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Submission via [online portal](#)

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Dear Mr Chappel

Re: Comments on the NSW Environmental Guidelines Solid Waste Landfills 2025

The Waste Management and Resource Recovery Association of Australia (WMRR) is the national peak body representing Australia's \$21 billion waste and resource recovery (WARR) industry. With more than 2,340 members from over 400 entities nationwide, we represent the breadth and depth of the industry, including representation from business organisations, the three (3) tiers of government, universities, and Non-Government Organisations (NGOs), including research bodies. Over a third of our membership is based in NSW, where our sector directly contributes more than \$4 billion per annum to the State's economy and directly employs more than 8,500 workers. The WMRR NSW Landfill Working Group has 100+ individual members representing operators, consultants, auditors, technical suppliers and local government.

WMRR would like to acknowledge extensive consultation opportunities provided by the NSW EPA in developing the *Environmental Guidelines Solid Waste Landfills 2025* ("the 2025 Guidelines"), including the provision of a webinar for our members on Tuesday 11 November 2025 with Mr Chris Burton to highlight the key updates and respond to questions ("the webinar"), and the direct early consultation with the NSW Landfill Working Group to offer early feedback on the Working Draft of the document in May 2025.

The early feedback from the NSW Landfill Working Group highlighted three (3) overarching issues with the Working Draft requiring clarification before formal consultation:

- the need to clearly define whether the document sets minimum standards or provides guidance for achieving required outcomes, noting that ambiguous wording risks inconsistent interpretation by both industry and EPA officers;
- the lack of adequate consideration for legacy and closed landfills that cannot meet current minimum standards, calling for clearer acknowledgement, flexibility, and potentially a dedicated chapter within the revised guidelines to address this; and
- the need for a transparent, timely process for proposing alternative methods that meet required outcomes, given the economic and operational benefits such flexibility has previously delivered.

The Working Group also noted the opportunity to align the revised NSW Guidelines with the Victorian EPA's concurrent review of its *Best Practice Environmental Management for the Siting, design, operation and*

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rehabilitation of landfills ([Publication 788.3](#)) often referred to as the “landfill BPEM”, especially regarding landfill stability, climate resilience, capping, and liner/ leachate system performance.

WMRR notes that these key issues have predominantly been addressed in the 2025 Guidelines: the document explicitly specifies “...a series of minimum standards” with the guidelines now resembling a technical standard with expanded notes such as tables and explanations, and use of compliance focused language - most notably the use of the word “must” instead of “should”; additional notes have been included about justifying alternative designs however the core requirements remain identical (reinforcing that alternative designs can be considered if based on new technology or processes but cannot be a reduction or part implementation of a minimum standard); and, the release of the 2025 Guidelines has been accompanied by a statement that separate guidance will be released for legacy landfills.

Overall, the 2025 Guidelines have been well received by WMRR and the NSW landfill industry. The updated structure and references within the document, the increased explanatory narrative and inclusion of photographs and diagrams illustrating key landfill components has enhanced the readability and look of the document. WMRR welcomes the inclusion of additional explanatory material—covering environmental risks, climate change hazards, impact assessment requirements—and more narrative examples that illustrate appropriate design and site selection. The precautionary tone is evident throughout, with language emphasising the need for monitoring and modelling under “worst case” conditions. WMRR appreciates that many of the comments it provided to the EPA in early feedback made have been incorporated however the substantive content of the document is largely the same. It is not WMRR’s intention to reiterate early feedback supplied to the EPA on the Working Draft on a “clause by clause” basis.

However, WMRR does have some further comments, specifically in relation to concerns with:

- the introduction of independent engineer third party certification;
- appropriate EPA resourcing and regulatory tools to support the 2025 Guidelines and maintaining consistent oversight by specialist skilled EPA staff, and
- clarification of the proposed alternative pathway process. WMRR notes that the core requirements remain the same but would encourage the EPA to draft wording to provide more certainty of process for proponents.

- Inclusion of a requirement for Design and Construction Quality Assurance reports submitted to the EPA to include a certification and summary statement in a prescribed form by an engineer.*

WMRR appreciates that specifying minimum standards should provide certainty in design requirements and support a more streamlined approval process. However, WMRR has concerns about the potential for this methodology – as currently drafted – to lead to reliance on engineers who are not necessarily accountable for poor performance. To help facilitate a rapid assessment of documents and streamline approval processes, the 2025 Guidelines introduces independent engineer third party sign off on the design and construction quality assurance reports, as follows (*bold emphasis added*):

“In the case of landfill design reports and construction quality assurance documentation for major landfill works, this person must be an engineer such as a civil or geotechnical engineer with professional qualifications

acceptable to Engineers Australia, or equivalent, with at least five (5) years of experience in landfill design and construction, and currently practising competently in this field.”

