



**NSW Environment Protection Authority**

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**Ref:** F2004/07333

Dear Sir/Madam,

**RE: 2023 NSW PLASTICS NEXT STEPS DISCUSSION PAPER**

Thank you for the opportunity to comment on the 2023 NSW Plastics Next Steps Discussion paper which proposes further actions for NSW to reduce the use of plastics.

Council is very supportive of the ongoing actions to address plastics in the environment and note that many actions in this paper align with the following Randwick City Council Environment Strategy actions and outcomes:

- *Outcome 3.2* establishes the need for Council to work toward a 10 percent waste generation reduction on a per person basis by 2030 through programs such as Plastics Free Randwick.
- *Outcome 3.6* requires Council to engage with 20 percent of small businesses for the purposes of replacing single-use plastic items (bags, straws, cutlery, plates etc) and single-use coffee cups with suitable alternatives.
- *Outcome 4.5* requires Council to Introduce monitoring and management programs to reduce microplastic pollution in our coastal waterways by 2025.

Council is directing considerable resources to encourage plastic free across our LGA and has been recognised for its efforts having achieved multiple awards for waste and recycling education. A range of programs and initiatives are continuing to be undertaken with the community and businesses in line with Council's strategic actions. Whilst ongoing financial support is key in enabling local government to implement a range of targeted programs, importantly these efforts need to be supported and supplemented by regulatory enforcement actions on waste avoidance and plastics production.

At its 2019 annual conference LGNSW relaunched the "Save Our Recycling" campaign urging the NSW Government to increase funding through the waste levy to assist councils to tackle the litter problem in NSW and encourage waste avoidance. This campaign continues to be relevant in relation to reducing the harmful effects of plastics on our environment.

**Compliance to date**

On 16 November 2021, the NSW Government passed the Plastic Reduction and Circular Economy Act 2021. This legislation delivers on the NSW Government commitment to ban certain problematic plastics, such as single-use plastics and address the problem of plastic waste.

Despite regulatory changes, the 2023 discussion paper notes that takeaway beverage and food packaging still made up 81% of littered items in NSW.

It would be helpful to understand how local businesses are tracking with the single use plastic ban and any data on adherence with single use plastic guidelines. Council often responds to complaints from residents and visitors about businesses still using and serving food in non-compliant items. However, Council has no regulatory powers to enforce compliance under the Plastic Reduction and Circular Economy Act 2021.

In this regard, Council is not aware of any comprehensive assessment of the success and efficacy of the measures recommended in the 2021 Plastics Action Plan, in particular, whether or not existing businesses are adhering to the recommended measures of the 2021 Plan to phase-out problematic or unnecessary single-use plastic items. It is concerning that 800,000 tonnes of plastic waste continues to be produced in NSW each year yet only 12% of these plastics are recycled. As such, it is important to understand the obstacles and issues surrounding the current management of plastic throughout its lifecycle and how to reduce its environmental impact under the 2021 Plan before outlining further proposed action on plastic as contained in the current NSW *Plastics: Next Steps Consultation Paper*. This will require the EPA to provide an educational support component that addresses a range of business issues including the following:

- How to comply with the new regulations and bans on problematic or unnecessary plastic items.
- How to adapt to the changing consumer preferences and expectations for more sustainable and less harmful plastic products.
- How to access funding and incentives for developing and commercialising innovative solutions for the plastic problem including, but not limited to, the use of bring your own containers and ensuring hygiene in doing so.
- How to collaborate with other stakeholders, such as government, industry, and research institutions, to share knowledge and best practices on plastic management.
- How to raise awareness and change behaviour among consumers, business operators, institutions and staff about the benefits of reducing plastic consumption and waste.
- How to support businesses and providers to comply with the plastics bans and transition to more sustainable alternatives.
- How to incorporate the topic of plastics and their environmental impact into the curriculum and learning outcomes across different subjects and levels including business and food preparation and handling.
- How to foster a culture of innovation and collaboration among businesses, food industry and educational institutions to find solutions for the plastic problem.

An educational approach by the EPA would assist in facilitating the implementation of the recommended measures in both the 2021 Plastics Action Plan and the current NSW Plastics: Next Steps consultation paper across a range of affected industries and businesses. For example, it will help to address basic issues such as the role of the NSW Food Authority and local councils for hygiene issues with a bring-your-own containers approach to take-away food and drinks while fostering an industry-wide support for new Australian Standards for durable, reliable and sustainable bring-your-own containers.

