



DRAFT SUBMISSION

NSW Plastics: Next Steps

February 2024





Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

OVERVIEW OF THE LOCAL GOVERNMENT SECTOR



Local government in NSW employs **55,000 people**



Local government in NSW is responsible for about **90% of the state's roads and bridges**



Local government in NSW looks after more than **\$177 billion** of community assets



NSW councils manage an estimated **4 million tonnes of waste** each year



Local government in NSW spends more than **\$2.2 billion** each year on caring for the environment



NSW councils own and manage more than **600 museums, galleries, theatres and art centres**



NSW has more than **350 council-run libraries** that attract tens of millions of visits each year



NSW has more than **400 public swimming and ocean pools**

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Opening

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing all NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

LGNSW welcomes the opportunity to provide feedback to the NSW Environment Protection Authority (EPA) on the NSW Plastics Next Steps discussion paper (the Paper) as this is a matter of importance to local councils and other stakeholders within the local government sector. LGNSW has consulted with councils and other key stakeholders to inform this submission.

As a major land manager and point of contact with the community, NSW councils work tirelessly on the expensive and resource-intensive exercise of managing plastic, both as a waste and a valuable resource for recycling. Councils carry out this work to provide a clean and safe environment for the community.

This submission is provided as a draft, pending endorsement by the LGNSW Board at its next meeting. We will advise of any amendments to the submission in due course.

LGNSW Advocacy Priority

Councils provide waste, recycling and resource recovery services to the community, provide and operate recycling and disposal infrastructure and work tirelessly to reduce the amount of waste ending up in landfill and the environment, by educating residents, businesses and schools about waste avoidance and recycling. Councils continue to face significant challenges from increasing waste generation and lack of markets for Australian recycled content, especially in plastics.

All levels of government, as well as business and the community, need to work together as we move to a more circular economy where materials and products remain within the economy for longer and waste is reduced.

LGNSW advocates for the reinvestment by the NSW Government of the NSW waste levy collected from the community and industry to:

1. Fund the delivery of priority infrastructure as outlined in the Waste and Sustainable Materials Strategy (WASM).

2. Provide a sound regulatory framework and financial support to encourage investment and innovation in circular economy opportunities.
3. Fund and deliver state-wide education campaigns which focus on broad priority areas and concurrently provide funding to support councils with undertaking targeted community education.
4. Work with the Federal Government to introduce producer responsibility schemes for those items included on the Minister's Priority List.

Response

NSW communities generate 800,000 tonnes of plastic each year, with this number expected to increase alongside our population and economy.

While the proliferation of plastic in our economy has undeniably increased living standards and made life more convenient, it has come at a cost to NSW councils and their communities.

Plastic pollutes our natural environment via litter, contributes to climate change (3-4% of global emissions), impacts wildlife and poses health risks when it enters the human body.

LGNSW acknowledges the urgent need for action to tackle plastic and applauds the NSW government for responding to this crisis. The plastic problem cannot be solved by placing the burden of responsibility on individuals - it requires political leadership from state and federal governments to make meaningful change.

1 - Reducing Plastic Litter

As a major land manager and point of contact with the community, NSW councils work tirelessly on the expensive and resource-intensive exercise of tackling litter. Councils carry out this work to provide a clean and safe environment on behalf of their communities.

The Paper proposes several actions to tackle plastic litter, including:

- Phasing out non-reusable plastic food service items including cups, bowls with lids, food containers, and lollipop and ice-cream sticks.
- Ensuring all plastic bottles have lids that remain attached to the bottle to minimise littering.

- Working with the Commonwealth and other state and territory governments to explore options for cigarette plastic filters.

LGNSW supports all proposed actions, acknowledging that phase-outs play a vital role in driving reduced litter rates across NSW.

In addition to the suggested actions, the NSW Government should reinvest a greater proportion of the waste levy it collects into recycling and waste management (including litter prevention) to assist with the transition to a circular economy.

Councils encourage the NSW government to work on other Extended Producer Responsibility (EPR) schemes or regulatory changes to reduce litter, including for soft plastics and confectionary items.

As with any regulatory change, early and clear communication is key and will help affected industries and consumers to plan and identify alternatives. It is critical to explain how these phase outs will be monitored and enforced, for both domestic and imported products.

Significant resources should be directed to address print and advertising material as a source of litter. Although legislation exists to prevent this litter from occurring, councils struggle to undertake enforcement in this area and would welcome EPA support to address this issue specifically.

Councils report the inconsistency of public place litter bins as a cause for user confusion, potentially resulting in litter. The standardisation of signage for public place bins could help to remedy this issue. It is recommended that the EPA works with councils and other state agencies to ensure standardised signage is implemented across the board.

Education and awareness are key to successfully preventing litter in NSW. The Don't be a Tosser! campaign has been successful in its broad (state-wide) and consistent messaging format. Councils have noted the flexibility to tailor the campaign locally has resulted in greater local adoption. However, the Tosser messaging may require review as it is difficult to interpret for younger and culturally and linguistically diverse (CALD) audiences.

An education and enforcement presence are essential in delivering behaviour change outcomes. From the inner city to regional areas, councils say those with dedicated

education and enforcement presence see the best results. Further support for this purpose would be welcomed.

Dedicated on-ground litter enforcement activities, in addition to regional illegal dumping teams, either funded by or undertaken by the EPA would help achieve reduced litter rates. In addition, dedicated enforcement officers (for example, similar to the model where the Victorian Government funded officers within councils) would address some jurisdictional issues currently faced by councils and reduce duplication of effort.

