



**SSROC submission on the
NSW EPA Food and Garden Organics
Proposal Paper**

**Submitted to the NSW Environment Protection
Authority
by email:
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2.1 Introduction

The Southern Sydney Regional Organisation of Councils (SSROC) is an association of 12 councils spanning Sydney's southern suburbs, eastern suburbs, CBD, and inner west and covering a third of the Greater Sydney's population, over 1.8m people. Our Councils manage around 655,000 tonnes of household waste each year, which is about 20 per cent of all NSW household waste.

SSROC provides a forum through which our member councils can interact, exchange ideas and work collaboratively to solve regional issues and contribute to the future sustainability of the region. We advocate on behalf of our region to ensure that the major issues are addressed by all levels of government. Our current focus includes the environment, procurement, waste, and planning.

2.2 Section One: Summary of Key Recommendations

Our strategic recommendation for NSW EPA would be to target an outcome-oriented approach to support the legislation package that is focused on:

- Maximum possible collection and availability
- Providing a reliable product supported by end markets that can manage reasonable contamination
- Users understanding their role in diverting organics from landfill and how to do it well.

SSROC contends that productive re-framing must consider collection and processing contracts, market expectations for quality feedstock, challenges in MUDs and buildings, compliance reporting and expectations, behaviour changes, stakeholder needs etc. While the mandate as written is practical, bin coverage is a very blunt tool that will not achieve the environmental, social and economic aims of the mandate.

We also recommend that the NSW EPA takes a partnership approach to changes of law by:

- a. Enlisting an advisory group comprised of local government staff and other relevant stakeholders
- b. Releasing a draft of the proposed legislation package seeking input from the advisory group and a short period of broader feedback of public consultation to help mitigate any perverse outcomes from inappropriately worded legislation
- c. Seeking clear and unambiguous wording in the legislation, including a glossary of definitions. Heed multiple legal and operational perspectives and build certainty in guidance documents and regulation
- d. Work with Department of Planning to identify and reference precinct and building design guidance in the legislation, for the purpose of requiring commercial building developers to provide room and functional systems to manage organic and residual waste in high-rise, mixed-use and commercial developments.

2.3 Recommendations for the household mandate

1. Food waste diversion in MUDs and precincts from onsite processing technologies or food only (FO) services should be automatically allowed under the mandate, without needing to apply for an exemption. This should be reflected clearly in the wording of the first point of the mandate as shown in italics below or alternatively as a footnote, or in a definitions section:

“Councils will have to make sure all relevant residential accommodation in their local government area is provided with enough organics collection bins for food waste and garden waste generated by residents in that accommodation, *for some high-density areas food only and/or onsite processing may be considered as a suitable alternative to FOGO.*”
2. For residential accommodations whose waste services are provided by commercial operators, require in the legislation that the commercial operator provides the service.
3. Empower councils to remove an organics bin service from a building with persistent non-compliance.
4. Explain the criteria and application process for exemptions and clarify the burden of proof needed.
5. Work with councils to understand their intentions, barriers and risks to total coverage of their residences. Take Council’s intentions, contracts and local market characteristics into account when enforcing the 1 July 2030 date and use leniency and engagement. Build and agree on strategies and delivery plans that identify and work towards ‘maximum possible coverage’, ensuring that the intention is to comply with the mandate.
6. The proposed legislation should include provisions permitting a staged roll out in apartments which are difficult to access, properties without space for an additional service and properties with chute access only.

More details on recommendations for the household mandate are on pages 8-11 of this submission.

2.4 Recommendations for the business mandate

1. SSROC recommends that councils are **not** the Appropriate Regulatory Authority (ARA) for the business mandate as they are not resourced to fulfill this function and there are some legal and capacity barriers in Environmental Health Officers (EHOs) taking on this role. These barriers are discussed in detail in this submission but in summary include:
 - a. Law ambiguities should an EHO enter a premises under the Food Act 2003 powers and then consequently assess matters under a different legislation - the Protection of the Environment Operations Act (POEO Act) whilst on site at the same inspection. It is likely that they would need to do two separate inspections, and if businesses did not have a food waste bin or collection service in place then potentially multiple inspections.
 - b. Potentially a reduced focus on public health as EHOs are primarily trained to address public health concerns such as food safety, sanitation, and environmental health issues. Assigning them FOGO inspections diverts their focus from these critical areas.

