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Commonwealth Department of Climate Change, Energy, the Environment and Water

Via [EPRconsultation@dcceew.gov.au](mailto:EPRconsultation@dcceew.gov.au)

### **Draft Submission on National Environmental Standards (Matters of National Environmental Significance - MNES)**

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

LGNSW welcomes the opportunity to comment on the revised National Environmental Standard for Matters of National Environmental Significance (MNES), which supports the protection and conservation of biological diversity and ecological integrity, and demonstrates the value of environmental resources.

Councils play a key role in protecting nature through local land use planning, protecting vegetation and ecosystems from threatening processes, including pests and weeds and biosecurity emergencies, and involving communities in environmental protection, including bush care, community education events and programs.

This is a draft submission and is subject to review and approval of the LGNSW Board. Any changes will be advised at the earliest opportunity.

### **Background**

The introduction of National Environmental Standards to guide decision making and implementation of the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* was recommended by the Samuel Review<sup>1</sup> and passed by the Australian Parliament in the *Environment Protection Reform Act 2025* on 28 November 2025.

This second exposure draft of the MNES Standard specifies what must be done to protect, conserve, manage, restore, and (as appropriate) recover (if necessary) environmental assets or areas that are protected under the Act, by establishing a high-level framework, supported by other standards in development.

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<sup>1</sup> Professor Graeme Samuel AC (2020) [Independent Review of the EPBC Act – Final Report](#)

## Response

LGNSW commends changes to the Standard to improve usability and enforceability, including the revision of **Section 8 Principle 1** which makes mandatory **(1)** the application of the mitigation hierarchy and **(7)** the application of appropriate measures (e.g. offsets) to compensate for significant residual impacts.

Similarly, we welcome the addition of clarifying text in **Section 5 Objectives 2**:

*This Standard aims to promote and enhance the diversity, abundance, resilience, and integrity of protected matters across their entire geographic area to support the long-term survival and continuation of such matters consistent with the principles of ecologically sustainable development.*

This addition sensibly implies that the protection of supporting ecological systems is required to maintain 'protected matters'.<sup>2</sup>

We are encouraged by the expanded definition in **Section 9 Principle 4** for *Appropriate, suitable and best data and information*, which clarifies expectations in terms of evidence. However, we maintain concern that the MNES Standard does not require proponents to identify and address knowledge gaps or uncertainty which may occur in existing data and information, for example through evidence gathering or ecological field surveys where warranted.

The application and recognition of council biodiversity information and mapping, including relevant land use and conservation plans, and local environmental instruments, could support this Principle. Furthermore, Principle 4 could be better phrased as *Actions are supported by appropriate evidence, Indigenous engagement and consultation*.

It is recommended that definitions for critical terms in the MNES Standard, including "avoidance", "mitigation", and "repair" are included in the EPBC Glossary of Terms<sup>3</sup> to minimise conflicts of interpretation. Thresholds to assist decision makers apply the mitigation hierarchy may also be useful in the assessment of whether impacts are 'unacceptable' and/or 'significant'.

The National Ecosystem Accounts<sup>4</sup> released on 23 April 2026 show biodiversity outcomes continue to decline. They also reiterate the urgency outlined in the Samuel Review to deliver reforms that actively protect and restore ecosystem condition and environmental outcomes across all levels of Government, business and the community.

LGNSW looks forward to the opportunity to provide input to guidance on arrangements impacting local consideration, administration and implementation of Matters on National Environmental Significance, including the integration and streamlining of agreements, bioregional plans, and measurable actions and outcomes.

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<sup>2</sup> In simple terms, 'protected matters' are environmental assets (plant or animal) or areas listed under the EPBC Act.

<sup>3</sup> [Glossary, EPBC Act Public Portal](#)

<sup>4</sup> <https://www.abs.gov.au/statistics/environment/environmental-accounts/national-ecosystem-accounts-experimental-estimates/2022-23>



Thank you again for the opportunity to comment. If you would like further information on LGNSW's position, please contact Suzanne Dunford, Senior Policy Officer Environment on 02 9242 4053 or [Suzanne.Dunford@lgnsw.org.au](mailto:Suzanne.Dunford@lgnsw.org.au).

Yours sincerely

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