

Response to the – NSW EPA *NSW Plastics: The Way Forward* paper

4 November 2024

Prepared by Northern Sydney Regional Organisation of Councils

Member Councils: Hornsby Council
 Hunter’s Hill Council
 Ku-ring-gai Council
 Lane Cove Council
 Mosman Council
 North Sydney Council
 City of Ryde Council
 Willoughby City Council

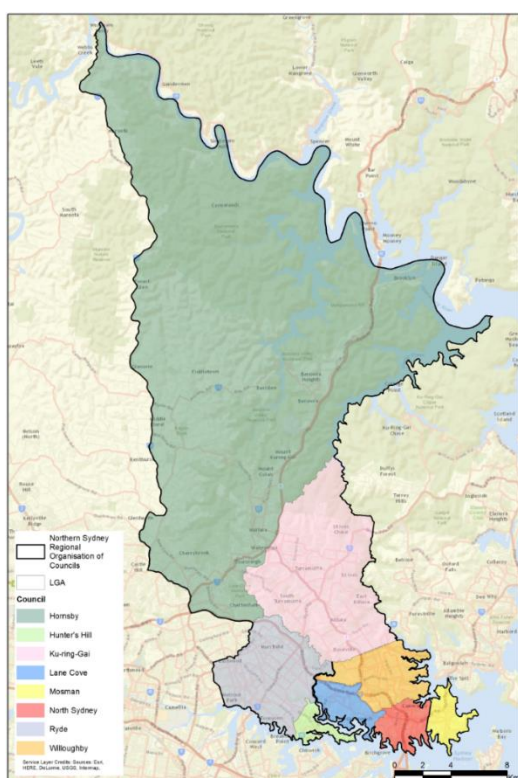
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Introduction and context

The Northern Sydney Regional Organisation of Councils (NSROC) is pleased to respond to the NSW Environment Protection Authority’s *NSW Plastics: The Way Forward* paper, while noting individual councils may also make independent submissions. This submission has been prepared with the input and support of our member councils but is draft until formally endorsed by the NSROC Board.

NSROC is a voluntary association of eight local government authorities in Sydney. NSROC assists member councils collaborate on key issues and activities, develops regional solutions and generates social, environmental and economic benefits – for local communities and the region overall.

NSROC member councils service an area of 639km² with a population of 633,978, extending from the Hawkesbury River in the north to Sydney Harbour in the south, west to Meadowbank on the Parramatta River, as shown in Map 1.



The eight NSROC member councils are:

- Hornsby Shire Council (HSC)
- Hunter’s Hill Council (HHC)
- Ku-ring-gai Council (KMC)
- Lane Cove Council (LCC)
- North Sydney Council (NSC)
- Mosman Municipal Council (MMC)
- City of Ryde (CoR)
- Willoughby City Council (WCC)

Our member councils employ approximately 2,700 people across the region, delivering a wide range of services, including operational waste management for public and private domains. Collectively the eight councils have a waste budget of over \$90 million per year and manage around 14% of metropolitan Sydney’s municipal waste.¹

Map 1: Northern Sydney Regional Organisation of Councils area

Councils operate in complex resource-constrained environments and are challenged by mounting infrastructure and services costs. Growing populations and greater housing density, more frequent extreme weather events, impacts of climate change, increasing cyber security needs and cost shifting by other levels of government - are some of the challenges. The needs and priorities of local communities often outpace councils’ capacity to generate income and meet expectations.

NSROC thanks the NSW EPA for work on lightweight and single use plastics to date, welcomes progressing solutions to the complex problems of plastics and their impact, and acknowledges plastic packaging plays an important role minimising food waste. NSROC supports *The Way Forward* paper’s

¹ Based on 2021/22 figures

intentions to reduce plastic litter and harmful chemicals in plastics, and to align NSW with Queensland and Western Australia, as described.

The proposed actions are unlikely to significantly reduce the tonnes of plastic waste generated annually. Demonstrable and meaningful change will require significant additional upstream policy and regulatory actions, particularly at the national level, stronger producer responsibility requirements and systemic behaviour change at the community level. Without this shift, the vast and growing scourge of plastic waste will continue to diminish NSW's human and environmental health and wellbeing.

The Way Forward paper does not adequately address the scale of the global problem, which includes plastics' environmental persistence and increasing ubiquity, as outlined on page 4 of the consultation draft. The problem is particularly acute in Australia. In the 20 years since 2000, Australian plastics consumption grew from 92 kgs per person to 148 kgs² and in 2019 we used more single-use plastic per person than any other country in the world, bar Singapore.³

Should all the actions described by the Paper be delivered, results will not substantially change the current trajectory for problematic plastic waste, and the steps proposed are not 'as effective as they can be'.⁴ This is because there are no definitive actions proposed to limit upstream plastics production and consumption - for example stopping over-packaging. The draft also misses important opportunities to link to other reforms such as the circular economy and reducing greenhouse gas emissions.