- c. Lack of capacity to take on additional tasks in inspections as the feedback we received is that EHOs are already stretched and there is a market shortage for qualified EHOs.
- d. EHOs expertise is in health regulations, disease prevention, and safety standards, which are not directly related to waste management practices like FOGO.

In addition, councils will be focused on the substantial change of introducing FOGO/FO services in households in their LGAs, experience from two of our councils that have rolled out FOGO is that a huge amount of staffing and resources from multiple sections of council is needed to implement and sustain the new service. This is enough for councils to focus on to support the mandate, taking on compliance with businesses as well is too much for many of our councils when their resources will be devoted to rolling out a new service.

2. That before determining the most appropriate party for the role of the ARA for business mandate, the NSW EPA:
 - a. Seeks legal advice on how the Food Act 2003 and the POEO Act interact with the food waste mandate, and how they would implicate EHO inspections and issuance of notices.
 - b. Discusses with the NSW Food Authority the role of the ARA and better understands some of the barriers to EHOs undertaking this role.
 - c. Explores alternatives to councils being the ARA such as the NSW EPA taking on this role given it is already the sole regulator for the Single Use Plastic Ban, and that training officers to engage businesses on both requirements would be an efficient and effective way to implement both the FOGO Mandate and the SUP Ban. It could also be an opportunity to promote the Bin Trim Program and use that program to help business adapt to both the FOGO Mandate and SUP Plan.
 - d. Secures funding from the NSW Government to adequately fund and provide training support to the party that takes on the ARA role. No organisation should be asked to take on this role and the follow up inspections and engagement needed to achieve compliance without long term funding for staff and training.
 - e. Establishes guidelines for the ARA's recourse for continuous or adversarial non-compliance by a business. As well as the criteria for provision and communication of exemptions.
3. Prepare and heavily resource a transition plan for businesses with consistent legal, regulatory and operational guidance. Focus on multi-lingual coverage and multiple terrestrial and digital channels. Businesses are likely to expect financial incentives or some form of support to implement a food collection service and to motivate them to take steps to ensure its not contaminated. Consult with interested parties to test suitable incentives and explore alternatives such as early 'opt in' approaches with local business precincts or shopping centres willing to participate in a funded food waste collection trial before the proposed mandate takes effect.
4. Similar to the household mandate, commercial and retail precincts should be allowed to have onsite processing technologies or food only (FO) services under the business mandate, without needing to apply for an exemption.

Section Two: Detailed Response

2.5 The Strategic Case for the Mandate

We strongly support the NSW Government's effort to halve organics going to landfill as a method to work towards net zero emissions from landfill by 2030, and the use of a legislative lever is an effective way to implement this change. A 'mandate approach' – as opposed to a voluntary approach - has a three-fold opportunity to reassure the marketplace, plan for and deliver the business case for increased and advanced resource recovery infrastructure in organics processing and collections, and normalise users' change of behaviour at home and in the community.

However, the mandate also needs to ensure that councils maintain the flexibility to determine the right organics service offering for the different types of housing and communities in their local government areas (LGAs).

As councils prepare their strategies for food and garden organics (FOGO) or food-only (FO) services, and the procurement of processing and collection systems, they must weigh up several factors that would enable the best possible uptake of the new service.

The councils that make up the SSROC region are very small geographically, but very built-up with a mixed density of small businesses and residential buildings, high-rise precincts and industrial zones. The built environment includes a range of access and availability pressures:

- Laneways, challenging access for collections, bin rooms, chute systems, basements and stairwells
- Amenity concerns, hygiene, ventilation, drainage, visibility and mobility
- Training and resourcing for building management and cleaners

SSROC councils represent 1.8 million people and are expected to grow in population. Councils are aware of their communities' demographic factors:

- Cultural and linguistic diversity
- Socio-economic diversity and social services
- Transient residents, holiday rentals, student and other short-term tenancies
- Cost-of-living pressures.

Councils collect a large amount of data, and are actively building waste profiles of their communities to prepare for FOGO and FO services, such as:

- Waste generation, bin contamination and presentation
- Bin allocation and service regime for each residence
- Building assessments; adequacy of the building to accommodate the change
- Preparedness and needs for apartment building management, strata and cleaners.
- Typically, higher contamination levels in recycling services in multi-unit dwellings (MUDs) and high density housing.

