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12 July 2024
Ref No: F2022/00709

Dear Sir/Madam,

RE: FOOD AND GARDEN ORGANICS (FOGO) MANDATES PROPOSAL PAPER

Thank you for the opportunity to comment on the draft Food and Garden Organics Mandates - Proposal paper (FOGO Mandates – Proposal paper) which outlines proposals for three new mandates, including the collection of source-separated food and garden organics (FOGO) waste for households and businesses, and reporting on food donations by supermarkets.

Council acknowledges and is supportive of the goals of the NSW Government's Waste and Sustainable Materials Strategy 2041 to halve organics going to landfill and achieve net zero emissions from organics in landfill by 2030.

Council notes that many actions in the FOGO Mandates - Proposal paper align with the following Randwick City Council Environment Strategy actions and outcomes:

- Outcome 2.2 requires Council to increase residential and school participation in food waste avoidance and food growing initiatives such as "Love Food, Hate Waste" and "Grow it Local", by 20% by 2025
- Outcome 3.4 establishes the need for Council to Divert from landfill, 60% of food waste generated by residents through the implementation of domestic food waste collection services by 2025.
- Outcome 3.5 requires Council to explore initiatives to facilitate food waste recovery from Randwick cafes and restaurants across the Local Government Area (LGA) by 2024.

Drawing on Randwick's leadership and successful early implementation of FOGO services for households, Council provides detailed feedback and insights from our households FOGO collection covering collection frequency, commencement timing for the mandate, education initiatives, funding requirements, creating a circular economy for FOGO compost, addressing contamination issues, and other relevant aspects.

HOUSEHOLD MANDATE

Randwick's FOGO collection for households

Council supports the FOGO for households mandate. Being the first inner metropolitan council in Sydney to implement FOGO, Council regularly shares our experiences and educational materials with other councils, including Regional Organisations of Councils (ROC's), to assist councils in their FOGO implementation.

Randwick Council implemented the FOGO service in March 2021. In the first three years, Council has collected over 42,000 tonnes of FOGO waste, converting it into compost. This initiative led to a significant 26% reduction in red bin content and a 98% increase in organics collection. The high recovery rate of 77.5% for organic waste demonstrates that Randwick residents have enthusiastically embraced the FOGO service.

Our successful FOGO implementation involved several critical steps: audits of kerbside bins, a seven-year food waste collection trial with 4,000 dwellings, community surveys and consultations, 2 successful grants applications, as well as thorough research, planning, resourcing, and staffing for implementation.

Collection contracts

The decision to implement FOGO in Randwick was accelerated by several factors, including regulatory changes and EPA's revocation of the Mixed Waste Organic Outputs (MWOO) exemption. Conveniently, the timing coincided with the conclusion of our previous waste collection contract and the establishment of a new 10-year contract, which allowed us to seamlessly integrate FOGO into our strategic priorities and the new contract.

Recognising that waste collection and processing contracts are typically long-term, we understand that other councils might face challenges in timing their contracts to include FOGO. Thus, flexibility is necessary to help councils transition smoothly to the new service.

We also recommend that other councils be given sufficient lead time to have the opportunity to undertake similar preparatory steps before rolling out FOGO services. These steps are crucial for understanding community needs, refining collection processes, and securing public support for successful implementation.

Education

As part of the FOGO implementation, Council developed a comprehensive education and engagement program, divided into three stages: pre-implementation, during implementation, and post-implementation. This program utilised various communication channels and targeted campaigns to effectively reach our diverse community, including building management, residents of Multi-Unit-Dwellings (MUDs), public housing, and Culturally and Linguistically Diverse (CALD) communities, with materials translated into five languages. The extensive education efforts were critical for the successful implementation of FOGO.

Councils need robust education programs to support the implementation of FOGO, and the associated costs, time, and effort needs to be factored in. Smaller councils may not have the resources to run such comprehensive programs and may require additional financial support beyond what is currently available.

The NSW EPA Organics Grants program partially funded our FOGO implementation education program. However, no grant programs are available for ongoing education efforts post-implementation, apart from the "Scrap Together" campaign. A focus group conducted in 2021 indicated Randwick residents did not relate to the "Scraps Together" campaign and preferred a communication approach with a more local touch. This highlights that a one-size-fits-all message may not be the most effective approach. Therefore, councils should be granted flexibility to choose and adapt communication materials to better suit local needs.

