



Environment Protection Authority

NSW Resource Recovery Order and Exemption Guidance Consultation Summary Report

September 2025



A decorative vertical band on the left side of the page, featuring a series of traditional Aboriginal patterns. These include concentric circles, wavy lines, and geometric shapes, all rendered in a light blue-grey color against a white background.

Acknowledgement of Country

The NSW Environment Protection Authority acknowledges the Traditional Custodians of the land on which we live and work, honours the ancestors and the Elders both past and present and extends that respect to all Aboriginal people.

We recognise Aboriginal peoples' spiritual and cultural connection and inherent right to protect the land, waters, skies and natural resources of NSW. This connection goes deep and has since the Dreaming.

We also acknowledge our Aboriginal and Torres Strait Islander employees who are an integral part of our diverse workforce and recognise the knowledge embedded forever in Aboriginal and Torres Strait Islander custodianship of Country and culture.

Aboriginal artwork by Worimi artist Gerard Black

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Summary

The Environment Protection Authority (EPA) publicly consulted with stakeholders and the community on guidance material for the Resource Recovery Orders and Exemption Framework. The consultation asked stakeholders to review two new documents that seek to improve the clarity and transparency around RROE applications: the *Guide to the NSW Resource Recovery Orders and Exemptions Policy Framework* (the policy guide) and the *Orders and Exemptions Application Guideline: Applying Waste to Land* (the application guideline).

This report summarises the consultation process and feedback we received. The report includes a summary of submissions and survey results.

The EPA appreciates the time and thought people and organisations put into their submissions and feedback.

Our consultation

Consultation on the draft resource recovery order and exemption (RROE) guidance documents occurred over eight weeks, from Wednesday 26 February to Thursday 24 April 2025.

The consultation involved asking stakeholders questions about two key documents:

- The **draft policy guide** details the background, laws and policies that support orders and exemptions. It describes the process for applying for an order and exemption, and the assessment criteria that a proposed reuse needs to satisfy.
- The **draft application guideline** provides specific guidance on how to prepare an application for a resource recovery order and exemption to apply waste to land as a fertiliser or soil amendment, or for engineering purposes.

Together, these documents are intended to make the assessment and decision processes clearer and more transparent, and enable applications to be processed more efficiently.

The consultation questions focused on whether the updated guidelines:

- are easy to understand
- include all information stakeholders see as necessary
- make the assessment and decision processes clearer and more transparent.

We provided several ways for stakeholders to engage with us throughout the consultation. We set up a dedicated mailbox for enquiries, and a page on the Have Your Say consultation website where stakeholders could provide a written submission or complete an online survey. We advertised the

consultation via targeted emails, word of mouth, cross-promotion on the EPA’s website, media coverage and social media.

Who we heard from

We received 32 submissions from a range of stakeholders (Figure 1). The submissions included 14 online surveys received through Have Your Say and 18 long-form submissions emailed to the project team. Responses were relatively evenly distributed across the stakeholder groups. The largest number of responses (28%) came from government organisations (state and local). Peak industry bodies and individual industry participants both contributed 22%. Consultants accounted for 16% and other individuals, 12%.