Recommendations

Reducing Plastic Litter

1. That the NSW Government reinvest a greater proportion of the waste levy in recycling and waste management (including litter prevention).
2. That the NSW Government support additional Extended Producer Responsibility (EPR) schemes or regulatory changes to reduce litter, including for soft plastics.
3. That the NSW Government continue to fund state-wide anti-litter campaigns.
4. That the NSW Government support key public land managers to employ dedicated litter staff.
5. That the NSW Government employ or fund dedicated in-field litter enforcement officers/rangers.
6. That the NSW Government introduce standardised public place bin signage for all public land managers and work with all state agencies to implement the signage across the board.

2 - Harmful Chemicals in Plastics and Microplastics

Evidence shows we are increasingly exposed to harmful chemicals in plastics and microplastics. This is a major concern for councils and their communities, and requires action to keep our communities and environment safe.

When plastic is exposed to seawater, sunlight and rain, it can break down into smaller pieces known as microplastics. Chemical additives can leach from these plastic fragments as they degrade with evidence showing many of these added chemicals, as well as microplastics themselves, are harmful to human health and ecosystems.

The Paper proposes several actions to address harmful chemicals in plastic, including:

- Phasing out chemicals such as perfluoroalkyl and polyfluoroalkyl substances (PFAS).
- Phasing out plastic microbeads from all cleaning products that are washed down the drain.
- Phasing out degradable plastics and additives that promote the fragmentation of plastic items.
- Introducing a design standard to require all new washing machines to be fitted with a microfibre filter.

LGNSW supports all proposed actions in reducing the risks associated with microplastics and chemical additives.

The NSW EPA reports that 69% of NSW households with kerbside bin services have a green-lidded bin for organics, and 43 councils have food and garden organics (FOGO) collections. In September 2022 the NSW EPA gave notice that it would exclude compostable packaging from the list of eligible FOGO items, including fibre-based materials, such as bamboo, timber or cardboard packaging and cutlery, paper towels and serviettes. The EPA's reasoning was that these products often contain additives to provide water and grease resistance in food packaging and can include per- and poly-fluoroalkyl substances (PFAS) which may cause human and environmental harm.

While the desire to prevent contamination of the organics stream is understandable, this has led to inconsistency in FOGO messaging between states. For example, in South Australia items such as compostable packaging are permitted in organics collections. It is therefore imperative that the federal and NSW governments phase-out PFAS and address other chemicals of concern being used in compostable packaging (and plastics where feasible). Content standards for compostable packaging must also be enforced so that this packaging can be processed in local government FOGO collection schemes.

Recommendation

Harmful Chemicals in Plastics and Microplastics

7. That the NSW Government address PFAS and other chemicals being used in compostable packaging (and plastics where feasible) and ensure that there are adequate standards enforced on compostable packaging so it can be processed in local government FOGO collection schemes.

3 - Keeping Pace with Plastics Action

Across Australia

The Paper proposes aligning actions to tackle plastic waste with actions in other states and territories. LGNSW supports this as further action is needed to reduce litter and avoid the unnecessary production of plastics and the harm they cause in NSW communities.

LGNSW notes a comparative analysis on the plastics performance of each state and territory performed by WWF Australia in 2022 ranks NSW equal fourth, with SA and Queensland leading.

Different approaches in regulating plastics across Australian states and territories create challenges for business and local communities. They also create a risk of NSW becoming a dumping ground for plastic items that have been phased out in other Australian states.

In response, the Paper suggests phasing out several items in NSW, including:

- plastic bags with a thickness greater than 35 microns
- single-serve plastic condiment packages less than 50 ml, such as soy sauce fish
- the release of any number of helium balloons
- the supply of balloon accessory items such as plastic balloon sticks and ties.
- expanded polystyrene food trays
- expanded polystyrene loose fill packaging (such as packaging peanuts)
- barrier/produce bags
- stickers on fruit
- pizza savers
- bread tags

LGNSW supports all the actions proposed in the Paper that relate to aligning with other states and territories on plastics, and therefore enhancing NSW's reputation as a leader in tackling plastic waste.

In addition, LGNSW advocates for circular economy solutions based on avoidance, durability, and reutilisation of existing materials to promote longevity. By promoting

Recommendation

Keeping Pace with Plastics Action Across Australia

8. That the NSW Government continue to ban single-use plastics where they are not required for medical reasons or complying with environmental health regulations, with exemptions for critical uses.
9. That the NSW Government place a greater emphasis on avoidance and reuse of plastic material through education and financial support for solutions.

Conclusion

LGNSW thanks the EPA for the opportunity to provide feedback on this Paper. Overall, LGNSW and its members support the approaches suggested for tackling plastic in NSW.

The paper provides detailed actions to address plastics and the associated harms to human and environmental health in NSW. The Paper builds on the successful first round of phase-outs in 2022, which saw significantly littered items banned, including lightweight plastic bags, straws and single-use cutlery, bowls, plates and stirrers.

The NSW Government should be applauded on its ambitions to substantially extend these phase-outs and align with other more ambitious states and territories.

Of note, LGNSW and its members support an immediate phase-out of PFAS and other chemicals from all compostable packaging and steps to ensure adequate standards are enforced on compostable packaging so it can be processed in local government FOGO collection schemes.

We also strongly support the pursuit of EPR schemes for a wider range of problematic plastics items not being phased-out, including cigarette butts, snack/confectionary items and print and advertising material.

For further information or to discuss this submission, please contact [Christian Pagliaro](#), Senior Policy Officer Waste.