



National Environmental Standard (Matters of National Environmental Significance) 2026

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

Dated 19 August 2026

Murray Watt
Minister for the Environment and Water

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1 Name

This instrument is the *National Environmental Standard (Matters of National Environmental Significance) 2026*.

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
The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this Standard as originally made.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: A number of expressions used in this Standard are defined in the Act, including:
- (a) action
 - (b) advanced restoration action
 - (c) approval
 - (d) bioregional plan
 - (e) bioregional plan restoration contribution
 - (f) bioregional restoration action
 - (g) Commonwealth Heritage place
 - (h) Commonwealth marine area
 - (i) critical habitat
 - (j) declared Ramsar wetland
 - (k) declared World Heritage property
 - (l) ecological character
 - (m) environment
 - (n) Great Barrier Reef Marine Park
 - (o) impact
 - (p) indigenous heritage value
 - (q) irreplaceable

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- | | |
|------|---|
| (r) | management or authorisation framework |
| (s) | National Heritage values |
| (t) | National Heritage place |
| (u) | NOPSEMA management or authorisation framework |
| (v) | Ramsar Convention |
| (w) | residual significant impact |
| (x) | restoration action |
| (y) | restoration contribution charge |
| (z) | World Heritage Convention |
| (aa) | world heritage values |

In this Standard:

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

compensate, in relation to a residual significant impact on a protected matter, means any or all of the following:

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

offset activity means the doing of any thing or the taking of any measure (including a restoration action or a bioregional restoration action), other than the payment of a restoration contribution charge or a bioregional plan restoration contribution, to offset a residual significant impact on a protected matter.

Note: An offset activity may include payment into a State or Territory offset fund (however described) or an advanced restoration action.

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.

5 Objectives

- (1) The objectives of this Standard are:
 - (a) to ensure decisions under the Act provide for the protection, conservation and, where appropriate, management, restoration and recovery of protected matters;
 - (b) to promote and enhance the diversity, abundance, resilience, and integrity of protected matters across their entire range or geographic area to support the long term survival and continuation of such matters consistent with the principles of ecologically sustainable development; and
 - (c) the objectives for protected matters outlined in subsection (2).
- (2) The objectives for protected matters are specified in the following table.

Objectives for protected matters	
Item	Objective
1	Listed threatened species Habitat, including critical habitat, is protected, conserved and restored to support survival and recovery of the species. Protection, conservation, restoration and recovery actions support the viability of threatened species in the wild.
2	Listed threatened ecological communities Habitat of the listed threatened ecological community, including critical habitat, is protected, conserved and restored to support survival and recovery of the ecological community. Protection, conservation, restoration and recovery actions support the viability of ecological communities, including diversity, abundance, integrity and necessary ecological processes.
3	Listed migratory species Habitat of the listed migratory species is protected, conserved and restored to support survival and recovery of the species. Protection, conservation, restoration and recovery actions support the viability of migratory species in the wild.
4	Wetlands of International Importance The ecological character of a declared Ramsar wetland is maintained, protected, conserved and (where appropriate) restored in a manner consistent with Australia's obligations under the Ramsar Convention.
5	National Heritage places The National Heritage values of the place are protected, conserved, managed and (where appropriate) restored. Indigenous heritage values of a National Heritage place are treated in a manner respectful of indigenous traditions and beliefs.
6	World Heritage properties The world heritage values of a declared World Heritage property are protected, conserved, managed and (where appropriate) restored in a manner consistent with Australia's obligations under the World Heritage Convention.
7	Great Barrier Reef Marine Park The biodiversity and heritage values that are part of the environment in the Great Barrier Reef Marine Park, are protected, conserved, managed and (where appropriate) restored and recovered.
8	Commonwealth marine areas A marine ecosystem (or part of a marine ecosystem) that is part of the environment in a Commonwealth marine area, is protected, conserved, managed and (where appropriate) restored and recovered.
9	Protection of water resources from unconventional gas development and large coal mining development The function and integrity of the water resource are protected and conserved, including the:

