

30 January 2026

National Environmental Standards
Department of Climate Change, Energy, the Environment and Water

Via online portal: [Have Your Say platform](#)

Dear National Environmental Standards team

RE: National Environmental Standards for Matters of National Environmental Significance and Environmental Offsets

The Green Building Council of Australia (GBCA) welcomes the opportunity to provide feedback on the National Environmental Standards. GBCA is a strong advocate for a policy and legislative environment that supports positive outcomes for nature while balancing the need for well-considered development. We have previously provided input to several consultations regarding Australia's environmental and nature laws, as well consultation regarding establishment of the Nature Repair Market.

GBCA supports National Environmental Standards that set clear, enforceable boundaries for protecting matters of national significance, while providing certainty and efficiency for well-designed development.

GBCA recognises the significance of the recent Environmental Protection and Biodiversity Conservation (EPBC) Act reforms and supports the reforms' aims to establish:

- Clear, science-based National Environmental Standards that set consistent baseline expectations for protecting and restoring nature.
- A strong, independent national environmental regulator with adequate resourcing, transparency and enforcement powers.
- Strategic, landscape-scale planning approaches that address cumulative impacts and provide early certainty for development.
- The progressive removal of long-standing exemptions that have enabled nationally significant impacts to occur outside Commonwealth oversight.
- Efficient, predictable approval pathways for well-designed projects that align with climate, housing and nature-positive objectives.
- Improved environmental data, monitoring and public reporting to support better decision-making and market confidence.

This submission makes ten targeted recommendations to strengthen and clarify the draft standards:

Environmental Offsets

1. Ensure measurable improvement is taken from an appropriate baseline before environmental degradation associated with development.
2. Set strong parameters and independent monitoring for offsets to reduce the risk of ongoing biodiversity loss.
3. Establish an independent regulator role for agreeing substitutions from like-for-like.
4. Ensure flexibility to change course where an offset is unexpectedly not achieving outcomes.
5. Retain all eight proposed principles.

Matters of National Environmental Significance

1. Support the mitigation hierarchy of avoid, mitigate, repair. The draft requires ‘having regard’ which is among the weakest formulations. This should be raised to ‘act consistently with.’
2. Ensure consideration of climate change as a driver of decline for matters of environmental significance. In the absence of other tools such as cap and trade or carbon taxes, the planning system should be part of the policy tools ensuring Australia is on a pathway consistent with climate commitments.
3. Allow strategic planning to carry more weight to provide predictability and help address cumulative impacts.
4. Require decisionmakers to assess cumulative impacts explicitly.
5. Ensure standards are designed and written to deliver consistency and predictability. Predictability is important for both developers and for achieving environmental outcomes.

About the GBCA

GBCA’s purpose is to lead the sustainable transformation of the built environment. We do this primarily through our core functions:

- We advocate policies and programs that support our vision and purpose.
- We rate the sustainability of buildings, fitouts and communities through Australia’s largest national, voluntary, holistic rating system - Green Star.
- We educate industry, government practitioners and decision-makers, and promote green building programs, technologies, design practices and operations.
- We collaborate with our members and other stakeholders to achieve our mission and strategic objectives.

Green Star is Australia’s most widely used sustainability rating system for the design, construction and performance of buildings – including social infrastructure – fitouts and communities. Green Star aims to transform the built environment by:

- reducing the impact of climate change
- enhancing our health and quality of life
- restoring and protecting our planet’s biodiversity and ecosystems
- driving resilient outcomes for buildings, fitouts, and communities
- supporting and rewarding the development and use of sustainable products and materials
- contributing to market transformation and a sustainable economy.

GBCA’s Nature Positive Roadmap

GBCA recognises that buildings and communities have direct and indirect impacts on habitat, ecosystems and water quality, there is also an opportunity to support the renewal of nature in our cities.