Summary of Recommendations

1. Look at the bigger picture

That the EPA revise NSW Plastics: The Way Forward, to incorporate outcomes for other NSW Government priority areas, such as the circular economy and greenhouse gas emissions reductions.

2. Lead national reform and implement appropriate state-based changes

That the EPA identify and lead achievable national reforms on plastics, and support them with appropriate changes to the NSW policy and regulatory regime.

3. Make the National Product Stewardship Scheme *Seamless* mandatory

That the EPA work with Australian governments and industry to make the National Product Stewardship Scheme Seamless mandatory.

Focus of *The Way Forward* is too Narrow

The Way Forward paper is constrained by a narrow focus on litter, small packaging items and reduction of some harmful chemicals. Whilst these actions are part of the solution, they do not address the problem at the scale required for meaningful impact.

Although the consultation draft often refers to the circular economy, there are no actions that will substantially increase it. To strengthen *The Way Forward*, bold actions on plastics to help create circular economy should be included. NSW's work at the national level should include leading reforms to build and expand circular economy opportunities.

² *Plastic waste in Australia - And the recycling greenwash*, The Australia Institute, 2024

³ *Drowning in waste - Plastic pollution in Australia's oceans and waterways*. Parliament of Australia - House of Representatives Standing Committee on Climate Change, Energy, Environment and Water May 2024, page 1

⁴ *NSW Plastics: The Way Forward*, NSW EPA, 2024, page 4

Connections to greenhouse gas emissions reductions for NSW are also missing. Although *The Way Forward* acknowledges greenhouse gas emissions from plastics on page 6, the consultation draft takes no responsibility for decreasing emissions. Revisions of *The Way Forward* paper could act to support emissions reduction, by considering recent relevant work, such as Blue Environment’s *Carbon emissions assessment of Australian plastics consumption (2023)*, and taking appropriate policy and regulatory actions.

Fast fashion clothing is predominately plastics and is a product category that would benefit from inclusion in the revised draft. ‘The average Australian buys 56 new items of clothing each year, which makes Australia the largest consumer of clothing in the world per capita (after the US).’⁵ Committing to working with the Commonwealth Government and industry to make the National Product Stewardship Scheme *Seamless* mandatory would strengthen *The Way Forward*.

The Way Forward’s narrow focus may in part be explained by the EPA’s in-depth stakeholder engagements (page 7 of the draft). Figures reported there show that industry representatives consulted were more than double in number those from the non-profit, research and government sectors combined.

The ubiquity of plastics and the rate of their increase demands actions we take are large and impactful. The initial draft of *The Way Forward* paper is too narrow in focus and lacks meaningful support for other current NSW priorities, such as the circular economy and emissions reduction.

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Macro-level Actions Needed

According to the EPA’s [Waste Hierarchy](#), which has been [updated](#) by Charitable Reuse Australia, we start with efforts to reduce, reuse, repair, refurbish, recycle and recover materials. *The Way Forward* can gain new substantive actions for meaningful results, with major revisions informed by the widely accepted waste hierarchy.

In 2022 The World Bank investigated higher-level solutions for plastic waste, providing: *Where Is the Value in the Chain? Pathways out of Plastic Pollution*. Relevant findings include:

- ‘Without incentives for upstream reduction of consumption of single-use plastics, the exponential volumes of waste overstretch downstream waste management systems.’⁶
- ‘A comprehensive mix of coherent policies can turn the value chain from linear to circular and reduce the volume of plastic waste. Such policies reduce profits in the linear business models of upstream plastic producers, converters, and consumer goods companies while increasing profits of green business models. This attracts private investors and service providers, which reduces the need for public finance to mitigate plastic pollution.’⁷

⁵ Missing reference

⁶ *Where Is the Value in the Chain? Pathways out of Plastic Pollution* (Executive Summary), The World Bank, 2022, Page 1

⁷ *Where Is the Value in the Chain? Pathways out of Plastic Pollution* (Executive Summary), The World Bank, 2022, page 2

- ‘Circular-economy markets do not emerge spontaneously...markets need to be enabled by a comprehensive set of coherent policy instruments. These policy instruments combine upstream emission control policies, new product policies, incentives to change consumer behavior, and incentives for the private sector to invest and innovate along the whole plastic life cycle to prevent leakage to the environment and improve solid waste management practices.’⁸

For Australia, The Australian Parliament’s Standing Committee on Climate Change, Energy, Environment and Water 2024 *Drowning in Waste* paper, finds that:

