

EXPOSURE DRAFT



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National Environmental Standard (Matters of National Environmental Significance) 2025

I, the Hon Murray Watt, Minister for the Environment and Water, make the following Instrument.

Dated

The Hon Murray Watt **DRAFT ONLY—NOT FOR SIGNATURE**
Minister for the Environment and Water

EXPOSURE DRAFT

Contents

1 Name..... 1

2 Commencement 1

3 Authority..... 1

4 Definitions 1

5 Objectives 2

6 Outcomes 4

7 Principles 4

8 Principle 1—Actions appropriately consider the application of the mitigation hierarchy..... 4

9 Principle 2—Actions appropriately consider impacts to protected matters..... 5

10 Principle 3—Actions with residual significant impacts to protected matters are compensated 5

11 Principle 4—Appropriate evidence, first nations engagement and consultation 5

EXPOSURE DRAFT

EXPOSURE DRAFT

1 Name

This is the *National Environmental Standard (Matters of National Environmental Significance) 2025*.

2 Commencement

- (1) Each provision of this standard specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
Insert appropriate text	Insert appropriate text.	Insert appropriate text

Note: This table relates only to the provisions of this standard as originally made. It will not be amended to deal with any later amendments of this standard.

- (2) Any information in column 3 of the table is not part of this standard. Information may be inserted in this column, or information in it may be edited, in any published version of this standard.

3 Authority

This standard is made under section 514YD of the *Environment Protection and Biodiversity Conservation Act 1999*.

4 Definitions

Note: The following expressions used in this standard are defined in the Act:

- (a) action
- (b) declared Ramsar wetland
- (c) declared World Heritage property
- (d) Great Barrier Reef Marine Park
- (e) impact
- (f) indigenous heritage value
- (g) National Heritage values
- (h) National Heritage place
- (i) residual significant impact
- (j) restoration contribution charge
- (k) World Heritage Convention
- (l) world heritage values

In this standard:

Act means the *Environment Protection and Biodiversity Conservation Act 1999*.

compensate, in relation to residual significant impacts, means either or both of:

EXPOSURE DRAFT

- (a) an offset activity; and
- (b) a restoration contribution charge.

offset activity means the doing of anything or the taking of any measure, other than the payment of a restoration contribution charge, to offset a residual significant impact on a protected matter.

protected matter means a matter protected by a provision of Part 3 of the Act.

Note: The matters protected by a provision of Part 3 of the Act are set out in section 34 of the Act.

repairable impact on a protected matter means an impact on a protected matter which is minimal and temporary in nature.

Note: An example of a repairable impact is an impact which occurs only during the construction phase of an action.

5 Objectives

- (1) This Standard aims to ensure decisions provide for the protection, conservation and, where necessary, recovery of:
 - (a) matters of national environmental significance; and
 - (b) the environment, in relation to actions taken on Commonwealth land or on Commonwealth Heritage places overseas or actions by a Commonwealth agency.
- (2) This Standard aims to promote and enhance the diversity, abundance, resilience, and integrity of protected matters consistent with the principles of ecologically sustainable development.
- (3) The objectives for protected matters are specified in the following table.

Objectives for protected matters	
Item	Objective
1	Threatened species Habitat, including critical habitat of the listed threatened species where the habitat is irreplaceable and necessary for a threatened species to remain viable in the wild, is protected, conserved and restored to support the survival and recovery of the threatened species. Protection and recovery actions support the viability of threatened species in the wild.
2	Ecological communities Habitat, including critical habitat of the listed ecological community where the habitat is irreplaceable and necessary for an ecological community to remain viable in the wild, is protected, conserved and restored to support the survival and recovery of the ecological community. Protection and recovery actions support the viability of ecological communities in the wild.

EXPOSURE DRAFT

Objectives for protected matters

Item	Objective
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3	Migratory species
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Habitat, including critical habitat of the listed migratory species where the habitat is irreplaceable and essential for a migratory species to remain viable in the wild, is protected, conserved and restored to support the survival and recovery of the migratory species.

Protection and recovery actions support the viability of migratory species in the wild.

4	Wetlands of International Importance
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The ecological character of a declared Ramsar wetland is maintained protected, conserved and (where it is in decline) restored.

5	National Heritage Places
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The National Heritage values of the place are protected, conserved and (where necessary) rehabilitated.

Indigenous Heritage values of a National Heritage place are treated in a manner respectful of Indigenous traditions and beliefs.

6	World Heritage Properties
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The world heritage values of a declared World Heritage property are protected, conserved and (where necessary) rehabilitated in a manner consistent with Australia's obligations under the World Heritage Convention.