In addition, the NSW Food Authority has advised Councils that they are not responsible for hygiene issues with bring your own containers. However, Council is concerned that if issues

arise regarding food safety that Council would be most likely need to respond and investigate complaints.

### **Biodegradable Products**

Most takeaway items, whether recyclable or compostable, end up in landfill. Those that escape from landfill, or are littered, can persist in the environment and pose specific threats to wildlife. Because these items are usually used away from home and in public areas, they tend to be littered more frequently.

As alluded to in the previous section, takeaway disposable containers and utensils have been the norm for a considerable period of time, and it is considered that effective and targeted education to change consumer behaviour is necessary and will support a staged implementation process. Such processes should be undertaken with business leaders, industry and stakeholder input and consider reliable, local (no travel miles) and enduring options that introduce reusable and returnable containers and utensils.

Compostable items are deemed to be a better option as they generally have a lower environmental footprint, and many compostable items (e.g., un-coated paper/card, wood, palm, cane) will break down in the environment (unlike plastic).

Use of items manufactured entirely from natural organic materials such as paper/card, wood or cane and certified to Australian Home Composting Standard AS5810, that are certified from sustainable sources are also suitable alternatives.

It should be noted that items that meet the Australian Standard 4736 Commercial Composting Standard are of concern due to their propensity to act like a traditional plastic product unless commercially composted.

Ideally, items that meet the standards for composting should only be used where there is a guarantee that they will be collected and delivered to an appropriate facility that can adequately process the products and produces a high standard compost.

The proposed ban in the use of Oxo-degradable/biodegradable plastic products for the long-term are supported however to assist in the transition, certified alternatives could still be considered in the short term.

### **Business support**

In 2021 Randwick Council in partnership with the Boomerang Alliance employed a Plastics Free project officer over a 12-month timeframe to work with local cafes and food outlets to assist them in replacing or finding alternatives to single-use plastics. This position was partly funded through the Commonwealth Government's National Waste Policy and its focus on reducing single-use plastics in the litter and waste streams.

Council is of the opinion that regional or state wide business education programs should be developed to assist in the understanding and implementation of the plastic bans proposed.

Council notes that \$38 million for 2022–27 is being invested to achieve targets. This will provide funding for councils and community groups to deliver local and regional litter prevention projects. It is suggested that funding or incentives be considered to support business transition and some suggestions have been included in this submission.

Compliance and enforcement should be a high priority focus of the funding program.

## **Certification Assurance**

With demand for 'green' products continuing to grow, the NSW Government should address certification standards, manufacturing processes, end-of-life processing methods and imported products to ensure compostable certification is reliable and/or that only materials which are genuinely compostable and FOGO safe are certified as under the Australian standards (AS5810 and/or AS4736) are compostable.

The Boomerang Alliance supports a national industry wide adoption of a clear labelling system with increased regulation. This supports mandatory certification and labelling for all product packaging.

Council notes that EPA website states that research has shown that compostable products provide negligible or no nutrient value to compost.

Council understands that in addition to the above an additional reason why AS certified products are not permitted in FOGO in NSW is because some of these items may contain PFAS and this can contaminate the resulting compost product. And for that reason, it is critical that the compostability certification should also ensure products are PFAS free. The source of PFAS in FOGO should be investigated to confirm where it has come from.

In a strategic move towards advancing the circular economy, FOGO holds potential, particularly if items are both safe and genuinely compostable.

## **State-wide Public Education Campaign on product Compostability**

Supplier guarantee, reliability, availability and consumer confidence are key considerations for businesses transitioning away from single use plastic items.

Subsequently, a state-wide public education campaign about biodegradability should be prioritised to encourage providers and consumers to be able to look for, and verify, suitable AS certified biodegradable products. This should raise awareness among consumers about the different types of packaging and disposal options available to them in NSW. Encouraging both providers and consumers to look for the AS numbers could also be encouraged, and this could be the focus of state-wide education programs.

In addition, AS certified products should be verified as containing no toxic environmental pollutants such as PFAS. This would boost consumer confidence in these products and should be required through an audit and labelling process as part of the product certification.

## **Circular Economy of Plastics**

The discussion paper states that the NSW Government will prioritise the circular design of plastics. Council supports the 'closing the loop' of product lifecycles and believes this is necessary to minimise impacts on the environment and to encourage extended producer responsibility.

Manufacturers need to be made accountable for the environmental impacts associated with all the stages of the life cycle of a commercial product. Manufacturers should also be encouraged to prioritise packaging that can be reused, recycled, or composted.