- ‘Responsibility for plastics must be shifted back onto plastics manufacturers’
- ‘Regulation should be improved so that manufacturers of plastics take more responsibility for minimising their environmental footprint and to foster a sustainable plastics industry’⁹

Other relevant findings include:

- ‘stronger Extended Producer Responsibility schemes to ensure product stewardship’
- ‘incentives or mandates to encourage the local plastic manufacturing sector to use at least 30 per cent recycled content’¹⁰
- ‘a levy on the use of virgin polymers to ensure that plastics are made from at least 30 per cent recycled content, with the minimum percentage to be increased progressively.’¹¹

Although NSW does not control reform at the Australian Government level, it has the largest population producing the most waste, and needs to do more on leading macro-level reform to make real change. Missing from *The Way Forward* are large and bold State-level reforms, linked to advocacy for national changes. Areas needing action are over-packaging, product redesign and consideration of life-cycle analysis.

To be the leading State on actions for plastics, *The Way Forward* paper must identify strong Australian Government reforms, and implement appropriate state-based regulatory changes to support them.

2. Lead national reform and implement appropriate state-based changes

That the EPA identify and lead achievable national reforms on plastics, and support them with appropriate changes to the NSW policy and regulatory regime.

The Proposed Actions

The Paper’s plans for a range of small plastic items, are mostly welcome. Proposed actions to reduce harmful chemicals in plastics and microplastics are steps in the right direction. Most actions are supported, and commentary and questions on each are provided below.

⁸ *Where Is the Value in the Chain? Pathways out of Plastic Pollution* (Executive Summary), The World Bank, 2022, page 6

⁹ Parliament of Australia: *Drowning in waste - Plastic pollution in Australia’s oceans and waterways*. House of Representatives Standing Committee on Climate Change, Energy, Environment and Water May 2024, page vii.

¹⁰ Parliament of Australia: *Drowning in waste - Plastic pollution in Australia’s oceans and waterways*. House of Representatives Standing Committee on Climate Change, Energy, Environment and Water May 2024, page xv

¹¹ Parliament of Australia: *Drowning in waste - Plastic pollution in Australia’s oceans and waterways*. House of Representatives Standing Committee on Climate Change, Energy, Environment and Water May 2024, page xvii

Reduce plastic litter

	Proposed Action	Supported?	Comments
Reduce littering of takeaway food and beverage packaging by end 2025	Phase out the supply of single-use plastic lollipop sticks	Yes	The best responses will include top down and bottom-up actions. Product re-designing and designing out waste for all single use plastics is also needed. Ensure replacements are recyclable and non-toxic.
Reduce littering of takeaway food and beverage packaging by end 2027	Require food service venues such as fast-food restaurants and cafes to accept reusable cups. We will also trial reusable cups in government premises and develop reuse toolkits for reuse only precincts	Yes	Supported, and expand to include reusable containers and tableware. Have health concerns been addressed for businesses? How will reusable acceptance be enforced and by who? Who will be responsible for trialing reusable toolkits and precincts?
	Require single-use plastic cups for cold beverages, single-use plastic food containers, and their lids to be recyclable	Yes	Will this include mandating the types of plastics for disposable cups and containers, limiting to only those that are readily recyclable? Will there be requirements to minimise the use of different types of plastic in one product?
	Require takeaway food service venues to display anti-litter messaging in their shopfronts	Yes	Will the EPA be providing the design requirements for this messaging? Where will messaging be displayed? Who will enforce?
	Require anti-littering labels and the Australasian Recycling Label on single-use plastic cups, single-use plastic food containers and single serve condiment packages	Yes	Will labelling be clear and visible? Will there be regulation on labelling single-use packaging as 'biodegradable' or 'compostable'? Also work on limiting types of plastic in packaging (to the ones readily recyclable) and eliminating mixed material product packaging is required.
Reduce littering of takeaway food and beverage packaging by end 2030	Require single-serve condiment packages to be recyclable, supported by a co-designed roadmap that will take them towards circularity	Yes	This should process should be funded by industry, and be set up as a model for other re-design processes.

	Explore expanding Return and Earn to accept single-use plastic cups for cold beverages and takeaway plastic food containers	No	Highly likely to contaminate currently very clean source-separated streams. Inclusion of wine and spirit bottles much more important with a greater resource recovery potential.
	Require plastic lids to be tethered to Return and Earn-eligible plastic bottles <600 ml, and work with other states and territories to ensure container deposit schemes across Australia accept plastic bottle lids	Yes	MRFs do vary in requirements and ability to capture plastic lids. Needs feedback from processors about practicality and cost. Expand to larger bottlers. In the EU it applies to all plastic bottles under 3 litres. Ensure lids are of the same plastic type and colour as bottles
Reduce littering of cigarette butts by end 2027	Work with other Australian jurisdictions on a national approach to reduce the harmful impact of cigarette butts in the environment	Yes	Collaboration, advocacy and collective action between multiple agencies at local, regional, state and federal agencies are vital. Be explicit about what and how this plan will do to further those aims and enhance consistency at all levels of government. Enhance enforcement.
Using our litter data by end 2025	Explore options to make litter data reporting more transparent, including publishing the brand data of littered items	Yes	This action should be strengthened by removing the words 'explore options to'. Stronger focus on the responsibility of manufacturers and distributors is required. They can be 'named and shamed' if evidenced by robust data.
	Consider requiring brand owners of highly littered plastic items to set litter reduction targets	Yes	This action should be strengthened by removing the word 'consider'. Measurable, mandatory and enforceable targets are required.