Along with a local campaign, a state government FOGO campaign would significantly strengthen and amplify the educational message, enhance public awareness, helping making FOGO a social norm. Council frequently receives feedback from residents about the confusion caused by varying waste management practices across different councils. A statewide campaign would create consistency ensuring the long-term success of FOGO initiatives.

Funding

Funding from the NSW EPA Organics Grants program was instrumental in Randwick's successful implementation of FOGO. These grants facilitated the acquisition of essential resources such as new bins, caddies, liners, and educational programs.

Randwick Council emphasizes the critical role of state government support, particularly through initiatives like the Go FOGO grants in enabling more councils to expand FOGO services to additional households.

An increase in the funding allocated to the education component of these grant programs would be beneficial, as it currently covers only a small portion of the education costs for implementation and do not cover the costs of the post implementation education program.

A continued support from the EPA to assist with the maintenance of the education campaign post implementations would enhance community engagement and ensure widespread understanding and participation in FOGO initiatives across the region.

Contamination Challenges

At Randwick, we maintained a remarkably low contamination rate of 1.5% during the first two years of our FOGO service. We attribute this success largely to the rollout strategy, which included delivering FOGO welcome packs with caddies and liners door-to-door, providing new Mobile Garbage Bins (MGBs) to every household, and implementing the extensive education program. This approach created a unique momentum in the community.

Maintaining the low contamination rate and high participation has proven more challenging in the post-implementation stage. Several factors might have contributed to the rise in contamination, such as the reduction in the provision of free liners, changes in accepted materials based on the 2022 EPA's guidelines, the transient nature of our population, and the challenges associated with FOGO in MUDs.

Contaminants are generally manually removed at processing facilities, which is labour-intensive and increases processing costs. If FOGO is too contaminated and technology is insufficient to clean the compost, FOGO may become ineffective. High contamination not only raises financial costs but also impacts the quality and usability of the compost.

To address these challenges, state government support is crucial, which may involve incentives for processors to improve contamination removal processes and funding programs to assist councils with post-implementation education campaigns.

Collection frequency for households - Do you think collection frequency should be mandated for households?

Establishing a mandated collection frequency poses challenges due to local circumstances, diverse community needs and environmental considerations. In densely populated urban areas, there may be a need for FOGO bins to be collected at least once a week to effectively manage issues such as odour and vermin from food waste decomposition. In rural areas, less frequent collections could be justified as a measure to minimise emissions and reduce the impact of collection trucks on roads, given the longer distances between households.

Randwick Council changed the collection frequency of green bins from fortnightly to weekly, and for red bins from weekly to fortnightly in houses, while maintaining weekly collections for red bins in MUDs. Some larger MUDs require two or three times/ week collection to help manage high volumes of food waste efficiently and optimize bin space.

If a change in collection frequency were mandated, what would it mean for councils that have already implemented FOGO such as Randwick? Such a change to existing programs could potentially disrupt current practices and community expectations, which councils aim to avoid.

Fortnightly red bin collection has sometimes faced resistance from a vocal minority within the community in Randwick and other councils. To address this, some councils have offered optional weekly red bin services, providing flexibility to meet varying community preferences.

Consistency in regulations

We acknowledge and value the NSW EPA's 2022 published guidelines on accepted materials in FOGO, which aimed to phase out non-food or non-garden organics previously accepted by some councils, while standardising guidelines statewide. While this initiative is expected to reduce contamination in the FOGO stream over time, it has presented challenges for Randwick, potentially impacting the program credibility, and causing community frustration, thus hindering efforts to educate and reduce contamination effectively.

Introducing such changes post-service initiation necessitates re-educating the entire community while maintaining their trust and motivation. Therefore, Council would have greatly benefited from accompanying funding for comprehensive community re-education efforts. This funding would support initiatives such as updating bin lids, caddy lids and bin room signage.

Ensuring consistent regulations is crucial for a successful statewide FOGO rollout. Therefore, Council recommends that the NSW government meticulously plan the mandate, involve all necessary stakeholders, and conduct thorough consultations to ensure that the regulations provide clarity, consistency, and encompass all necessary steps for a successful FOGO implementation statewide.