GBCA is working on a [Nature Positive Roadmap](#)¹ which provides a framework for the built environment to contribute to the global ambition for a nature positive future. This work has been undertaken in response to, and in collaboration with, our members² and the wider built environment sector who seek

¹ GBCA. 2025. Nature positive roadmap: For new developments – Draft for consultation. <https://gbca-web.s3.amazonaws.com/media/documents/draft-nature-positive-roadmap.pdf>

² GBCA members comprise a diverse and passionate community of over 650 organisations committed to driving the green building movement forward in Australia. They encompass developers, architects, engineers, designers, builders, product manufacturers, governments and more. Please see <https://www.gbca.au/membership/become-a-member>

a pathway towards nature positive outcomes for development with targets and benchmarks that align with frameworks such as the Kunming-Montreal Global Biodiversity Framework and Taskforce on Nature-related Financial Disclosures. It recognises that developments must move beyond minimising harm and actively support the protection, regeneration and restoration of biodiversity and ecosystems. The document recommends that the built environment move beyond ‘doing less harm’ and actively contribute to the recovery of nature, with the goal of achieving nature positive outcomes.

Draft Environmental Offsets – Recommendations and feedback

Well-designed offset systems have potential to support development where residual impacts are genuinely unavoidable. However, offsets will only maintain legitimacy if they deliver measurable, additional and enduring environmental outcomes.

The proposed EPBC Act reforms will provide for a regulatory hierarchy for offsetting including amendments to the legislation, the development of regulations, and development of an Offsets Standard, as well as supporting guidance and policy.

GBCA feedback is aimed at supporting the draft standards objective, that offsets provide certainty that protected matters will be both protected and enhanced. Working well, offsets will enable development including renewable energy, infrastructure corridors and urban development. If offsets do not provide certainty of net gain, then environmental degradation will continue, and an offsetting approach will likely lose legitimacy and support.

Please also see the GBCA and Property Council of Australia’s report, [Carbon offsets, last but not later](#)³.

1. An appropriate baseline for principles

In the proposal, net gain and additionality are measured against a baseline. The baseline is currently defined as: An evidence-based estimate of the likely condition of a protected matter at the point of approval and in the absence of the action or offset being proposed.

Measuring from the status of the matter at the date of approval will fail to account for environmental degradation up until project approval. This could include degradation resulting from previous steps to prepare a site for development.

It essentially grandfathers in a portion of the environmental damage associated with development. If a requirement to restore to an earlier baseline is included, it will lead to better environmental outcomes. Where this is expected it can be factored into land sale prices. We recommend the baseline be at the time of application, site purchase, or development, whichever is the earliest, or where the site has been held by the same entity for some time, 5 years prior to the application date.

2. Independent verification and long-term monitoring

While environmental damage can occur at the time of development, the activity and maintenance period of the offset will often be very long term – the standard anticipates up to 100 years. This creates a time inconsistency dynamic to manage, where the development has achieved the benefits of development, but must maintain the long-term cost of offsetting activities.

To manage this, a strong commitment mechanism is needed. The standard should include requirements for ongoing independent verification of an ongoing activity to achieve the outcomes, paired with

³ GBCA & Property Council. 2023. Carbon offsets, last but not later. <https://gbcaweb.s3.amazonaws.com/media/documents/carbon-offsets-last-but-not-later.pdf>

penalties that are high enough to maintain compliance with agreements. As an example, the Australian National University collaborated with Greenfleet to create a Nature and carbon scheme that delineated options on how to ensure long term benefits are assured across a 100 year timeframe [Nature And Carbon](#).

3. Independent oversight of like-for-like substitutions

The draft Offsets Standard has good intent that offsets should be like-for-like where possible. The draft standard does allow an alternative where a conservation planning document, bioregional guidance plan, or bioregional plan identifies a higher conservation priority for the affected protected matter.

The standard should include a process or role for an independent regulator or federal body to verify that an identified 'higher conservation priority' is appropriate to use for the purpose of environmental offsetting.

4. Flexibility where outcomes are not achieved

The draft standard has good feasibility provisions to support offsetting activities that have a high degree of success, including parts 8(2) – 8(4).