Taking all of this into account, councils are responsible for designing their FOGO and/or FO services that are fit for purpose. To be clear, service design that meets

environmental and community expectations, and processing and collection contract expectations are councils' highest priorities. State targets come second.

Where the *Food and Garden Organics Collection mandate* is focused on availability and equitable distribution of bins, SSROC is concerned that the focus on coverage of bins per household is not strategically suited to best possible environmental, carbon reduction, processing capacity and community-focused outcomes. It is not pure volumes that councils or organics processors are seeking; it is clean and usable organics materials generated for beneficial reuse – and that is where any changes in law should be targeted.

Near-full coverage of the local government area (LGA) with organics collection bins is achievable, but the likely result will be a poor-quality organics stream. Currently, SSROC understands that ten percent (10%) contamination is not viable for processing high- or even mid-quality soil products, and instead must be landfilled. Pre-processing costs, equipment costs to segregate materials, and lack of transfer stations around the SSROC region all contribute to the potential for perverse environmental outcomes and rising costs to the community.

Our strategic recommendation for EPA would be to explore an outcome-oriented approach to support the legislation package; that is focused on:

- a. Maximum possible collection and availability**
- b. Providing a reliable product supported by end markets that can manage reasonable contamination**
- c. Users understanding their role in diverting organics from landfill and how to do it well.**

This outcome-oriented approach prioritises environmental objectives of both diversion and a usable end product and builds in social responsibility, enabling the different roles and expectations of industry and local governments. This approach encourages a partnership perspective between the EPA and local government and is far more inclusive of context and challenges.

Currently, local government is put under intense pressure to uphold the aspirational outcomes of the 50% food waste target without regulatory certainty, without normalising the behaviours necessary for maximum recovery, or with unsteady industry alignment. The current mandate proposal does not explicitly underpin the above strategic outcomes, as service availability alone will not halve organics to landfill.

2.6 Legislation

Changes of law are too important and lasting to be left to Parliamentary debate without first gaining a shared understanding by Council strategic, regulatory, legal and operations teams, who are the NSW Government's 'feet on the ground' to enforce, engage and educate about the organics mandate.

SSROC urges the Government to consider releasing a draft of the legislative package for feedback – publicly – even if only for a short period and also through an advisory group comprised of local government. An advisory group can draw upon the technical and legal expertise in local and state government, building management bodies, peak bodies and others. The purpose of such a group would be to foresee

how regulatory and operational factors can work together – or be altered to complement – to achieve the mandate’s aims.

It is also important for the legislation to reference existing precedents and guidance. For example, the design guidelines for apartments to consider waste in their developments would be essential reading for commercial property developers to ensure building compliance. It will be difficult for the ARA for the business mandate to enforce or advise without legislation.

Definitions are lacking in the EPA’s proposal paper. The following terms were identified that require clear and legal language so there is no confusion:

- ‘Relevant residential’
- ‘Non-compliance’ with reference to intention
- ‘Part exemption’.

Finally, local governments and industry bodies from Waste, Construction, Building Codes and Standards, Food, Transport and Regulatory are looking for clear and unambiguous wording. “Flexible interpretation” has worked against the industry in the past because it tries to substitute flexibility for certainty.

Recommendations:

Take a partnership approach to changes of law:

- **Enlist an advisory group comprised of local government staff and other relevant stakeholders.**
- **Release a draft of the proposed legislation package seeking input from the advisory group and a short period of broader feedback to help mitigate any perverse outcomes from inappropriately worded legislation.**
- **Work with Department of Planning to Identify and reference precinct and building design guidance in the legislation, for the purpose of requiring commercial building developers to provide room and functional systems to manage organic and residual waste in high-rise, mixed-use and commercial developments.**
- **Seek clear and unambiguous wording in the legislation, including a glossary of definitions. Heed multiple legal and operational perspectives and build certainty in guidance documents and regulation.**

2.7 SSROC feedback on the Household mandate

Definition in the Mandate

Page 2 of the mandate proposes that:

“The household mandate will start on 1 July 2030 and apply as follows: councils will have to make sure all relevant residential accommodation in their local government area is provided with enough organics collection bins for food waste and garden waste generated by residents in that accommodation.”

The above definition could be interpreted that only FOGO systems – that is, the green-lidded garden organics bin – are supported, whereas in some high-density parts of metropolitan Sydney where garden organics are very limited, councils may desire to test or implement a food only (FO) service using a maroon-lidded bin, onsite processing technology or other intervention. Therefore, the name of the mandate, and the definitions therein need a modification to make it clearer to all readers that it is not mandating a FOGO service. We need to normalise language to prevent unnecessary confusion.