Achieving the Circular Economy

At present, we have not been able to receive any of our FOGO compost for reuse in our LGA. We are actively engaging with the FOGO processor to establish timelines for achieving adequate volumes, ensuring high quality, and implementing suitable transport and packaging to reintroduce processed FOGO compost for use by residents and the Council.

Given current concerns about asbestos in mulch, the Council is exercising caution regarding the use of FOGO compost. Council believes that support from the EPA is needed to provide councils with the necessary guidance and confidence to proceed responsibly with using FOGO compost and advance the circular economy concept for FOGO.

Provision of liners

The introduction of FOGO in Randwick involved quarterly distribution of compostable liners to all residents, facilitating their uptake to the program. Resident surveys confirm that liners significantly encourage participation in FOGO, especially crucial for residents in MUDs where bins are shared.

The initial quarterly liner distribution scheme incurs a significant cost for the Council. While the EPA grant initially supported some of these expenses, sustaining this as an ongoing cost may pose challenges. At the same time, plastic and misleading 'eco-friendly' or '50% plant-based' liners available in major supermarket chains are common contaminants in our FOGO material.

Addressing this issue is essential for maintaining low contamination rates in FOGO and effectiveness of the program statewide. The state government could contribute by launching an educational campaign to help the public identify approved and certified FOGO liners, addressing misleading claims by 'eco-friendly' brands in the market, and providing funding to assist councils in procuring approved liners.

Mandate Coverage - What areas you think the household mandate should apply?

Council advocates for a statewide household mandate to be implemented, with exemptions made where a FOGO collection service is not viable or the most sustainable option.

Randwick is home to around 155,000 residents and 60,000 households, with 65% of dwellings being MUD's, including some high-rise buildings and 4,000 public housing dwellings. Randwick boasts one of the highest population densities in Australia and has a diverse, multi-ethnic, and transient population. Implementing FOGO in such an urban area presents significant challenges. However, Randwick's successful early implementation of FOGO domestic services demonstrates that it is feasible even in challenging urban environments.

Challenges in MUDS, Public Housing and other complex settings

Our experience confirms that FOGO implementation poses greater challenges in MUDs and public housing dwellings. These challenges include limited space for additional bins, chute systems designed for one or two waste streams only, distance between apartments to bin rooms, issues with odours and vermin, unengaged building management, narrow laneways and streets that complicate collection logistics. Residents in public housing dwellings have also highlighted one of the issues they face is the lack of space in their kitchen for storing a FOGO caddy.

Areas with a high concentration of MUDs or public housing properties are likely to encounter greater difficulties in implementing FOGO and achieving a low-contamination product.

Therefore, it is recommended to establish a dedicated program targeting these audiences. Sharing insights from successful past EPA funded programs, encompassing these target audiences, would also be valuable for other councils. It may be beneficial that the FOGO mandate takes into consideration rental agencies and the Department of Housing.

Commencement date for the household mandates - Do you think the 1 July 2030 commencement date for the household mandates should apply to all residences (including multi-unit dwellings/apartments)?

Yes, the commencement date for the household mandates should apply to all residences, including MUDs and apartments. Establishing a uniform start date promotes standardised waste management practices and reinforces educational efforts. However, councils should have the flexibility to seek exemptions based on councils' circumstances and community needs. Additionally, councils should have the direct option to withdraw the service from residences presenting significant challenges that may affect the safety and quality of the compost.

Randwick implemented FOGO across all its eligible dwellings simultaneously, including MUDs and public housing properties. Despite these types of dwellings consistently presenting higher contamination rates and lower participation rates, we believe that implementing FOGO across the entire LGA helped strengthen the message overall.

BUSINESS MANDATE

While the FOGO mandate for businesses is a commendable initiative aimed at reducing greenhouse gas emissions and potentially saving money for businesses in the long run, there are several critical concerns that need to be addressed. Council supports the initiative but has reservations regarding enforcement responsibilities and resources, implementation time, and the impact on small food businesses concerning costs, time, knowledge, and waste service availability.

Timing of mandate

Regarding the proposed staggered start dates for the business mandate, confirmation is needed on whether the waste volume thresholds are based on daily, weekly, or monthly waste generation.