State regulations around Australia are different with some states like WA and SA leading the way on banning plastics. Conversely, NSW businesses and manufacturers need to be aware of the laws in exporting their products and their packaging into these states.

Minimising packaging can provide both environmental and financial benefits to the individual organisations. Industry groups could be used to help facilitate collaboration and the development and application of innovative solutions (especially for products that promote and proclaim the "Australian Made" logo).

State government should provide support services to encourage industry associations and manufacturers improve their producer responsibilities or product stewardship. This could be achieved via incentives such as Research and Development (R&D) grants to help industry develop best practice standards and encourage innovative solutions for sustainable packaging.

Other states in Australia have a polystyrene recycling industry where used polystyrene waste streams are reprocessed locally into recycled polystyrene items for the domestic market.

Councils can provide contact details for businesses/chamber of commerce and other key contacts within the Randwick Council area that would benefit from being engaged in such programs. This support could be extended to manufacturers that are already assisting in closing the loop by utilising recycled plastic in their production process. For example, companies that utilise recycled plastics in street furniture and composite plastic products should be supported to encourage the expansion of this industry to a scale which can absorb and utilise greater soft and hard plastic waste stream volumes. This can only be sustainably undertaken at a state level which can then provide support at the local council level, increasing demand for recycled plastic goods through, for example, the following means:

- state government/federal procurement policies requiring prioritisation of Australian made recycled plastic content over non recycled/imported items; and
- a consumer rebate programs that reward consumers, through a rebate, for purchasing products made from majority recycled plastic content *i.e.*, furniture, decking, bollards etc.

Council acknowledges that the phasing out the use of plastics in any form in the environment should be prioritised and undertaken as soon as practicable.

### **Prioritize Waste Reduction**

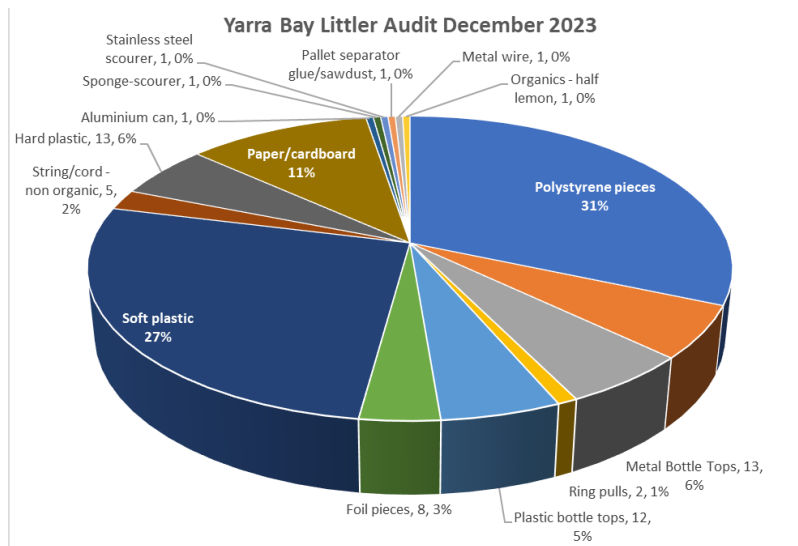
The state government could explore avenues for supporting the hospitality and arts and culture industry in their transition away from disposable items towards reusable alternatives. This support could be provided through financial assistance or research and development initiatives, benefiting cafes, restaurants, festivals, and events.

A concerted effort should be made to encourage a conscientious approach to packaging practices and advocate for the reduction of unnecessary packaging, specifically targeting unnecessary secondary non-recyclable soft plastics – for example small chips bags within a larger bag or plastic bags within a box.

### **Expanded Polystyrene Sheets (EPS)**

Some plastics are more harmful than others including Expanded Polystyrene (EPS) products which can also release toxic substances as they break down, further contributing to environmental pollution. EPS breaks up far more rapidly in the environment than other plastics due to their lightweight nature, and therefore, are easily spread by water and wind into waterways, beaches and the broader environment.

In a litter survey Council undertook at Yarra Bay in December last year, EPS made up the largest number of pieces of litter and was above soft plastics and paper/cardboard (see chart below). Accordingly, Council strongly encourages the phasing out of polystyrene in packaging as well as from EPS food trays.



### **Harmful chemicals such as perfluoroalkyl and polyfluoroalkyl substances (PFAS)**

Council supports proposed actions to phase out harmful chemical such as PFAS. However, Council notes that there are lots of sources of PFAS that are being released into the environment through consumer products.