Objectives for protected matters	
Item	Objective
	(1) ecological components, functions and processes of the water resource necessary to support sites of local, regional and national ecological significance; (2) reliability and supply of water to support critical human water needs; and (3) provisioning, regulating, cultural and supporting services provided by the water resource.
10	Protection of the environment from radiological exposure actions The environment affected, or part thereof, is protected, conserved and (where appropriate) restored and recovered. The environment, including biological diversity, and the health of natural ecosystems and human health 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 The environment affected, or part thereof, is protected, conserved, managed and (where appropriate) restored and recovered. Note 1: Protection of a protected matter means limiting impacts of actions and classes of actions on that protected matter to residual significant impacts that are appropriately compensated (in accordance with the mitigation hierarchy in section 8 of this Standard). Note 2: Management, restoration and recovery interventions will generally only be appropriate where they will not compromise, and are suitable for, the protected matter, based on its nature, context and the likely impacts from an action or class of actions. For example, it may not be appropriate to restore heritage values where this may alter or diminish the protected matter.

6 Outcomes

The following outcomes of the Standard are intended to promote the objectives in section 5:

- (a) provide for the protection, conservation, and, where appropriate, management, restoration and recovery of protected matters;
- (b) contribute to the promotion and enhancement of the diversity, abundance, resilience, and integrity of protected matters across their entire range or geographic area; and
- (c) facilitate ecologically sustainable development.

7 Principles

- (1) 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.
- (2) Where the decision relates to approving the taking of an action or class of actions under Part 9 or 10 of the Act, the principles in sections 8, 9, 10 and 11 of this Standard only apply to an action or class of actions to the extent that the impact

is on a matter protected by a provision of Part 3 that is a controlling provision for the action or an action in the class of actions.

- (3) Having regard to the objectives and outcomes in section 5 and 6 of this Standard, a decision-maker may be satisfied that:
- (a) a decision to approve the taking of an action or class of actions, or to vary such an approval, taking into account any conditions to be attached to the approval, is consistent with this Standard if the action or class of actions is consistent with the principles in sections 8, 9, 10 and 11 of this Standard;
 - (b) a management or authorisation framework, or an approval of an action or a class of actions in accordance with a management or authorisation framework, is consistent with this Standard if the framework requires an action or class of actions to:
 - (i) be consistent with the principles in section 8, 9, 10 and 11 of this Standard; or
 - (ii) meet requirements that are equivalent in effect to the principles in sections 8, 9, 10 and 11 of this Standard; or
 - (iii) meet requirements that provide a higher level of protection to a protected matter that will be, or is likely to be, impacted by the action or class of actions than is provided by the principles in section 8, 9, 10 and 11 of this Standard;
 - (c) a NOPSEMA management or authorisation framework or an approval of an action in accordance with a NOPSEMA management or authorisation framework is not inconsistent with this Standard if the framework requires an action to be not inconsistent with the principles in sections 8, 9 and 11 of this Standard;
 - (d) a specified manner of assessment will be consistent with this Standard if the manner of assessment requires an action to be assessed in a way that will allow the Minister to determine whether the action is consistent with the principles in sections 8, 9, 10 and 11 of this Standard;
 - (e) the making or varying of a bioregional plan is consistent with this Standard if the bioregional plan (or the bioregional plan as varied) is consistent with the principles in sections 8, 9, 10 and 11 of this Standard, having regard to (without limiting):
 - (i) the priority actions to be taken under the bioregional plan; and
 - (ii) the conditions of the bioregional plan relating to taking a priority action; and
 - (iii) the conditions of the bioregional plan relating to the delivery of bioregional restoration measures.

8 Principle 1—Actions apply the mitigation hierarchy

Requirement to have regard to the mitigation hierarchy

- (1) An action or a class of actions must be designed having regard to the mitigation hierarchy provided for in this section.