Overall, the timeframe for the business mandate seems somewhat short. Providing more time would allow existing businesses adequate opportunity to investigate, install, and operate efficient best practices for food waste storage and handling facilities on their premises, ensuring they are prepared for FOGO requirements by the time the mandate takes effect. It would also enable councils to develop and implement storage requirements for new businesses through DCP and plan for the required compliance obligations.

Financial Impacts on Businesses and Funding

Given the current economic challenges, many food-related businesses are already under significant financial strain due to rising costs such as rent, energy, supplies, and labour costs coupled with decreasing disposable income within the local customer base. Some businesses are already facing closure. Finding resources to implement required changes in the next few years may impose an unreasonable burden on their already limited budgets.

Although FOGO is believed to be more economic than general waste, previous programs conducted by Council in 2014/2015 with small businesses in the LGA revealed difficulties in obtaining competitive rates for the collection of food waste streams alone. Cost efficiencies often depended on consolidating waste services under one provider for both general waste and FOGO collections. Managing separate contracts or renegotiating collection terms within tight time constraints posed significant barriers, leading to non-engagement from several businesses.

Council acknowledges EPA's past and current business recycling grants which includes programs offering financial support to eligible businesses for equipment purchases, education, and training in food waste recovery and reduction programs. Council recommends a flexible approach in funding programs tailored to each business's needs, particularly small businesses. This financial support aims to help offset the costs associated with transitioning to comply with the FOGO mandate.

Space / waste storage

In a practical sense especially for inner-city areas where space is already at a premium, many older buildings will struggle to comply with the FOGO mandate due to limited waste storage facilities and may find it challenging to accommodate additional storage areas while complying with food safety regulations

and maintaining safe and healthy conditions. With the mandate set to take effect on 1 July 2025, food and drink premises have limited time to become compliant in regard to bin storage.

This raises the need for establishing clear criteria for granting exemptions to buildings with significant space constraints, assessing the possibility of shared organic waste facilities among businesses, developing guidelines to help businesses optimise limited space for waste storage, and reconsidering the implementation timeline to provide businesses with adequate time for necessary adjustments and investments.

In addition, it is also important to note that most shop fit-out nowadays are undertaken as Complying Development and the provision of adequate waste storage areas is often poorly addressed in Complying Development Certificates (CDCs), if addressed at all. In such cases, resolving waste storage issues after the fit-out has been completed can be challenging or impractical.

Council suggests that the NSW Department of Planning review the provisions in the Codes SEPP (State Environmental Planning Policy) to establish suitable development standards for food and drink premises CDCs, including considerations for FOGO requirements.

Collection Frequency for Businesses - Do you think collection frequency should be mandated for businesses?

No, collection frequency should not be mandated for businesses as one size does not fit all for businesses. The Randwick City Council food and drink businesses vary greatly in regard to their generation of organics waste due to their business models. The frequency of collections will also be affected by other variables such as internal and external space available for FOGO bins, business location, fluctuating patronage, the weather, and even changing and seasonal menus.

Establishing a minimum collection frequency could be recommended to ensure no food waste is left unattended for too long. However, it should involve analysing the volume of food waste generated over specific periods, the environmental impact of travel and collection, and timing waste collection to prevent pests.

Educational Support for Businesses

Many businesses lack the expertise to implement the necessary changes on their own and engaging expert advice can be costly and time-consuming. Therefore, it is recommended that the state government provide assistance, incentives, and funding to support businesses as they transition to these new requirements.

The mandate is also likely to achieve better outcomes if local businesses recognise its benefits extend beyond regulatory burden. Given recent concerns over government interference due to IR reforms, a robust education program is essential to highlight the environmental importance of FOGO. Additionally, Council would recommend that the education approach be holistic, encompassing both FOGO and recycling to embed a waste separation mindset.

Council recommends developing regional and statewide education programs modelled after successful initiatives such as the NSW Single-Use Plastic Bans and the Bin Trim App. These programs could include comprehensive print and digital promotional campaigns, on-site specialist visits, face-to-face and online training sessions, and personalized one-on-one consultations aiming to provide businesses with tailored assessments and action plans to facilitate the understanding and implementation of FOGO services. Additionally, the State Government should enhance promotion of the Bin Trim App to encourage more businesses to adopt it, provide individual guidance on how to use it and consider consulting with stakeholders to improve the user experience if needed.