Reduce harmful chemicals in plastics and microplastics

	Proposed Action	Supported?	Comments
Eliminate harmful chemicals in food packaging by end 2027	Publish a 'green list' of chemicals that can be used in food packaging below certain tolerable risk thresholds	Yes	What would this mean? Will chemicals with a 'tolerable risk' eventually be banned? Can the 'green list' also apply to non-food packaging?
	Publish a 'red list' of chemicals that are proposed to be phased out of food packaging within specified timeframes	Yes	A top priority but need for further action for continual improvement and assessment of packaging chemicals. Can the 'red list' also be phased out of non-food packaging?

	Support increased chemical testing capacity for packaging in NSW	Yes	Who is responsible for funding and undergoing testing? Will non-compliance to chemical requirements be enforceable?
	Introduce a voluntary chemical certification and labelling scheme for food packaging, to be made mandatory in five years	Yes	Considered a lower priority.
Reduce microplastics in the environment by end 2025	Phase out the supply of plastics containing pro-degradant additives (oxo-, photo-, and landfill-degradable plastics)	Yes	Also need for more state-wide education and resources on biodegradable vs photodegradable vs compostable vs recyclable labelling. The public are completely confused.
	Phase out plastic microbeads from all cleaning products	Yes	Does this apply to imported products? Microbeads should be banned from all NSW products, including beauty, cleaning and other product types.
Reduce microplastics in the environment by end 2027	Require new washing machines to be rated on their ability to capture and reduce microfibrils	Yes	Also need to mandate capture systems of some type, remaining 'technology neutral'.

Keep pace on plastic action

	Proposed Action	Supported?	Comments
Plastic shopping and barrier bags by end 2025	Adopt Queensland's reuse and recycled content standards for heavyweight plastic film shopping bags	Yes	
	Require plastic shopping bags to be stored out of sight at the point of purchase and only provided on request, unless they are clearly designed for reuse or are part of an extended producer responsibility scheme for plastic recycling.	Yes	Provided at cost on request only.
Plastic shopping and barrier bags by end 2027	Phase out the supply of unnecessary plastic barrier bags	Yes	And should also include smaller food and produce barrier bags.
	Require anti-littering labels and the Australasian Recycling Label on plastic shopping bags and plastic barrier bags	No	Anti-littering labels and the ARL will likely be wasted efforts. What is the key message for businesses? Reducing the use of shopping and barrier bags needs to be the bigger focus.

	Eliminate harmful chemicals from plastic shopping bags and plastic barrier bags	Yes	
Small food packaging items by end 2027	Phase out the supply of plastic pizza savers	Yes	This is not a commonly used plastic item anymore.
	Phase out the supply of plastic food tags for bread, bakery and dry pantry items, with a temporary exemption for plastic tags for produce bags until end 2029	Yes	
Small food packaging items by end 2030	Require fruit and vegetable stickers and their adhesives to be certified compostable	Yes	Implement faster and also look at ways to eliminate use.
Balloons by end 2025	Phase out the release of lighter-than-air balloons	Yes	How will this be enforced and communicated to the public? Also phase out all single-use plastic celebratory items, including glitter, confetti, lights etc
	Phase out the supply of plastic balloon sticks, clips and ties	Yes	
Expanded plastic packaging by end 2025	Adopt Western Australia's approach to phase out the supply of food trays, loose-fill packaging, and moulded or cut packaging made of expanded and foamed plastic.	Yes	Beware unintended consequences of potential alternatives. Should take into account full life cycle analysis and resource extraction/sourcing impacts.

Conclusion

The Way Forward paper suggests a range of narrowly focussed actions, which are mostly supported. However, the draft paper does not make clear how the actions proposed will to work to reach the EPA's current targets such as 'triple the plastics recycling rate by 2030' and 'reduce plastic litter by 30% by 2025'.

The published consultation draft misses important opportunities to effect real change and support other closely related NSW priorities, including the circular economy and emissions reduction.

Unfortunately, plastic waste reductions from the actions proposed will be limited, without accompanying significant macro-level reform.