Hence, Council suggests that a public education program about PFAS and plastic microfibres released by synthetic fabrics should be considered. It is well known that textiles made from synthetic fibres are responsible for microplastic fibre shedding. An educational program to encourage consumers to support healthy natural fibre textiles should be considered in conjunction with the proposed design standards for new washing machines requiring microfibre filters, as standard laundry filtration can only address a small proportion of the microplastic fibres generated by clothing.

Council regularly receives enquiries from the Randwick community as to the sources of PFAS contamination and potential impacts on the marine environment. Accordingly, Council recommends that a stand-alone NSW PFAS management strategy should be developed by the EPA to address this important health and environmental issue.

### **Community Awareness/Education**

It is well documented that plastic litter in waterways endangers wildlife, releases chemicals and can persist for hundreds of years. A carefully designed state-wide plastic education campaign that focuses on simple and consistent messaging is important. This should include a social media and advertising program supported by product labelling and impact messaging to advise people on what they can do to help address this important issue.

While Council is supportive of actions to further address the plastic problem, concern is raised that certified compostable materials have been included in the current 2023 NSW Plastics Next Steps discussion phase of the plastics ban with minimal rationale and explanation as to why. Council is concerned that this may impact on retailers who have already shifted away from single-use plastic and are now heavily using and relying on certified compostable items.

Council believes that more collaboration to align State, regional and local litter prevention initiatives could be effected between State Government and councils, to develop consistent messaging and to maximise resource use in achieving litter prevention outcomes.

Council recommends that NSW, where feasible, should align the phasing out of specific plastic littered items with other states, implementing bans for which practical alternatives have already been identified and set clear time frames for implementation in NSW.

Council also notes that visitors to Randwick beaches do not always know what products and behaviours are supported, so if a national consistent approach could be utilised this would greatly assist compliance in popular tourism locations like Sydney beaches.

Council looks forward to greater action on this critical environmental and health issue. if you have any questions regarding issues raised in this submission, please contact Stella Agagiotis Manager Sustainability on 9093 6954 or [stella.agagiotis@randwick.nsw.gov.au](mailto:stella.agagiotis@randwick.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to be 'Kerry Kyriacou', written in a cursive style.

**Kerry Kyriacou**  
Director City Planning  
[Kerry.kyriacou@randwick.nsw.gov.au](mailto:Kerry.kyriacou@randwick.nsw.gov.au)

