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NSW EPA Climate Change Licensee Requirements

Hunter Joint Organisation submission – October 2025

Introduction

The Hunter Joint Organisation (Hunter JO) is the statutory local government entity established by the NSW Government, under the *NSW Local Government Act 1993*, to support the ten member Councils of the Hunter Region to work together for better rural and regional outcomes, and to enhance the way local and state governments work together to plan and deliver important regional infrastructure and investment.

Member Councils of the Hunter JO are:

- Cessnock City Council
- Dungog Shire Council
- Lake Macquarie City Council
- Maitland City Council
- MidCoast Council
- Muswellbrook Shire Council
- City of Newcastle
- Port Stephens Council
- Singleton Council
- Upper Hunter Shire Council

The Hunter JO also serves as the voluntary regional waste group under the NSW EPA's [Regional Networks for Effective Waste Management \(RENEW\) program](#), which is comprised of the ten Member Councils, as well as Central Coast Council.

The Hunter JO is pleased to be able to provide feedback to the NSW EPA on the proposed Climate Change Licensee Requirements. This submission has been developed in consultation with staff from Hunter JO's member councils, although it does not necessarily encompass the complete view of each council. The individual councils may also make independent submissions.

Background

The Hunter JO supports its member councils with climate change mitigation and adaptation efforts through the delivery of a range of programs, including:

- The [Hunter Net Zero Program](#), supported by NSW DCCEW's Joint Organisation Net Zero Acceleration (JONZA) program
- The [Waste and Circular Economy Program](#), supported by the NSW EPA's [Regional Coordination Support Program](#).
- The [Disaster Resilience Program](#), supported by the NSW Reconstruction Authority.

Through these programs, Hunter JO facilitates collaboration amongst councils and other stakeholders, gathers information and data, and delivers specific programs aimed at supporting councils to address climate change impacts by building their capacity and capability.

The Hunter JO has undertaken some recent work on greenhouse gas (GHG) emissions from landfills through 2023 Sustainability Partnership Program, which resulted in the development of the [Landfill Emissions Package](#). The project also involved measuring emissions of 10 council owned landfills in the Hunter and Central Coast region, as well as the development of an Opportunities Report providing policy and program recommendations for the NSW EPA to consider.

Therefore, Hunter JO and its member councils have a strong understanding of the issues, barriers and opportunities to effectively manage GHG emissions, particularly from landfills, and an appetite to work collaboratively as a region and alongside the EPA to meet NSW's greenhouse gas emissions targets.

Comments on proposed Climate Change Licensee Requirements

Overall, the Hunter JO welcomes the EPA's proposed Climate Change Licensee Requirements that will mandate reporting for licensed facilities – including landfills – that generate more than 25,000 t-CO₂-e p/a of Scope 1 and 2 GHG emissions.

Specifically, we support the proposed policy change for the following reasons:

1. The scale of emissions is significant

- As mentioned in the *Proposed Climate Change Licensee Requirements: Consultation Draft*, EPA licensees are estimated to contribute 50-60% of NSW's total GHG emissions.
- For local councils that operate a landfill, methane emissions from the landfill typically account for 60-80% of the organisation's Scope 1 and 2 emissions.
 - o For example, Lake Macquarie City Council's Awaba Waste Management Facility accounts for 91% of organisational emissions in 2025.¹
- In the Hunter JO's *Landfill Emissions Opportunities Report*², the cumulative abatement potential to 2050 of NSW's 52 largest landfills without landfill gas capture was estimated to be 9.79 Mt-CO₂-e, or 0.72% of NSW remaining emissions budget.

2. The requirements will promote transparency, accountability, and action

- Emissions reporting from licensees will ensure accurate and consistent measurement and provide the NSW EPA with reliable data upon which to formulate policies and programs to assist licensees and reduce emissions.
- Emissions reporting and action plans will encourage licensees to set emissions reduction goals, implement mitigation measures, and promote accountability.
- Applying these requirements to facilities not already captured by existing programs like the NGER Scheme or Safeguard Mechanism will promote consistency across industries.

¹ Lake Macquarie City Council. (2024). Climate Action Plan for Council Operations, unpublished.

² Hunter Joint Organisation (2025) *Landfill Emissions Opportunities Report*, prepared by 100% Renewables, unpublished.

