proportionate regulatory response should look like for unlicensed farm businesses. Without clear boundaries, there is a real risk that dairy farms would be treated as if they were industrial facilities.

Importantly, no Victorian dairy farms are licensed duty holders. They have not been required to prepare RMMPs, undergo structured climate hazard assessments or implement the documented risk matrices and action plans described in the guidance. Applying these expectations to farms would be a major regulatory shift without a transition pathway, justification or proportionality.

These concerns reinforce the need for an explicit exclusion of agriculture from the scope of this guidance.

2.2 Dairy Australia's climate risk and adaptation programs

The dairy industry is not starting from scratch. DA already delivers a suite of programs and tools that directly address climate risk, adaptation and environmental performance, including:

- **Climate risk and adaptation learning**[1] – online modules and resources that help farmers understand climate drivers, physical risks (floods, fires, drought, heat) and business risks, and identify adaptation options at farm level.
- **Dairy Businesses for Future Climates (DBFC)**[2] – scenario analysis using case study farms across regions to test how different systems perform under future climate conditions and what system changes (e.g. feedbase, irrigation, infrastructure) best suit new conditions.
- **Dairy Farm Climate Impacts resources**[3] – region-specific information on how climate change is already affecting pastures, water availability, heat stress and

[1] Climate Risk & Adaptation | Dairy Australia
[2] Dairy Business for Future Climates | Dairy Australia
[3] Dairy Farm Climate Impacts | Dairy Australia

biosecurity, and what changes farmers are making to adapt (e.g. altered pasture species, increased shade and shelter, different crop rotations).

- **Climate and environment hub**[4] – practical tools for managing climate and environment, including the Australian Dairy Carbon Calculator, DairyBase, and the Farm Environmental Tracker to benchmark environmental performance (animals, energy, effluent, biodiversity, water use).
- **Event and disaster recovery initiatives**[5] – such as bushfire and flood recovery directories and the Storm and Flood Industry Recovery Program in NSW, which include vulnerability assessments, adaptation planning for natural disasters, and development of best-practice emergency response materials.
- **On-farm environmental management programs** – including effluent design and management training (e.g. *Design Livestock Effluent Systems*[6]), nutrient management planning (*Fert$mart*[7]), and water use efficiency programs.

These initiatives already encourage farmers to consider climate hazards, adjust their systems, and reduce pollution and waste risks in practical ways – for example:

- investing in feedpads and shade infrastructure
- increasing fodder and water storage
- upgrading and managing irrigation systems for water efficiency
- improving effluent system design, storage capacity and reuse
- planning for income and climate variability.

These programs already support practical, evidence-based adoption of climate risk management and environmental good practice on farms. They should be the primary mechanism for sector capability uplift – not a compliance template or a prescriptive regulatory tool.

3. Key issues with the draft guidance

3.1 Scope and risk of regulatory creep

The guidance is targeted at "medium to high-risk activities", irrespective of permission status, and is aligned with EPA's risk management and RMMP frameworks. Without explicit clarification, there is a real risk it will be interpreted as:

- a de facto benchmark for GED compliance for all medium–high risk activities, including unlicensed farms; and

[4] Managing Climate & Environment | Dairy Australia
[5] Dairy Industry Bushfire Recovery Directory | Dairy Australia
[6] Design Livestock Effluent Systems Course Returns in 2025 | Dairy Australia
[7] Nitrogen Fertilisers Resources | Dairy Australia

- a justification for requiring RMMP-style documentation through Improvement Notices or audits, as we raised in our RMMP submission.

To avoid misapplication and confusion, ADF and DA request that EPA clearly state that the guidance does not apply to agriculture.

3.2 Misalignment with agricultural operating environments

The document's examples and control measures are largely written for industrial and utility-scale sites (e.g. chemical manufacturing plants, landfills, wastewater treatment plants). In contrast, dairy farms:

- operate predominantly outdoors over large areas
- rely on soil, pasture and livestock systems rather than fixed plant
- often have limited capacity for detailed modelling or real-time monitoring.

Controls such as geotechnical redesign, engineered flood barriers, extensive bund upgrades or multiple layers of backup power may be appropriate for industrial facilities, but are neither technically nor economically feasible for many farms.

3.3 Practicality and proportionality of risk assessment expectations

The guidance presents a structured, multi-scenario climate risk assessment framework, referencing ISO 31000 and detailed qualitative/quantitative approaches. While suitable for large enterprises, this level of formality and documentation is beyond the reasonable capacity of most small dairy businesses.

4. Recommendations

ADF and DA recommend that:

EPA explicitly exclude agriculture, including dairy farms, from the scope and application of this draft guidance.

This exemption is justified because:

- The guidance is designed for industrial, licensed and infrastructure-heavy operations, not variable, biological farming systems.
- Applying the guidance to farms would create significant regulatory uncertainty and risk of disproportionate expectations.
- The lack of clear agricultural criteria means the guidance would likely be misinterpreted or inconsistently enforced.
- There are opportunities to work with DA and other agricultural bodies to align climate risk guidance with existing industry programs, providing practical pathways for farmers without imposing new or prescriptive requirements.

Exempting agriculture does not diminish environmental responsibility. Rather, it ensures risk management is delivered through practical, farm-appropriate pathways already established by industry.

If EPA wishes to provide support to agriculture in future, this should occur through co-designed, principles-based materials, aligned with DA programs, not through repurposed industrial guidance.

5. Conclusion

ADF and DA appreciate EPA Victoria's focus on improving climate risk preparedness and reducing pollution and waste risks. Dairy farmers are already adapting to a changing climate and working actively to strengthen resilience through DA programs.

To be effective and proportionate, the *Minimising pollution and waste risks in a changing climate* guidance must recognise the fundamental differences between agriculture and industrial sites. The most appropriate and practical approach is for EPA to explicitly exempt agriculture from this guidance and work collaboratively with industry on future support materials that are genuinely tailored, feasible and aligned with farming systems.

We would welcome the opportunity to work with EPA Victoria on next steps.

For any questions please contact:

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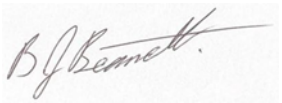
Yours sincerely



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