Note: Consistency with this requirement will generally require ongoing consideration of the mitigation hierarchy throughout the design process.

Step 1—Avoidance

- (2) All reasonably practicable measures must be taken to avoid any significant impacts on a protected matter through the design of the action or class of actions.

Step 2—Mitigation

- (3) Where a significant impact on a protected matter cannot be avoided, the impact must be mitigated through a demonstrated process of identifying and implementing all reasonably practicable measures to reduce the impact including, where possible, below the level of significance.

Note 1: Significant impacts on protected matters may be able to be directly reduced 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 a significant impact on a protected matter.

Step 3—Repair

- (4) Subject to subsections (6) and (7), where:
- (a) a significant impact on a protected matter cannot reasonably be avoided or mitigated; and
 - (b) repairing any damage to the protected matter from the impact is viable,

all reasonably practicable measures must be taken to repair any such damage to the protected matter to as close as possible to the relevant impact site baseline for the protected matter.

- (5) For the purposes of subsection (4), the **relevant impact site baseline for a protected matter** means the condition of the protected matter at the sites where the significant impact will or is likely to occur that is:
- (a) evidence-based; and
 - (b) determined:
 - (i) prior to the impact occurring; and
 - (ii) consistently with an appropriate process for determining the baseline.

- (6) Repair activities must 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: Measures to repair damage to a protected matter may include rehabilitation, progressive rehabilitation, remediation and restoration measures that meet the requirements of this section.

- (7) Repairing damage to a protected matter from a significant impact will only be viable where all of the following are met:

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- (a) the damage is temporary and occurs over a short timeframe; and
 - (b) repairing the damage can be completed in a timeframe that is relevant for the protected matter; and
 - (c) repairing the damage will reduce the impact of the action or class of actions on the protected matter; and
 - (d) repairing the damage is feasible in the long term for the protected matter.

Note: Where there is an extended period of time between the impact and the proposed measure to repair the damage, repairing the damage is not likely to be viable.

Step 4—Offset

- (8) After all reasonably practicable avoidance, mitigation and repair measures have been applied, any residual significant impact of the action or class of actions on a protected matter must be compensated for by an offset activity, a restoration contribution charge, a bioregional plan restoration contribution or a combination of these.

Note: An unacceptable impact on a protected matter cannot be compensated by an offset activity or a restoration contribution charge, except in limited circumstances where the action is a national interest proposal (see subsections 134(3AA) and (3AB) of the Act).

9 Principle 2—Actions appropriately consider impacts to protected matters

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

Note 1: The context may include, for example:

- (a) any threats to the protected matter that are relevant to understanding the resilience of the protected matter to the impacts of the action or class of actions; or
- (b) the interaction between different stressors. For example, the combined impacts of light, noise and habitat clearance on the breeding success of a listed threatened species as a result of an action or class of actions.

Note 2: The context may also include, for strategic assessments and bioregional plans, the cumulative effect of the relevant classes of actions on protected matters over the period the approval or plan (as relevant) is in effect.

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

- (1) Compensation for a residual significant impact must only be considered after the prior steps in the mitigation hierarchy (avoidance, mitigation and repair) have been reasonably exhausted.
- (2) All residual significant impacts to protected matters must be compensated, unless the residual significant impact is an unacceptable impact or is to a protected matter that is prescribed in regulations made for the purposes of subsection 134(3AC) of the Act.
- (3) 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 will have, or is

likely to have, a residual significant impact on the protected matter cannot be approved or be specified as a priority action in a bioregional plan.

Note: Subsection 134(3AC) of the Act allows the regulations to prescribe protected matters that cannot be the subject of a compensation condition. This means impacts on these protected matters are not able to be offset.

11 Principle 4—Actions must be supported by appropriate evidence on impacts to protected matters

A proposal for an action or class of actions must be supported by appropriate data and information regarding the nature and scope of potential impacts of the action or class of actions on protected matters.

Note: Appropriate evidence should, where relevant, be informed by engagement with the public and with Indigenous persons.