Council recommends that the EPA develop an educational support component as part of the Mandate, addressing various business concerns, including:

- Why is the FOGO mandate critical.
- How to comply with the new FOGO mandate.
- What are the cost implications and possible savings for the FOGO and Recycling implementation.
- How to access funding and incentives for businesses to assess waste generation, research, plan, purchase equipment, contracting, implementing FOGO and Recycling collection, food donation, data collection and reporting.

- How to collaborate with other stakeholders, such as government, industry, and research institutions, to share knowledge and best practices on food waste management.
- How to raise awareness and change behaviour among consumers, business operators and staff.
- What is accepted in FOGO and Recycling and the issue with contaminates and certified compostable packaging.

The development of these resources should include consultation with a range of affected industries and businesses, planned, and tested before rollout, ensuring the availability of multi-lingual resources.

Enforcement responsibilities

Council is particularly concerned about whether local councils are the appropriate authorities to monitor and enforce compliance with the business mandates and requires clarification on the specifics of how the enforcement and exemptions would operate.

Environmental Health Officers, primarily focused on food safety inspections under the NSW Food Authority, already have prescribed and comprehensive responsibilities. Therefore, Council Officers lack the capacity and resources to add additional compliance requirements to these inspections under the current conditions.

With approximately 800 food businesses in our local government area, this mandate represents a substantial increase in Council workload. Non-compliance is expected in the initial years post-implementation, necessitating dedicated officer time and resources for enforcement.

Effectively monitoring and enforcing compliance across the Randwick LGA will require dedicated resources, including full-time positions, comprehensive education programs, and follow-ups on waste handling practices. Due to the short implementation timeframe, Councils have not had the opportunity to plan for these additional responsibilities and resource implications in future budgets. Councils must not compromise on food safety by reallocating existing resources to FOGO mandates, which could jeopardize the safety of the Randwick community and visitors. It is recommended that the state government provide assistance to councils in terms of staffing and resource allocation to effectively implement these mandates.

With a staged approach—Premises with $\geq 3,800\text{L}$ of residual waste bin capacity starting on 1 July 2025, $\geq 1,900\text{L}$ on 1 July 2027, and $\geq 660\text{L}$ on 1 July 2029—Councils face the task of determining when businesses must comply with the FOGO mandate. It is recommended that clarification be provided on whether councils will be responsible for verifying compliance with these starting dates. Additionally, considering a requirement for businesses self-reporting or declarations may be a suitable option.

Adapting current commercial operations to handle FOGO requirements will require educating businesses on the compliance framework and a flexible approach that goes beyond just initial inspections, relying on cooperation from business owners. In situations where constraints are severe, exemptions may need to be considered based on individual assessments.

Council recommends that the EPA develop clear guidelines detailing who will assess businesses for compliance and what criteria will be used to decide if exemptions are appropriate. The paper should provide detailed information on the compliance framework, legal ramifications, penalties, reporting and monitoring protocols as well as education initiatives and funding for enforcement efforts. Collaboration with primary stakeholders is crucial to ensure the development of a robust framework.

Council recommends that the NSW EPA explore implementing a compliance monitoring and enforcement scheme similar to the NSW Single-Use Plastics ban.

Illegal dumping of food waste

Council is concerned that the introduction of new requirements that have financial implications for businesses may lead to an increase in illegal dumping or prompt businesses to use residential FOGO bins to dispose of their food waste to avoid fines. This behaviour could potentially result in food waste being illegally dumped in parks, reserves, and waterways by business operators or their contractors.

Food & drink providers at festivals and events

Council recommends that the EPA clarify whether food and drink providers at festivals and events will be included in the mandate. There is concern that events often generate more compostable packaging than actual food waste, potentially leading to contamination issues under the current FOGO guidelines.

Inclusion of Shopping Centres in the Mandate

Council recommends that the EPA clarify whether shopping centres are included in the mandate. Shopping centres concentrate multiple businesses, experience high foot traffic, and generate substantial waste, particularly in food courts. Given the varying capacities of individual retailers in the LGA to absorb costs, prioritizing larger shopping centres could strategically serve as an effective starting point for the business mandate.