Availability

SSROC appreciates the EPA proposal's focus on service availability, rather than monitoring the community's use of bins, or the contents of the bin. This is a practical measure, but as discussed on page five, councils can work towards maximum possible coverage of their residences with bin services, but a poor-quality product may result. Councils deeply care about this incongruity, in no small part because their processing contract depends on it.

The EPA has heard from industry and local government about the correlation between service configuration and organics processing capacity (including transfer stations, food-only processing options, and geographical proximity to waste generation centres). These factors are critical to building a resilient societal and regulatory response to the EPA's targets. Nonetheless, the 2030 timeline for Council compliance should be flexibly enforced and consider Council's intention and strategy for coverage.

Recommendations:

- **Food waste diversion in MUDs and precincts from onsite processing technologies or food only (FO) services should be automatically allowed under the mandate, without needing to apply for an exemption. This should be reflected clearly in the wording of the first point of the mandate as shown in italics below or alternatively as a footnote, or in a definitions section: “councils will have to make sure all relevant residential accommodation in their local government area is provided with enough organics collection bins for food waste and garden waste generated by residents in that accommodation, *for some high density areas food only and/or onsite processing may be considered as a suitable alternative to FOGO.*”**

Commercially operated residences

Part of councils' calculations around the cost of rolling out FOGO or FO services is how they will deal with residential buildings that have commercially operated waste collections. Metropolitan councils have a proportion of these residences, but there has been no guidance whether the household or business organics mandate would apply, and whether exemptions are needed. Councils are not willing to 'take on' new properties that they don't already service, and they request that the EPA prevent any loopholes associated with provision of the organics service.

Councils are concerned that developers who acquire commercial waste collection services can use this loophole to side-step Council's building design requirements for bin storage and access, leaving poor conditions and amenity for bin rooms and bulky waste.

Another example, many apartment buildings in Sydney have been built in a way that do not meet councils' waste collection fleet requirements and therefore cannot be serviced by council, even when this is raised at the development application stage there are still ways for developers to avoid these requirements and once built, the building has to be serviced by a private waste collection contractor. The NSW EPA will need to take steps to ensure that private waste collection contractors of residential and mixed residential/commercial buildings are also meeting the mandate requirements.

If these properties are exempted however, this could result in the perverse outcome that it encourages councils to allow more commercial contractors to service MUDs or new developments, contravening the objectives of the mandate. Wording in the legislation could require that Strata or property owners at buildings not serviced by councils need to arrange their own organics collection services. This could be difficult for the EPA (as the ARA) to enforce without legislation.

Recommendation:

- **In the case of residential accommodations whose waste services are provided by commercial operators, require in the legislation that the commercial operator provides the service.**

Enforcement powers

In general circumstances, councils have the power to remove bin services for persistent non-compliance or anti-social behaviour. Councils should be allowed to remove an organics bin service from a building that exhibits repeated non-compliance, just as they currently can for recycling services, even if the EPA is the ARA.

Recommendation:

- **Empower councils to remove an organics bin service from a building with persistent non-compliance.**

Exemptions for Metropolitan areas

SSROC understands from EPA presentations that exemptions will be used sparingly and require evidence. The criteria and application process for exemptions is unclear, and the burden of proof should be explained. Examples in the proposal paper

include rural and remote communities, or areas with extremely long distances from processing centres. SSROC agrees that a measure of remoteness should exempt those dwellings.

However, in the Metropolitan context, SSROC perceives achieving 100% compliance will be challenging. Again, aligned with our position on page five which explains that effectiveness of the mandate should account for environmental and market-based outcomes, the EPA needs to consider that councils have processing contracts predicated on reasonable contamination allowances and generation of consistent quality feedstock. **Contamination penalties and landfill levies are more important to councils than meeting the EPA's bin coverage targets, because this is a cost to the community.** Therefore, SSROC strongly recommends that the EPA work with councils to build strategies towards full bin coverage, and account for very real challenges to achieving the target.

With the EPA's proposed legislation targeting the bin coverage rather than the environmental and economic outcomes of its food waste mandate, it is missing a real opportunity to build commitment and support for the service changes, notwithstanding the 50% recovery target.