3. Supporting development and implementation of emissions reduction measures

- Despite the widespread uptake of mitigation measures like landfill gas capture systems and organic waste diversion via FOGO, legacy landfill emissions remain a significant barrier for local councils to achieve net zero targets.
- While landfill gas management measures are mandated, incentivised (e.g. via ACCUs), or commercially viable for larger facilities, the same drivers do not always exist for smaller facilities.
- The new framework can help address this by:
 - o Providing data-driven insights into local and regional emissions and effective mitigation strategies.
 - o Clarifying expectations for best-practice mitigation
 - o Supporting councils to transition away from high-emission legacy waste systems through improved planning and regional collaboration.
 - o Sharing knowledge and information amongst licensees to build overall capacity.
- The Hunter JO supports the gradual, long-term imposition of the more stringent requirements listed in the *Proposed Climate Change Licensee Requirements: Consultation Draft*:
 - o Specific mitigation actions
 - o Emissions measurement
 - o Greenhouse gas emission license limits.
- These are necessary and reasonable steps but should be implemented at point where licensees have had sufficient time and support to adapt.

4. Reasonable implementation timeline and proposed support

- The Hunter JO supports the proposed timeline for implementation, particularly as it relates to council-owned landfills:
 - o First Climate Change Emission Report due 28 February 2027
 - o First Climate Change Mitigation and Adaptation Plan (CCMAP), including 10-year projections, due 31 October 2027
- The Hunter JO also supports the proposed High Emitting Industries grant to assist licensees to prepare their CCMAPs. This will be vital for local government licensees to alleviate resourcing and capacity constraints.

Recommendations

The Hunter JO recommends the following to assist the EPA and licensees to implement this program successfully:

1. Consider the financial viability of landfill emissions mitigation strategies

- For many smaller or older landfills, often owned and operated by councils, conventional landfill gas capture systems may not be financially viable due to the high capital and maintenance costs and low methane yields. Implementing these measures in smaller landfills would place unsustainable financial pressure on councils (or other landfill operators) and divert resources from other essential environmental and waste diversion priorities.
- The framework, particularly any future specific mitigation actions (requirement 3 in the Consultation Draft), should therefore acknowledge that while technically feasible, these systems are often not financially justifiable for smaller facilities.
- Instead, the framework could consider a range of alternate, lower cost landfill gas management strategies that may be appropriate for smaller or older landfills, including passive flaring, biofilters, microbial oxidation covers, and phytocapping.

2. Avoiding cost shifting to local government

- State government climate initiatives must avoid shifting additional costs to local government. Councils – especially regional and rural councils – are effectively the depository for society's waste and bear the financial and operational burden of managing materials over which they have no control in design, production, or consumption.
- Without sufficient funding support, the addition of new licensing obligations will increase pressure on already constrained council waste reserves and ratepayer-funded services.
- Any of the possible future monitoring, reporting and mitigation requirements earmarked in the Consultation Draft should be risk-based and scale-adjusted to ensure that equity and practicality across the sector.

3. Importance of true product stewardship

- Downstream emissions management, such as landfill gas systems, should not be viewed as a substitute for addressing the upstream causes of waste generation. Real progress on waste and emissions reduction requires genuine product stewardship schemes that internalise the full economic and environmental cost of materials. Producers and importers should be financially responsible for the impacts of their products, and councils must have direct access to any stewardship funds given their significant role in managing end-of-life materials.

4. Align reporting methodology and periods with other schemes

- To avoid overburdening licensees with unnecessary duplication and complexity, the EPA should ensure that where possible reporting requirements and periods align with similar schemes, namely the NGER Scheme and Safeguard Mechanism.

5. Provide data and information to assist with reporting

- The NSW EPA should, where applicable, provide relevant datasets to assist licensees to complete reporting requirements. For landfill licensees, this may include the waste contribution monthly reports provided through the Waste and Resource Recovery Portal (WARRP).
 - o This data was provided by the NSW EPA to the Hunter JO to complete emissions estimates during the Landfill Emissions Package project.
- In addition, the EPA could assist licensees understand and assess mitigation strategies by compiling and sharing data from the community of licensees. For example, the EPA could publish data that demonstrates the effectiveness of various emissions reduction strategies that have been implemented by licensees.

6. Allow regional collaboration and cooperation

- The EPA should allow for regional bodies, such as Joint Organisations (JOs) or Regional Organisations of Councils (ROCs), to undertake reporting on behalf of councils where appropriate. This can assist councils to overcome resource and capacity constraints, and to leverage expertise across multiple organisations. The Hunter JO has recent experience undertaking this work successfully through the Landfill Emission Package project.
- To enable this, funding through programs such as the proposed High Emitting Industries grant should be made available to JOs, ROCs, and similar organisations to assist with preparing reports and plans.

Overall, the Hunter JO is supportive of the NSW EPA's proposed measures to encourage GHG emissions reduction amongst its licensees, but emphasises that the solutions must be financially sustainable, practically implementable, and avoid cost-shifting on to local councils.

We appreciate the opportunity to provide comment and are willing to assist the NSW EPA to further engage with our member councils and support the implementation of this scheme.

If you have any further queries, please contact Chris Dart on the details provided below.



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Yours sincerely,

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