

FLYING MINUTE: WALGA Submission on the Exposure Draft of the National Environmental Standard for Matters of National Environmental Significance

By Melanie Davies, Senior Policy Advisor, Environment

WALGA RECOMMENDATION

That State Council endorse the submission on the Exposure Draft of the National Environmental Standard for Matters of National Environmental Significance.

RESOLUTION 267.FM/2026

CARRIED

- The Australian Government is developing five new National Environmental Standards as part of reforms to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- The National Environmental Standards include:
 - [Matters of National Environmental Significance](#) (due 29 May 2026)
 - [Environmental Offsets](#) (due 9 June 2026)
 - First Nations engagement
 - Community engagement
 - Data and information.
- The National Environment Standard Matters of National Environmental Significance (MNES Standard) aims to protect, conserve and restore protected matters whilst facilitating ecologically sustainable development by providing a legally binding instrument where Ministerial decisions need to meet the prescribed outcomes and principles.
- The WALGA submission provides general support for the MNES Standard, with key recommendations focusing on:
 - establishment of robust bilateral assessment processes with States and Territories to streamline processes
 - measurable outcomes to enable evaluation of the standards effectiveness at protecting MNES
 - the importance of avoidance, as part of the Mitigation Hierarchy and addressing this at project design stage and, where possible, considering within a landscape-scale context
 - outlining the evidence required to demonstrate application of each step of the Mitigation Hierarchy
 - use of contemporary data, particularly where there has been a change in environmental conditions.
- The Environment Policy Team met on 18 May and recommended that State Council endorse the submission.
- The submission is being provided to State Council for endorsement via Flying Agenda to meet the 29 May deadline, as no extension was available.

STRATEGIC PLAN IMPLICATIONS

This item aligns with WALGA's Strategic Pillars:

- **Influence:** Lead advocacy on issues important to Local Government and lead policy development for the Local Government sector.
- **Support:** Anticipate, understand and respond to Member needs.

ATTACHMENT

- [WALGA submission on the the Exposure Draft of the National Environmental Standard for Matters of National Environmental Significance](#)

POLICY IMPLICATIONS

This submission aligns with WALGA's current Advocacy Position [5.2.1 Native Vegetation Clearing Regulations](#) and previous WALGA submissions on the independent review of the EPBC Act.

BACKGROUND

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is Australia's primary environmental legislation. It mandates the requirement for environmental impact assessment and approval for any action that is likely to have a significant impact on Matters of National Environmental Significance (MNES). MNES include threatened species and ecological communities, migratory species, wetlands of international importance, Commonwealth marine areas, world heritage sites and national heritage places. WA has many MNES, including 27 threatened ecological communities and more than 600 threatened species.

The [Hawke Review \(2009\)](#) and [Samuel Review \(2020\)](#) found that the EPBC Act was not achieving its objectives. The overall state of decline of Australia's natural environment has been highlighted in each [State of the Environment Report](#) commissioned by the Australian Government over the past 20 years. This is particularly relevant in Western Australia as the south-west ecoregion, extending from Geraldton to Esperance, is a global biodiversity hotspot.

The Australian Government is undertaking reforms to update the EPBC Act. The [Environmental Protection Reform](#) Bills, passed in November 2025, provide for new National Environmental Standards, the establishment of the independent National Environmental Protection Agency and improvements to the access of environmental data through Environment Information Australia.

The National Environmental Standards are statutory instruments that set legally enforceable outcomes. Five new standards are being developed; MNES, environmental offsets, First Nations engagement, community engagement and data and information.

The [MNES Standard](#) is the first to be progressed. It is intended to provide a consistent framework for decision-making, whilst allowing flexibility on how outcomes can be achieved. Submissions are due Friday, 29 May 2026 and no extensions were granted.

The MNES Standard submission was considered, and endorsed, by the Environment Policy Team at a meeting held on Monday, 18 May. Feedback from the Policy Team was incorporated into the submission.

An Exposure Draft of [National Environmental Standard for Environmental Offsets](#) was released on 11 May, with feedback due 9 June. WALGA will provide comments on this National Standard via ALGA.

COMMENT

WALGA's submission provides general support for the MNES Standard. Key recommendations in the submission focus on:

- establishment of robust bilateral assessment processes with States and Territories to streamline processes
- measurable outcomes to enable evaluation of the standards effectiveness at protecting MNES
- the importance of avoidance, as part of the Mitigation Hierarchy and addressing this at project design stage and, where possible, considering within a landscape-scale context
- outlining the evidence required to demonstrate application of each step of the Mitigation Hierarchy
- use of contemporary data, particularly where there has been a change in environmental conditions.

FLYING MINUTE OUTCOME

Poll created: 19/05/2026 at 16:00

Poll closed: 26/05/2026 at 17:00

Name	Completed Date
Chris Antonio	21/05/2026 13:15
Phillip Blight	25/05/2026 18:03
Laurene Bonza	26/05/2026 15:50
Donelle Buegge	No response
Scott Crosby	25/05/2026 17:51
Patrick Hall	20/05/2026 12:10
Cate McCullough	No response
Lewis Hutton	No response
Suzanne Migdale	21/05/2026 21:30
Paul Kelly	21/05/2026 9:41
Terresa Lynes	21/05/2026 8:33
Paige McNeil	21/05/2026 13:43
Chris Mitchell	26/05/2026 13:36
Matthew Niikkula	21/05/2026 12:35
Les Price	23/05/2026 5:58
Helen Sadler	No response
Robert Schmidt	24/05/2026 22:02
Eman Seif	21/05/2026 23:54
Audra Smith	26/05/2026 16:39
Stephen Strange	22/05/2026 9:53
Liz Sudlow	No response
Mike Walmsley	25/05/2026 8:17
Karen Wheatland	25/05/2026 11:14
Barry Winmar	26/05/2026 16:24

The submission was endorsed.

Following State Councillor feedback, the following amendments were made to the submission:

- *Emphasis placed on the importance of considering cumulative impact.*
- *Highlighting the constraints on Local Government project delivery.*
- *Including consideration of avoidance at the strategic environmental stage.*