SSROC recommends that the EPA assist councils to build and deliver a strategy towards maximum possible coverage and be amenable to time-bound exemptions. These exemptions might only be granted if Council has adopted a strategy towards overcoming the exempted areas.

Furthermore, MUDs and precincts that are already diverting organics from residual waste with onsite processing solutions should not need to go through an exemption process with onerous administration. As discussed earlier, work with councils to determine what diversion rate will be acceptable.

Exemptions must be considered for:

- Areas faced with emergencies, natural disasters or building-related catastrophes
- Areas faced with serious disruptions for collections, transport or processing services

Leniency must be given, provided Council is working toward a strategy of maximum possible coverage:

- To councils which begin rolling out food waste services in late 2030, because of existing contracts or renewal of collection services.
- To councils which decide to roll out food waste services to MUDs later than (or separately to) single dwellings. For example, councils may decide to roll out maroon-lidded FO bins to MUDs, or pilot opt-in models which are different from single dwellings. In these cases, full coverage may not be possible before 1 July 2030, but strategies for maximum possible coverage should be in place.
- To MUDs with poor chute systems (e.g. no diverters), difficult bin storage allowances, or where other large building upgrades needed.
- To MUDs with no garden organics bin services, councils may decide a FO service is more appropriate with a strategy in place for maximum possible coverage.
- To properties with historically poor recovery of recycling.

- Heavily contaminated loads during the period of service changes could be granted temporary exemptions, provided councils have a strategy in place.

Recommendation:

- **Work with councils to understand their intentions, barriers and risks to total coverage of their residences. Take Council's intentions, contracts and local market characteristics into account when enforcing the 1 July 2030 date and use leniency and engagement.**
- **Build and agree on strategies and delivery plans that identify and work towards 'maximum possible coverage', ensuring that the intention is to comply with the mandate.**
- **Explain the criteria and application process for exemptions and clarify the burden of proof needed.**
- **Be open to exemptions and leniency for properties and situations where compliance to the mandate is difficult to achieve.**

2.8 SSROC Feedback on the Business Mandate

Councils as the ARA for the business mandate

Regarding the proposed councils' role as appropriate regulatory authority (ARA) for the business mandate, SSROC understands regulatory and enforcement/engagement officers –known as Environmental Health Officers (EHOs), are likely to be responsible for ensuring compliance with the regulation. EHOs are typically responsible for the regulation of retail premises' food safety and work health compliance, primarily under the Food Act 2003 (Food Act). EHOs not only inspect and investigate premises, but they also conduct interviews, examine and test food and equipment, assess breaches, issue notices, and monitor compliance over time. It is an exhaustive and critical role.

It is important to note that several of our councils are opposed to councils being the ARA for the business mandate and do not have the resources to undertake this role. Many EHOs in the SSROC region have expressed the following concerns about this proposal:

- EHOs are authorised to inspect food premises under the Food Act, they are concerned about the legal implications of also trying to achieve compliance under separate legislation under the Protection of the Environment Operations Act 1997 (POEO Act). It is likely that they would need to do two separate inspections. If businesses did not have a food waste bin or collection service in place then potentially multiple inspections. Legal advice would need to be commissioned by the NSW EPA if this option was pursued further.
- As explained to SSROC, EHOs cannot issue a waste notice and a food notice (or penalty) on the same visit. The EHO would have to issue one, depart the premises and re-enter to issue another.

- SSROC is also concerned about the impact of a business's non-compliance on EHOs and local government generally. Councils are not equipped to seek their own legal counsel for breaches or conflicts, and certainly not prepared to pay for legal action. Councils also need to understand the EPA's position if an existing commercially provided collection does not have a food waste processing solution. It is understood that breach notices and penalties may be issued, but this impact has a high likelihood of falling onto council to follow through and at Council's own risk. If the business is persistently non-compliant, what is the Council recourse here? Councils are unlikely to take legal action as it is a reputational and financial risk.
- We understand the NSW Food Authority may not support the use of the Food Regulation Partnership (FRP) it has with EHOs across 128 councils to assess the compliance of the EPA's business organics mandate. Councils would need to understand how and whether the NSW Food Authority will be involved or supportive, and which regulation (the POEO Act or the Food Act) takes precedence if EHOs are involved.
- Furthermore, SSROC understands from its member councils that EHOs are extremely time-poor due to the persistence of food safety matters, turnover of businesses and personnel, and legislative changes and reporting. How will the EPA support regulatory units whose core responsibilities in food and building safety may not be met because of the organics mandate? Providing online training and sample questions will not be enough. There is concern that when business mandates come into effect in LGAs before the household mandate, this will create a doubly difficult burden for EHOs because the behaviour is not yet normalised in their local community.