7	Great Barrier Reef Marine Park
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The environment, biodiversity and heritage values of the Great Barrier Reef Marine Park, and its individual components, are protected, conserved and (where necessary) restored.

8	Commonwealth Marine Areas
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Commonwealth Marine Areas, or part thereof, are protected, restored (where necessary) and sustainably managed.

9	Protection of Water Resources from Unconventional Gas Development and Large Coal Mining Development
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The function and integrity of the water resource are protected and conserved, including the:

- (1) ecological components, functions and processes of the water resource necessary to support sites of regional and national ecological significance, and
- (2) reliability and supply of water to support critical human water needs.

10	Protection of the Environment from Radiological Exposure Actions
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The environment affected, or part thereof, is protected, restored and sustainably managed.

Human health is protected from radiological exposure.

The environment, including biological diversity, and the health of natural ecosystems is protected from impacts of radiological exposure.

11	Actions taken on Commonwealth land or on Commonwealth Heritage places overseas and actions taken by the Commonwealth
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The environment affected, or part thereof, is protected, restored and sustainably managed.

EXPOSURE DRAFT

6 Outcomes

- (1) The outcomes which this Standard is intended to achieve are that decisions under the Act:
 - (a) provide for the protection, conservation, and, where necessary, restoration of protected matters;
 - (b) contribute to the promotion and enhancement of the diversity, abundance, resilience, and integrity of protected matters; and
 - (c) facilitate ecologically sustainable development.

7 Principles

For subsection 514YD(4) of the Act, the principles by which the outcomes and objectives in sections 5 and 6 of this Standard are to be achieved are the principles in sections 8, 9, 10 and 11 of this Standard.

8 Principle 1—Actions appropriately consider the application of the mitigation hierarchy

Requirement to have regard to the mitigation hierarchy

- (1) Actions should be planned and taken having regard to the mitigation hierarchy provided for in this section.

Step 1—Avoidance

- (2) If possible, impacts to protected matters should be avoided by taking measures to anticipate and prevent significant impacts to protected matters before those impacts occur.

Step 2—Mitigation

- (3) Where significant impacts to protected matters cannot be avoided, the impact should be mitigated through a demonstrated process of identifying and implementing measures to reduce significant impacts on protected matters.

Note 1: A proponent can directly reduce significant impacts on protected matters by addressing the scale, duration, timing, location and intensity of impacts that cannot be completely avoided.

Note 2: Mitigation measures generally form the basis of management plans and monitoring for an action to reduce, prevent, control and react to adverse impacts through the lifespan of an action and are an active decision to do something to reduce the severity or likelihood of significantly impacting a protected matter.

Step 3—Repair

- (4) Following the application of any appropriate avoidance and mitigation measures, any repairable impacts on protected matters should be repaired as soon as possible and as close to its original condition as possible.

EXPOSURE DRAFT

- (5) Repair will generally be a viable option only where:
 - (a) repair can be done in a timely manner; and
 - (b) repair activities are feasible and sustainable in the long term for the protected matter.
- (6) Repair activities should focus on the significantly impacted protected matter and involve on-site works with specific goals for re-establishment of values-to reduce residual significant impacts.

Note: Rehabilitation activities at the conclusion of an action are not considered to be repairs.

Step 4—Offset

- (7) Following the application of any appropriate avoidance, mitigation and repair measures, appropriate measures should be taken to compensate for any residual significant impacts associated with the action.

9 Principle 2—Actions appropriately consider impacts to protected matters

In considering the nature, extent or severity of an impact on a protected matter, regard should be had to the context in which the impact might occur.

Note 1: The context includes, for example, the unique context of a protected matter, including the past, present and reasonably foreseeable future events, circumstances and threats affecting the protected matter.

Note 2: The context may also, depending on the particular matter being considered (for instance, when considering bioregional plans and strategic assessments) include the following:

- (a) the interaction of different stressors, for example the combined impacts of light, noise, and habitat clearance to breeding success of endangered species as a result of an action or a number of actions;
- (b) the combination of past, present and reasonably foreseeable future events, circumstances and threats affecting the protected matter; and
- (c) individually minor, but collectively significant, actions taking place over a period of time.

10 Principle 3—Actions with residual significant impacts to protected matters are compensated

Compensation for a residual significant impact should generally only be considered after the prior steps in the mitigation hierarchy (avoidance, mitigation and repair) have been exhausted.

11 Principle 4—Appropriate evidence, first nations engagement and consultation

Actions should be supported by appropriate and suitable:

- (a) data and information;
 - (b) consultation with Aboriginal and Torres Strait Islander people and contribution of their knowledge; and
 - (c) consultation with other interested parties.
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EXPOSURE DRAFT

EXPOSURE DRAFT