“The technical design report and construction quality assurance (CQA) plans for proposed major landfill works must be accompanied by a **certified design summary statement** of no more than 5–10 pages in length, signed by the design engineer, **certifying that the proposed works meet the minimum standards in these landfill guidelines.**”

➤ ***Recommendation: Engineers must be accredited***

Whilst the introduction of this requirement provides for designs to be reviewed by those with technical competency, in WMRR’s view the methodology does not ensure accountability, especially for design certification for major landfill works, if for example, the engineer is not registered with a professional scheme. Where an engineer is registered under an appropriate scheme, they are subject to a professional disciplinary process, where loss of registration can be a consequence of poor performance. In WMRR’s view, third party sign off should require engineers to be accredited – not just ‘eligible for registration’. WMRR notes that accreditation schemes (such as those offered by Engineers Australia) are compliant with both the Queensland and Victorian legislative requirement for mandatory engineering registration for the provision of engineering services, whilst NSW is limited to roles involving building and fire. Given the increased emphasis on landfill fires and climate hazards in the 2025 Guidelines, WMRR would consider it even more important in the NSW context to require an engineer with accreditation and moreover, who is appropriately indemnified in the performance of their professional duties.

Furthermore, there are concerns that if the EPA becomes reliant on engineer reports that claim to “tick the boxes” required, such reports may be reviewed by an EPA officer lacking operational understanding of landfills. Collective oversight of landfills must be consistent. This is especially important to consider when the guidance is used to determine license conditions, which are statutory instruments.

ii. ***The need for EPA to maintain consistent oversight of landfills by specialist skilled staff.***

Effective landfill regulation and design considerations depends on ensuring the EPA has dedicated and experienced landfill specialists on staff—officers with practical understanding of landform assessment, emerging contaminants, planning requirements, operational constraints, and the scientific modelling and design principles that underpin modern landfill management. License conditions can vary significantly between sites and may become outdated without routine review, an issue seen across most states, not only NSW. Accordingly, it is essential that the EPA retains senior experienced staff with specialist landfill knowledge to account for the nuances of individual geographies and the complexities of pre-2016 landfills now required to meet the specified minimum standards.

WMRR acknowledges that specified minimum standards can streamline approvals by enabling independent engineers to prepare summaries and prescribed forms for EPA verification. However, minimum standards are not always the only appropriate solution. Proponents must be sufficiently skilled and resourced to justify alternative approaches that deliver equivalent or better outcomes, and the EPA must maintain in-house technical expertise to properly assess these alternatives.

WMRR notes at the time of this submission that the EPA will shortly be announcing a restructure, and reiterates its comments made in our submission on the *Draft Waste and Circular Infrastructure Strategy* supporting deployment of specialised concierge service who are knowledgeable and empowered to address both planning regulations and the policy landscape, to ensure that both industry and the EPA do not waste time and resources. Landfill regulation must be identified as a priority area for EPA's technical operations and responsibilities.

WMRR notes that the *"...EPA may require independent reviews and audits of design and construction documentation. This is to make sure that a high and consistent standard of landfill design and construction is maintained in NSW"*. Given the reliance on third party engineers for sign off, this provision is critical. WMRR's view is that the EPA must:

- maintain subject matter expertise inhouse, not just regulatory (bureaucratic) expertise, so a portion of this work can be undertaken internally and so that they can appropriately manage and respond to review feedback by third parties (if Auditors or consultants are used), and
- allow for resourcing either internally or externally to ensure timely functioning of these audits.

If this does not occur performance will not be of a *"high and consistent standard"* as there is no measure of the quality of the "certification" provided. EPA cannot manage what it does not measure other than through failures.

WMRR notes that the 2025 Guidelines include certain emerging contaminants in the water monitoring suites, namely PFAS and brominated fire retardants, and that the EPA has also released the proposed *PFAS Monitoring Chemical Control Order* for separate consultation, which will put in place requirements to monitor for PFAS in leachate. WMRR understands that the data will inform the EPA's regulation of these chemicals under ICHEMS and implement guidance in the PFAS NEMP 3.0. Again, given the complexity of this scientific data, and the need for regulators to understand how landfill sites may come into contact with emerging contaminants, it is critical that specialist landfill staff are retained by the EPA to have oversight and knowledge of this monitoring.