OTHER CONSIDERATIONS FOR BOTH HOUSEHOLDS AND BUSINESSES

Capacity for processing

With FOGO programs being rolled out statewide, there may be concerns about capacity within existing facilities. Council recommends that the EPA conduct an investigation or analysis and publish a report to confirm that processing facilities and transfer stations will have sufficient capacity to handle the expected waste volumes from businesses and households within the designated timeframes of the mandate.

As part of the mandate, Council suggests that the NSW government consider creating programs to support the development of those facilities and services, acknowledging the possibility that such initiatives may already be in progress.

Collection and Transportation Implications

Currently, FOGO materials often require transport to suitable processing plants located far from where the waste is generated. For instance, Randwick's FOGO waste currently travels 243km to Veolia's Woodlawn facility, which was the available option when our processing contract was set.

When considering the statewide rollout of FOGO as part of the commitment to achieving net zero emissions, transporting large volumes of food waste over long distances to FOGO treatment facilities with available capacity could significantly increase the carbon footprint of the process. This would undermine efforts toward achieving the Waste and Sustainable Materials Strategy's net zero emission goals.

In rural areas where distances between properties are greater, this could mean more trucks driving long distances to collect smaller amounts of waste. It might be more appropriate for rural areas to encourage home composting or explore other in-house technologies to reduce the environmental impact of transportation.

When it comes to business waste collection, where each business has the option to individually choose from various service providers, there is a potential for increased truck traffic in commercial areas. The NSW EPA should take proactive measures to address this issue. One approach could involve implementing coordinated collection days for commercial services and zones, optimising collection routes and schedules.

DCPs

Currently, Council's Development Control Plans (DCPs) specify the space required for bin storage and associated access but do not include provisions for separate food waste bins in businesses. The space and location of facilities for source separation of food waste in businesses must be designed to minimise odours, leaks, pests, and rodents. Existing businesses and those meeting current development requirements may lack these facilities, potentially causing issues and conflicts between adjacent premises in close proximity to waste storage areas.

For new builds and major alterations, the FOGO requirements should be included in the Randwick Waste Management Guideline for Proposed Developments, which is currently on development. Including FOGO requirements into this guideline ensures early planning consideration for sufficient bin space or collection

systems to comply with the FOGO mandate. The Randwick DCP chapter on Waste Management will primarily refer to this guideline document.

Council recommends that the EPA consult with stakeholders and develop guidelines requiring developers to include sufficient space and effective systems for handling organic waste in commercial buildings.

Mandate Exemptions - On what grounds should the EPA authorise exemptions from all or parts of the mandates?

The EPA should authorise exemptions from the mandates based on several grounds, with flexibility provided on a case-by-case basis. Considerations should include current market conditions, infrastructure availability, operational and logistical challenges such as transportation distances and collection capacities, processing facility readiness, end-market availability, financial constraints, contamination risks, councils' capacity for monitoring and enforcement responsibilities, etc.

Exemptions should also accommodate transition periods, allowing councils and businesses time to develop processing facilities (i.e. when facilities will be developed and managed by council), tender collection contracts, grants applications, etc. Trials and implementation plans should be accepted during these periods.

Additionally, exemptions could be considered if businesses generate below a certain volume of food waste per month or demonstrate effective alternative waste management, such as using their own compost bins or other in-house processing technology.

Council highlights the necessitating clear guidelines developed in consultation with stakeholders to outline criteria, application processes, and other pertinent details for both household and business FOGO mandates.

Challenges and Needs in Composting Technology

Technology and capability in Australia currently appear insufficient to effectively remove some small physical or chemical contaminants from compost, which remain a concern. Feedback from processors suggests that even small elements like knots from compostable liners can pose challenges in decomposition processes. There is a need for investments in research and development as well as technological advancements to enhance composting processes and address these issues effectively.

Compostable packaging is a prime example - although certified and proven to be compostable in other countries, it is no longer allowed for composting in Australia due to the country's technological limitations.

Certified compostable products

Certified compostable products were initially seen as a viable alternative following the NSW single-use plastic bans, and were widely adopted by businesses across NSW.

However, these products are no longer approved for FOGO. The introduction of the FOGO mandate for businesses raises concerns due to the large volume of disposable compostable food packaging used in food-related businesses, combined by confusion over compostable certifications which are also utilised to identify FOGO approved liners. This situation risks contamination of FOGO streams.