NSW EPA could be the ARA for the business mandate

There would be efficiencies and benefits in the NSW EPA being the ARA for the business mandate including:

- It is already the sole regulator for the Single Use Plastic Ban, and that training officers to engage businesses on both requirements would be an efficient and effective way to implement both the FOGO Mandate and the SUP Ban.
- It could also be an opportunity to promote the Bin Trim Program and use that program to help businesses adapt to both the FOGO Mandate and SUP Plan.
- The Proposal advises that only the NSW EPA will be responsible for exemptions in the business mandate however, it would be clearer and easier to manage if the same authority is the ARA and manages exemptions.
- The NSW EPA already has operational roles within its agency that carry out inspections of businesses as well as environmental inspections. Additional roles could be established to help engage businesses to comply with the FOGO Mandate and the SUP Ban and be spread throughout towns and cities in NSW many of which already have an NSW EPA office.

In addition, councils will be focused on the substantial change of introducing FOGO/FO services in households in their LGAs, experience from two of our councils that have rolled out FOGO is that a huge amount of staffing and resources from multiple sections of council is needed to implement and sustain the new service. This is enough for councils to focus on to support the mandate, taking on compliance with businesses as well is too much for many of our councils when they will be focused

on rolling out a new service. It is also important to note that within the SSROC region there is very different levels of capacity and resources to engage with businesses.

We recommend that the NSW EPA explores alternatives to councils being the ARA for the business mandate and whichever authority takes on that responsibility is adequately funded to perform the role and has clear guidelines about inspections, what to do if businesses don't meet the requirements, exemptions, clear legal advice and training.

The need for detailed support information and guidance is illustrated by the numerous questions below that need to be addressed for the organisation that becomes the ARA for the business mandate including:

- What are reasonable timeframes for non-compliance before breaches are imposed?
- If there are significant barriers for the business to comply – such as inadequate space, poor access to the organics bin for waste generators, poor access for collections, and retrofit costs to building management; will the ARA be required to enforce changes to the building or equipment? If not, whose responsibility is this and how should the ARA notify the NSW EPA about non-complying businesses? Even if the ARA are not required to enforce building upgrades, they will be placed in a position to advise businesses on what steps they need to take to achieve compliance, therefore detailed guidance materials, training and funding support would be required.
- How are businesses and buildings with onsite processing solutions impacted by the mandate? Childcare centres, small institutions and small-medium enterprises are increasingly using worm farms or compost bins, and commercial precincts are activating digestors, dehydrators or insect/vermiculture technologies to process food waste. How will the collection mandate apply if businesses are actively diverting a portion of their food waste already? What portion of diversion will exempt these businesses from needing a new bin or service?
- Is the residual waste bin volume capacity guidance (1900L, 660L etc) per week, per collection, per bin allocation, or something else?
- Public schools' waste services are managed under NSW Dept of Education. How will they comply and/or will the ARA be required to visit and inspect? Will schools need a new and separate collection service? Will schools fall under the same residual waste bin volume capacity guide in terms of start date?

Recommendations:

- **That councils are not the ARA for the business mandate as they are not resourced to fulfill this function and there are some legal and capacity barriers in Environmental Health Officers (EHOs) taking on this function.**
- **That before determining the most appropriate party for the role of the ARA for business mandate. That the NSW EPA:**

- **Seeks legal advice on how the Food Act 2003 and the POEO Act interact with the food waste mandate, and how they would implicate EHO inspections and issuance of notices.**
- **Discusses with the NSW Food Authority the role of the ARA and better understands some of the barriers to EHOs undertaking this role.**
- **Explores alternatives to councils being the ARA such as the NSW EPA taking on this role given it is already the sole regulator for the Single Use Plastic Ban, and that training officers to engage businesses on both requirements would be an efficient and effective way to implement both the FOGO Mandate and the SUP Ban.**
- **Secures funding from the NSW Government to adequately fund and provide training support to the party that takes on the ARA role. No organisation should be asked to take on this role and the follow up inspections and engagement needed to achieve compliance without long term funding for staff and training.**
- **Establishes guidelines for the ARA's recourse for continuous or adversarial non-compliance by a business. As well as the criteria for provision and communication of exemptions.**

Education and training

SSROC applauds the NSW EPA design and delivery of a range of food waste education materials aimed at households. However, the last thing the NSW EPA or councils need is under-resourced compliance and education tools around the business mandate. Councils are not required or prepared to design and deliver these messages and materials. Furthermore, messages and materials sometimes do not fit audiences, so we encourage adaptability. A large, styled and dynamic suite of materials is needed.