Furthermore, we note the wording that *"...smaller, unlicensed landfills must be managed to achieve the required outcomes specified in these guidelines. Operators of small, unlicensed sites can tailor the techniques to the scale and risk setting of the site"*. Again, these landfills 'should engage an appropriately qualified and experienced expert'. Given this reliance on expert reports to undertake site specific risk assessments, it is imperative that EPA retains specialist expertise within the agency to ensure that the guidelines are consistently applied in so far as possible.

iii. Clarification of the proposed alternative pathway process

WMRR acknowledges and supports the 2025 Guidelines' clarification of the minimum specifications for landfill leachate barriers and capping systems, however, further work is needed in WMRR's view to clarify the procedure for submitting alternatives to the specifications so that opportunities for the industry to innovate are not inadvertently undermined. In the webinar, it was communicated that the minimum standards would need to be met unless there was a very good reason why and that in such cases, alternative proposals need to have justification i.e. stable landform that will not cause impacts on the environment and which takes into account credible worst case scenarios especially with new climate hazards. The provisions for alternative liner and capping systems are outlined in Sections 1.12 and 9.4 of the 2025 Guideline which contain additional narrative guidance on justifying alternatives, however the core requirements remain identical.

WMRR supports EPA's objective of ensuring that alternative designs deliver robust environmental outcomes. However, it is crucial that there is scope within the proposed alternatives pathway for proponents to innovate whilst still meeting the desired standards. This flexibility for innovation is especially important given the last review of the document was in 2016, and the 2025 Guidelines have removed the word "should" throughout the requirements and replaced with "must".

The expectation to demonstrate "equivalent performance to the standard approach" does not equate to the proponent's legal obligations to achieve an acceptable level of environmental impact. Alternative methods must be evaluated for innovation rather than 'marked for compliance' against specific design and construction techniques, site operations, monitoring and reporting protocols and post-closure management. International examples demonstrate that high-performing alternative systems can differ fundamentally from standard designs. In order to ensure that meaningful innovation is not undermined, it is particularly important that the 2025 Guideline clearly articulates an alternative approval pathway process, as well as the outcome that is to be clearly met. WMRR thinks this is especially important to ensure that innovation is captured given these guidelines are being reviewed on average every ten (10) years.

➤ *Recommended proposed process for evaluating alternatives*

To support clarity, consistency, and early alignment, we recommend that the Guidelines include a defined assessment pathway for alternative liner and capping proposals. This may include:

- **Early Engagement Meeting:**
A formal early engagement step where the proponent outlines the concept and objectives of the alternative system. This would enable EPA to provide preliminary advice on feasibility, reducing the risk of proponents investing in a solution that may not be considered viable. The meeting should also establish the performance criteria that the EPA expects the alternative to meet.
- **EPA Feedback Milestone:**
A structured opportunity for the EPA to provide written feedback if the alternative is not accepted, clearly identifying the specific pre-agreed performance criteria that were not satisfied and the reasons for non-acceptance. This promotes transparency, consistency, and iterative improvement of alternative designs.

For example, WMRR acknowledges that proponents may pursue alternative liner systems for reasons such as constructability, operational continuity, reduced environmental or litigation risks, or improved practicality. While these reasons may not form part of EPA's considerations to accept the alternative proposal, we suggest that the motivation behind proposing an alternative should not influence EPA's willingness to consider the application. The critical question should remain whether the alternative achieves an environmentally acceptable outcome, not why it was proposed.

WMRR is pleased to work collaboratively with the NSW EPA to establish a clear and transparent process for the review of alternative liner and capping designs, should the EPA wish to pursue such an approach. Our intention is to propose a clearer and more structured approach that supports innovation while maintaining strong environmental protection.

iv. Further opportunities for jurisdictional alignment for legacy landfill guidelines

WMRR noted in its early feedback on the Working Draft that the Victorian EPA is also undertaking a review of the landfill BPPEM, and it is welcomed that the 2025 Guidelines have been aligned in some requirements. There are further opportunities for alignment given the EPA's indication that a separate guideline will be released for legacy landfills. WMRR understands that Queensland may also be splitting its landfill guidelines (for design and closure of landfills). Given the substantial investment required for closure and aftercare, it is important that the new (to be released) legacy landfill guidelines clearly outline specific requirements and set out acceptable post-closure uses and standards. Greater consistency with other jurisdictions would also support environmental and planning regulators in delivering better outcomes.

We sincerely hope our comments will be constructive and helpful in shaping the Guidelines and welcome the opportunity to engage further with the EPA about these matters.

Please contact the undersigned if you wish to further discuss these comments.

Yours sincerely



Gayle Sloan

Chief Executive Officer

Waste Management and Resource Recovery Association of Australia