Nature-based systems can be difficult to predict and there may be some offsetting activities that while well-researched and well-intentioned, may prove to be less effective than anticipated. The standard would benefit from having review mechanisms, and a process to approve a change in approach where an existing agreed activity is not having the desired impact. This could take the form of a new principle or be incorporated into feasibility. Assessing performance is always improved through the use of independent verification to recognised standards.

5. Retaining the full set of offset principles

Our view is that the principles identified work together as a set. In moving from the draft standard to a final standard all the principles should be retained. The set of principles is: Feasibility, security, direct and tangible, net gain, additionality, like-for-like, relevant area, commence prior to impact. There could be a role for an additional principle that captures the need to ensure offsets are having an impact after commencement, either 'evaluation', or 'duty-of-care'.

Draft Matters of National Environmental Significance (MNES) Standard – Recommendations and feedback

Nature positive outcomes and development are not mutually exclusive, the question is how to change the form, timing and design of development so it actively contributes to nature recovery, rather than driving nature loss. Australia must deliver new housing, infrastructure and urban renewal while addressing threats to biodiversity and the ecosystem. For the draft standard this means avoiding the highest-value ecosystems and, elsewhere, planning so that development leads to measurable net gains for nature.

1. Strengthen the avoid, mitigate, repair hierarchy

The draft MNES Standard's requirement that decision-makers merely 'have regard to' the mitigation hierarchy is insufficient to drive better environmental outcomes or provide certainty for proponents. The avoid, mitigate, repair hierarchy is central to achieving nature positive outcomes and should operate as an outcome directing framework, not a discretionary consideration.

GBCA recommends strengthening the draft text so decisionmakers are required to act consistently with the hierarchy, with a clear expectation that impacts on MNES are avoided wherever feasible, before mitigation, repair or offsetting are considered.

2. Consideration of climate change

Climate change is a well-established driver of biodiversity loss and ecosystem decline, and its interaction with development impacts should be explicitly addressed in MNES decision-making. In the absence of other policy tools such as economy-wide emissions constraints, the planning and approvals system has a role to play in ensuring development decisions are consistent with Australia's climate commitments and nature positive objectives.

3. Strategic planning should carry more weight

GBCA strongly supports elevating the role of strategic, landscape-scale planning in MNES decision-making. Project by project assessment alone is unlikely to deliver efficient outcomes for either nature or development, particularly in growth areas, infrastructure corridors and urban renewal precincts. Government-led strategic planning can provide early clarity about environmental constraints, improve sequencing of development, and reduce delays and conflict at the project approval stage.

Strategic planning is important in the context of cumulative effects. A system that allows development until anything further would trigger unacceptable impacts is unlikely to be a fair way to allocate the environmental envelope and will be unpredictable for developers.

4. Require decision-makers to assess cumulative impacts explicitly

Cumulative impacts remain a significant driver of biodiversity decline yet are often poorly addressed in project level decision-making. GBCA supports an explicit requirement for decision-makers to assess cumulative impacts on MNES, including the interaction between the proposed action and existing or reasonably foreseeable developments.

To avoid placing unreasonable burdens on individual proponents, GBCA supports cumulative impact assessment being informed by strategic planning.

5. Desire for predictability

Predictability is essential for achieving both strong environmental outcomes and timely delivery of housing, infrastructure and renewable energy projects. Weak or discretionary language in MNES Standards can increase uncertainty, delay approvals and heighten litigation risk, ultimately disadvantaging both nature and development.

Strong standards should be seen not as a barrier to development, but as a mechanism to accelerate high quality, nature positive outcomes while providing certainty to industry, government and the community.

GBCA welcomes the opportunity for further discussion. To arrange a meeting, a briefing on our work to date, or for additional clarification of the points made above, please do not hesitate to contact Corwin Wallens, Policy Manager, via email at corwin.wallens@gbca.gov.au

Yours sincerely

A handwritten signature in black ink that reads "D. Rooney". The signature is written in a cursive style with a large, looped initial "D" and a trailing flourish.

Davina Rooney
Chief Executive
Green Building Council of Australia