

28 May 2026

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

Dear National Environmental Standards team

RE: Exposure draft National Environmental Standard for Matters of National Environmental Significance

The Green Building Council of Australia (GBCA) welcomes the opportunity to provide feedback on the exposure draft National Environmental Standard for Matters of National Environmental Significance (MNES Standard). We appreciate the Department's continued engagement with stakeholders in refining the MNES Standard.

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

This submission builds on [GBCA's January 2026 submission](#) on the first draft of the MNES Standard.

We welcome the continued refinement of the MNES Standard and support efforts to improve clarity, streamline processes, and ensure strong environmental outcomes.

Reiterating our recommendations

In January, GBCA made five recommendations in relation to the MNES Standard:

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.' Proposed development should show how the hierarchy was considered and how it will be implemented.
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. Embed planning at regional levels to address cumulative impacts and catchment scale ecological systems management.
4. Requiring 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.

Improvements in the revised draft

The revisions between drafts primarily improve legal clarity and drafting consistency without materially changing the underlying policy intent. GBCA supports retention of the avoid, mitigate, repair hierarchy and welcomes the following revisions in the revised MNES Standard:

The importance of design to avoid impacts - The new wording of section 8(1) that 'Actions must be designed having regard to the mitigation hierarchy provided for in this section.'

Clearer treatment of offsets as a measure of last resort - The revised wording of section 8(7) more clearly establishes offsets as a measure of last resort, reinforcing the primacy of avoidance, mitigation and repair before offsetting is considered.

Clarifying that some unacceptable impacts cannot be offset - The wording of S10(3) is clear that some actions cannot be taken, even with offsetting. GBCA supports the new wording 'Where a protected matter is prescribed in regulations made for the purposes of subsection 134(3AC) of the Act, an action or class of actions that has a residual significant impact on the protected matter cannot be approved'.

GBCA considers that the MNES Standard could be further strengthened

GBCA considers that the MNES Standard could be further strengthened, through the actions outlined in our January submission, especially:

- Explicitly requiring decision-makers to assess cumulative impacts, including by strengthening section 9, principle 2. One approach would be to build on Note 1(b).
- Strengthening the requirement to apply the avoid, mitigate, repair hierarchy by using a stronger formulation than 'having regard', such as 'act consistently with'.

Strong standards should be seen as an enabler, not constraint to development, a mechanism for accelerating high-quality, nature-positive outcomes while providing greater certainty to industry, government and the community.

GBCA welcomes the opportunity for further discussion. To arrange a meeting, or for additional clarification or information relating to the points made in this submission, please do not hesitate to contact Corwin Wallens, Policy Manager, via email at corwin.wallens@gbca.org.au

Yours sincerely

A handwritten signature in dark ink, appearing to read "D. Rooney", is positioned above a horizontal line.

Davina Rooney
Chief Executive
Green Building Council of Australia