The NSW Government should address certification standards, manufacturing processes, end-of-life processing methods, and imported products to ensure that compostable certifications under Australian or international standards are reliable, FOGO-safe and that materials are genuinely compostable.

FOGO has the potential to make a significant contribution to a circular economy, especially if certified compostable packaging from businesses and events is allowed for processing. However, it is essential to ensure that these certified materials are truly compostable and safe for FOGO processes.

Harmful chemicals such as perfluoroalkyl and polyfluoroalkyl substances (PFAS)

Council regularly receives enquiries from the Randwick community as to the sources of PFAS contamination and potential impacts on the marine environment. Subsequently Council recommends that a stand-alone NSW PFAS management strategy should be developed by the EPA to address this important health and environmental issue. This needs to go hand in hand with the rollout of FOGO across the state to diminish risks now and in the future.

FOOD DONATION

Implementation of a food donation reporting mandate - Do you think that the food donation reporting mandate should have a phased implementation – for example commence in Greater Sydney first?

Clarification is needed regarding whether an assessment has been conducted and what the findings are regarding the food rescue organisations statewide and their capacity to manage the expected amount of donated food under the FOGO mandate.

A phased implementation could help organizations and government gain insights into the process and facilitate the development of effective programs and infrastructure. However, support could be provided to organisations outside the initial implementation area that are prepared to start reporting.

Maintaining comprehensive records will incur additional costs for businesses, which could be passed on to consumers. Consideration could be given to having receiving organizations or food charities share or assume some of the responsibilities for recording and reporting, thereby easing the burden on businesses while ensuring compliance with the mandate.

Food donation safety

Food safety is a critical concern when it comes to donated perishable items like meat, fish, fruits, and vegetables that have exceeded their use-by dates. It is essential that donated food remains safe for the end consumer, in special vulnerable populations, such as the homeless or elderly. Unsafe food can also pose disposal challenges for charitable organizations.

Currently, 70% of organic waste sent to landfills is still edible and could be a valuable resource for charitable organisations if managed correctly. However, strict controls are needed to determine which foods can be donated to ensure safety and quality.

To address these issues, it is recommended to establish requirements that donated food must have a minimum remaining shelf life, particularly concerning use-by dates. Best-before dates could have slightly more flexibility when foods are being donated under the proposed amendments to the POEO Act. Guidelines should be developed to also cover the handling, storage, and transportation of donated items throughout the donation process. Additionally, clarification is needed on who will monitor and regulate food donations under the proposed mandate, as the proposal currently refers only to an "authorised officer".

Food donation exemptions - Should there be exemptions for areas where there are no food rescue organisations?

Council believes that exemptions should only be granted if organisations can demonstrate that no feasible or sustainable options are available. For instance, it might be more environmentally sound to process the food locally rather if donation requires to transport it over long distances. This approach minimises emissions and reduces environmental impact.

Furthermore, considering tax benefits for food donations could encourage businesses to participate, underscoring the importance of gathering and disseminating this information.

Reporting Period for food donations - Do you think the reporting period for food donations is appropriate?

Council believes a reporting system is crucial, particularly initially, to gather data on the types of food not selling within their use-by timeframes, indicating oversupply and changes in consumer behaviour. It's also important to track the final uptake of donated food to evaluate its value relative to the additional transportation and handling costs involved. Once enough data is collected, it could uncover alternative uses for surplus out-of-date raw and unprocessed food, potentially reducing the need for double handling through food charities.

Council would also recommend the creation of statewide reporting system / database on businesses waste generation.

Summary

Council acknowledges that the FOGO Mandate represents a significant positive step forward for NSW in addressing the food waste challenge and contributing to reductions in greenhouse gas emissions. By fostering collective action, the educational impact is enhanced, solidifying FOGO adoption as a national social norm. However, several concurrent issues require attention, including the enhancement of FOGO processing capabilities and technologies to effectively manage contamination. Additionally, establishing a closed-loop system for organics and the need to support demand for FOGO compost materials.

Thank you for the opportunity to provide a submission on the NSW FOGO Mandates Proposal paper. If you have any questions regarding issues raised in this submission, please contact Kara Taylor Manager Sustainability on 02 9093 6221 or kara.taylor@randwick.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads "Meryl Bishop". The signature is written in a cursive, flowing style.

Meryl Bishop

Director City Planning

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