It is not clear from the documentation laid out so far whether the EPA will have a substantial role in campaigns around the business mandate. If businesses are slow to comply or non-compliant, yet the engagement and education is not very ubiquitous, this may come up during inspections or even legal action. A useful model was the education and engagement strategy from the EPA's Single Use Plastics Bans for businesses: fact sheets, statewide communications, incentives, forums and e-news, e-training, access to customer service personnel, engagement through chambers of commerce etc.

Recently, SSROC was interested to learn about the recent expansion of the EPA's Bin Trim program, both for grant-funded equipment but technical support through an App. The EPA should consider preparing the Bin Trim app to support all workers and business owners. The app could provide technical and educational support about compliance, operational advice and fixes, information about contracting and an explanation of roles. The app could provide a dual function: education for businesses about complying to the mandate and exposure to grant programs, and a tool that the ARA can promote.

We also suggest the following awareness-raising and behaviour change formats for the Metropolitan region:

- Culturally and linguistically diverse (CALD) communities and business owners need targeted materials, ideally delivered in local languages.

- Engaging videos for sharing online and across social media. These messages do not need to align with household mandate messages, and should be compliance-focused and authoritative, but attractive.
- Explanation of the need to separate food waste from packaging and soiled paper, and other common commercial contamination messages.
- Use local business chambers of commerce as a method of raising awareness and taking feedback.
- Guidance and cost implications on 'swapping-out' residual waste bins or reconciling bin capacity. Some precincts have legacy bin configurations, e.g. many different size bins. EHOs may need to advise businesses, so aim to include persuasive information about how businesses can save costs with this change.
- Businesses may need guidance on contracting waste services.
- E-training modules that can be downloaded and shared on social media.
- Guidance on traffic and access requirements for collection vehicles, and explanation about how these align with regular collection services.
- Guidance on harmonising bin sizes and even collection contracts within a precinct. This is not council's responsibility but will be part of any ARA's education messages.
- Explanation of the importance of purchasing 'compostable' instead of 'biodegradable', the difference in products, and other confusing retailer marketing around bags and liners.
- Incentives for business to become early opters and self-report their separation and collection of food waste through an easy to use app like Bin Trim or another central web platform.

Recommendations:

- **Prepare and heavily resource a transition plan for businesses with consistent legal, regulatory and operational guidance. Focus on multi-lingual coverage and multiple terrestrial and digital channels.**
- **Businesses are likely to expect financial incentives or some form of support to implement a food collection service and to motivate them to take steps to ensure its not contaminated. Consult with interested parties to test suitable incentives and explore alternatives such as early 'opt in' approaches with local business precincts or shopping centres willing to participate in a funded food waste collection trial before the proposed mandate takes effect. Local business chambers and shopping centre managers may be interested in participating in trials.**
- **Similar to the household mandate, commercial and retail precincts should be allowed to have onsite processing technologies or food only (FO) services under the business mandate, without needing to apply for an exemption. Some Sydney hotels, universities and commercial areas have already invested in onsite processing, often supported through previous NSW EPA grants.**

- **Strategically, businesses may find it difficult to take up changes if the household organics collection service is not live. We recommend a 'soft glove' approach to enforcement at least until household services are 1-2 years old.**

In conclusion, NSW councils have been given advanced notice about the requirement to introduce FOGO/FO services to households by 2030 yet as our recommendations illustrate there is still a few complexities to be worked out to ensure the Mandate and accompanying legislation package is successfully implemented on the ground. In contrast, there has not been as much exploration of the ARA role for the business mandate with councils or the NSW Food Authority and there are serious concerns and capacity issues to address as identified in this submission.

Please note that although Member Councils have provided information for this submission, it has not yet been endorsed at a formal meeting of SSROC. I will contact you should any issues arise as a result.

Thank you for this opportunity to contribute to the discussion. For any enquiries, please contact me by email: ssroc@ssroc.nsw.gov.au, or 02 8396 3800.



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