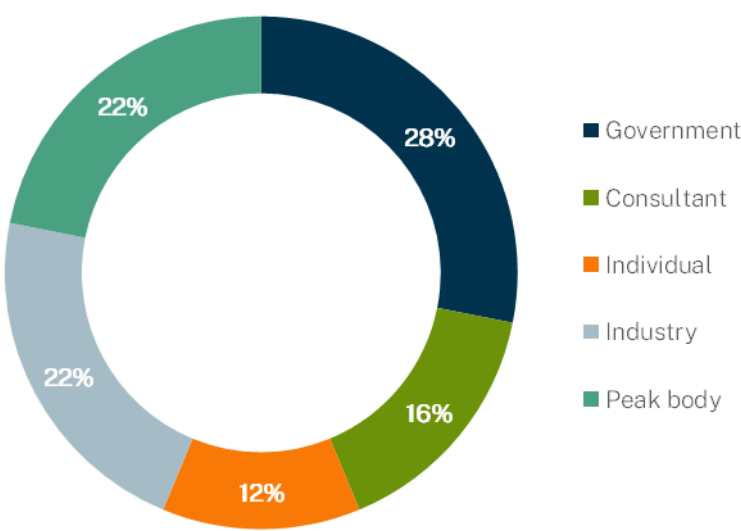


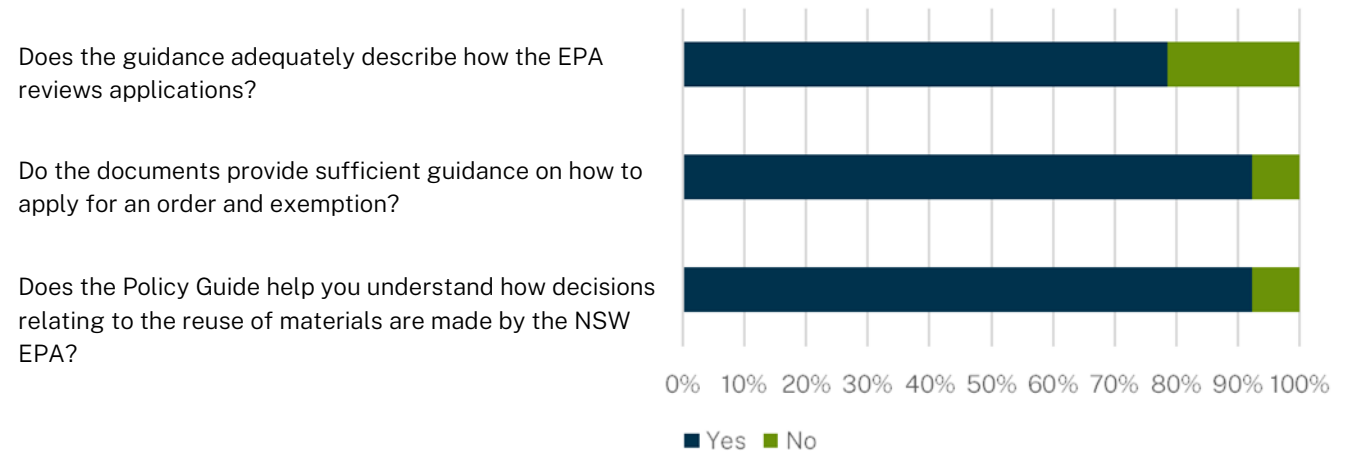
Figure 1 Stakeholder breakdown by category

Feedback and comments

We received both general feedback on stakeholders’ views of the proposed guidance as well as specific feedback and opportunities to consider for enhancing the guidance documents. We are considering all the feedback that was received.

The consultation survey results indicate that stakeholders largely supported the draft guides (Figure 2).

Figure 2 Survey responses – stakeholder satisfaction



Stakeholders also suggested enhancements in the sections allowing longer-form answers.

- Stakeholders generally supported the new guidance material, saying that it clearly explained EPA expectations, the risk-based approach, the legislative basis for orders and exemptions and the regulatory processes around them. They also said that the new guidance makes the information for applicants clearer and more transparent.
 - Stakeholders said that clear definitions of specific terms, and examples of how the EPA applies them in decision-making, would help them frame their applications. Stakeholders also asked for the EPA to make clearer how applications are assessed and how risk and benefit are balanced.
 - Stakeholders indicated that standard templates, ‘smart’ online forms, starter packs, case studies or checklists for applications would help applicants provide what the EPA expects to see in applications.
 - More visual tools could simplify complex information. Stakeholders suggested tools such as decision trees, process flow charts, eligibility tables, visual process maps, diagrams of RROE pathways, general decision processes for reuse, and lists of application steps.
-

Other feedback provided

This Have Your Say consultation was focused on receiving feedback on the EPA’s new guidance that sets out the processes and policy around the resource recovery framework. Respondents gave clear and valuable insights on the usability and clarity of the draft documents.

Respondents also gave important feedback related to other EPA work programs. These programs include:

- the function of the Resource Recovery Order and Exemption Framework
- the *Towards a Circular Economy Delivery Plan* (TaCE delivery plan)
- End of Waste and waste classification (Action D1, D2 and D4 of TaCE delivery plan)
- the Innovation Pathway (Action D3 of TaCE delivery plan).

The EPA thanks these respondents for this valuable feedback. It has been collated and given to the relevant functional areas for their review and consideration.

Next steps

We will continue to consider the feedback that has been thoughtfully provided by our stakeholders. This feedback is informing the next version of the guidance material to ensure that they align with their intended purpose, to enhance the clarity and usability of the resource recovery order and exemption guidance.

Following consideration of this feedback and testing the new material, the EPA will finalise and publish these documents.



Published by NSW Environment
Protection Authority

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EPA 2025P4620
September 2025

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