<p><b>English</b></p> <p>If you need help to understand this letter, please come to Council's Customer Service Centre and ask for assistance in your language or you can contact the Telephone Interpreter Service (TIS) on 131 450 and ask them to contact Council on 1300 722 542.</p>	<p><b>Greek</b></p> <p>Αν χρειάζεστε βοήθεια για να καταλάβετε αυτή την επιστολή, παρακαλείστε να έρθετε στο Κέντρο Εξυπηρέτησης Πελατών της Δημαρχίας (Council Customer Service Centre) και να ζητήσετε βοήθεια στη γλώσσα σας ή τηλεφωνήστε στην Τηλεφωνική Υπηρεσία Διερμηνέων (Telephone Interpreter Service — TIS) τηλ. 131 450 και να ζητήσετε να επικοινωνήσουν με τη Δημαρχία τηλ. 1300 722 542.</p>	<p><b>Italian</b></p> <p>Se avete bisogno di aiuto per capire il contenuto di questa lettera, recatevi presso il Customer Service Centre del Municipio dove potrete chiedere di essere assistiti nella vostra lingua; oppure mettetevi in contatto con il Servizio Telefonico Interpreti (TIS) al 131 450 e chiedete loro di mettersi in contatto col Municipio al 1300 722 542.</p>
<p><b>Croatian</b></p> <p>Ako vam je potrebna pomoć da biste razumjeli ovo pismo, molimo dođite u Općinski uslužni centar za klijente (Council's Customer Service Centre) i zatražite pomoć na svom jeziku, ili možete nazvati Telefonsku službu tumača (TIS) na 131 450 i zamoliti njih da nazovu Općinu na 1300 722 542.</p>	<p><b>Spanish</b></p> <p>A la persona que necesite ayuda para entender esta carta se le ruega venir al Centro de Servicios para Clientes [Customer Service Centre] de la Municipalidad y pedir asistencia en su propio idioma, o bien ponerse en contacto con el Servicio Telefónico de Intérpretes ["TIS"], número 131 450, para pedir que le comuniquen con la Municipalidad, cuyo teléfono es 1300 722 542.</p>	<p><b>Vietnamese</b></p> <p>Nếu quý vị không hiểu lá thư này và cần sự giúp đỡ, mời quý vị đến Trung Tâm Dịch Vụ Hướng Dẫn Khách Hàng của Hội Đồng Thành Phố (Council's Customer Service Centre) để có người nói ngôn ngữ của quý vị giúp hay quý vị có thể liên lạc Dịch Vụ Thông Dịch qua Điện Thoại (TIS) ở số 131 450 và yêu cầu họ liên lạc với Hội Đồng Thành Phố (Council) ở số 1300 722 542.</p>
<p><b>Polish</b></p> <p>Jeśli potrzebujesz pomocy w zrozumieniu treści tego pisma, przyjdź do punktu obsługi klientów (Customer Service Centre) przy Radzie Miejskiej i poproś o pomoc w języku polskim, albo zadzwoń do Telefonicznego Biura Tłumaczy (Telephone Interpreter Service — TIS) pod numer 131 450 i poproś o skontaktowanie się z Radą Miejską (Council) pod numerem 1300 722 542.</p>	<p><b>Indonesian</b></p> <p>Jika Anda memerlukan bantuan untuk memahami surat ini, silakan datang ke Pusat Pelayanan Pelanggan (Customer Service Centre) Pemerintah Kotamadya (Council) dan mintalah untuk bantuan dalam bahasa Anda, atau Anda dapat menghubungi Jasa Juru Bahasa Telepon (Telephone Interpreter Service - TIS) pada nomor 131 450 dan meminta supaya mereka menghubungi Pemerintah Kotamadya pada nomor 1300 722 542.</p>	<p><b>Turkish</b></p> <p>Bu mektubu anlamak için yardima ihtiyaciniz varsa, lütfen Belediye'nin Müşteri Hizmetleri Merkezi'ne gelip kendi dilinizde yardım isteyiniz veya 131 450'den Telefonla Tercüme Servisi'ni (TIS) arayarak onlardan 1300 722 542 numaradan Belediye ile ilişkiye geçmelerini isteyiniz.</p>
<p><b>Hungarian</b></p> <p>Amennyiben a levél tartalmát nem érti és segítségre van szüksége, kérjük látogassa meg a Tanácsház Ügyfél Szolgálatát (Customer Service Centre), ahol magyar nyelven kaphat felvilágosítást, vagy hívja a Telefon Tolmács Szolgálatot (TIS) a 131 450 telefonszámon és kérje, hogy kapcsolják a Tanácsházat a 1300 722 542 telefonszámon.</p>	<p><b>Czech</b></p> <p>Jestliže potřebujete pomoc při porozumění tohoto dopisu, navštivte prosím naše Středisko služeb pro veřejnost (Council's Customer Service Centre) a požádejte o poskytnutí pomoci ve vaší řeči anebo zavolejte Telefonní tlumočnickou službu (TIS) na tel. čísle 131 450 a požádejte je, aby oni zavolali Městský úřad Randwick na tel. čísle 1300 722 542.</p>	<p><b>Arabic</b></p> <p>إذا أردت مُساعدة لفهم هذه الرسالة، نرجوك الحضور إلى مركز خدمة عملاء المجلس وأطلب المساعدة في لغتك، أو يُمكنك الاتصال بخدمة الترجمة الهاتفية (TIS) على هاتف رقم 131 450 وأطلب منهم الاتصال بالمجلس على رقم 1300 722 542.</p>
<p><b>Chinese</b></p> <p>如果你需要人幫助你了解這封信的內容，請來市政會顧客服務中心要求翻譯服務，或者與電話傳譯服務 (TIS) 聯繫，號碼是 131 450。請他們幫助你打電話給市政會，號碼是 1300 722 542。</p>	<p><b>Russian</b></p> <p>Если Вам требуется помощь, чтобы разобраться в этом письме, то, пожалуйста, обратитесь в Муниципальный Центр Обслуживания Клиентов и попросите оказать Вам помощь на Вашем языке или же Вы можете позвонить в Телефонную Службу Переводчиков (TIS) по номеру 131 450 и попросить их связаться с Муниципалитетом по номеру 1300 722 542.</p>	<p><b>Serbian</b></p> <p>Ako vam treba pomoć da razumete ovo pismo, molimo vas da dođete do Centra za usluge mušterijama pri Opštini (Customer Service Centre) i zamolite ih da vam pomognu na vašem jeziku, ili možete nazvati Telefonsku prevodilačku službu (TIS) na 131 450 i zamolite ih da vas povežu sa Opštinom na 1300 722 542.</p>





