



29 May 2026

Jennifer Kay

Division Head, Environment Law Reform Taskforce

Department of Climate Change, Energy, the Environment and Water

John Gorton Building, King Edward Terrace

Parkes ACT 2600

Dear Jennifer,

The Smart Energy Council (SEC) welcomes the opportunity to provide a policy submission regarding the Department of Climate Change, Energy, the Environment and Water's (DCCEEW) public consultation on the draft National Environmental Standard for Matters of National Environmental Significance (MNES). This statutory instrument provides an important opportunity to establish a balanced, outcome-focused environmental framework that supports Australia's transition to net zero while protecting our unique natural heritage.

The SEC is Australia's peak independent body for the renewable energy, energy storage and smart transport industries, representing over 700 residential, commercial and large-scale clean energy member companies across the nation. Our diverse membership spans project developers, technology manufacturers, green financiers and technical advisers, all structurally committed to delivering low-cost, reliable and entirely decarbonised energy systems.

The Smart Energy Council generally supports the proposed National Environmental Standard for MNES as a vital baseline for ensuring that Australia's clean energy transition is fundamentally nature-positive. Establishing clear ecological goals is necessary to protect biodiversity and build the long-term community social license required to deploy grid-scale infrastructure. However, the high-level, principles-based framing of the Standard introduces significant project-level risk and regulatory ambiguity. It is critical that the final legislative settings deliver objective, predictable approval tests to ensure that administrative or evidentiary bottlenecks do not stall urgent climate infrastructure or disrupt investment certainty.

The proposed Standard offers distinct advantages by shifting toward a flexible framework that prioritises clear environmental outcomes rather than rigid procedural box-ticking. We endorse the formal integration of the mitigation hierarchy (avoid, mitigate, repair and offset) as a sequential pathway that enables clean energy proponents to proactively minimise ecological disruption during project design. Factoring in the broader context of an ecosystem, including the interaction of

compounding stressors like light, noise and cumulative habitat loss, ensures a more scientifically rigorous assessment of listed species and irreplaceable critical habitats. Furthermore, embedding these criteria within landscape-scale strategic assessments and state-accredited bilateral agreements creates a vital avenue for streamlined approvals. This approach will optimise project delivery within designated Renewable Energy Zones, ensuring that rapid capital allocation for firmed generation capacity is structurally synchronised with strict sustainability guardrails.

Despite these operational strengths, the practical application of a purely principles-based standard presents a severe risk of creating prolonged approval delays at the individual project level. As the Standard relies on high-level guidance rather than quantifiable thresholds, it remains unclear what exact evidential parameters proponents must meet to demonstrate compliance, creating a risk of inconsistent expectations across different jurisdictions and decision-makers. In the current regulatory environment, bottleneck delays are frequently driven by open-ended requests for further information. Without prescriptive limits, decision-makers are highly likely to demand extra material to insulate subjective judgments, thereby extending grid-connection timelines and inflating capital risk premiums. To resolve these structural deficiencies, the SEC recommends that the Department provide precise, upfront clarity on data expectations and commit to practical testing of the Standard against active or previously approved clean energy projects. Undertaking real-world scenario piloting will ground the framework in tangible data, resolve implementation uncertainties and deliver a predictable approval test that accelerates renewable deployment while guaranteeing environmental preservation.

The Smart Energy Council remains available to provide further evidence, technical input or stakeholder connections to support the Department. Should you wish to discuss this submission further, please do not hesitate to contact:

Sohaib Mohammed
Policy and Advocacy Officer
Smart Energy Council
sohaib@smartenergy.org.au
0480 760 102