

2025 consultation

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8 July 2025

Net Zero Commission

Our Ref: 2025/419592

Dear Net Zero Commission

Submission 2025 consultation

Thank you for the opportunity to provide comments on the *Net Zero Commission 2025 consultation* currently on exhibition until 11 July 2025.

The role of the Net Zero Commission and adoption of the *Climate Change (Net Zero Future) Act 2023* enshrining whole of government climate action to deliver net zero by 2050 and build a more resilient NSW for all is strongly supported.

The Northern Beaches Council (Council) welcomes the Commission's focus on deep mitigation and adaptation in the 2025 Consultation document, as both are required in our collective climate change responses. Climate change is happening now, and we must rapidly cut emissions while adapting to current and future impacts.

Council recognises the urgent need for strong climate action, with the declaration of a climate emergency in 2019 and adoption of net zero commitments. With the Northern Beaches abundance of bushland, coastline and waterways, Council has a long history of adapting to and managing the natural hazards being amplified by climate change.

Council's comments provided as **Attachment 1**, respond to the following consultation paper questions:

- **Question 1: What can you tell us about your experience of the impacts of climate change and how can the commission seek to reflect and respond to this in its work?**
- **Question 2: What actions can the commission take to engage across the community to help drive the shifts needed for the net zero transition and for effective climate change mitigation and adaptation?**
- **Question 15: What short to medium term measures could be prioritised to address the systemic challenges regarding waste generation and resource recovery?**
- **Question 19: What additional measures could accelerate electrification and increase energy efficiency of new and existing buildings?**

- **Question 20: How could social equity be better addressed in the transition to an electrified built environment?**
- **Question 21: What approaches could NSW consider to eliminate refrigerants with a GWP >10 from buildings?**
- **Question 23: The adaptation objective is for NSW to be more resilient to a changing climate. The Act allows for regulations to further define the adaptation objective. What does a more resilient NSW look like to you?**
- **Question 24: What additional information and evidence should the commission consider when assessing progress towards the adaptation objective?**
- **Question 25: How can adaptation planning better use the NSW Government's climate change projections (NARClIM)?**
- **Question 26: What other information or tools are needed to support decision-makers in NSW?**
- **Question 27: What initiatives should the commission consider in assessing NSW's preparation and responses to extreme heat and humidity events in NSW?**

Should you require any further information or assistance in this matter, please contact Manager Environment, Resilience and Climate Change, [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]

Executive Manager Environment & Resilience

Attachment 1 – Consultation 2025 Questions and Council Response

Climate change is happening now

Question 1: What can you tell us about your experience of the impacts of climate change and how can the commission seek to reflect and respond to this in its work?

The Northern Beaches is a community of approximately 270,000 people within the northern Sydney region and while blessed with spectacular bushland, coastline and waterways, our Local Government Area (LGA) is highly exposed to a raft of natural hazards. Current data indicates there are:

- Over 22,000 properties are affected by flood
- 19,000 properties are bush fire prone
- 63,000 properties exposed to moderate to high geotechnical risk
- Close to 5,000 properties affected by coastal hazards.

The NSW State Disaster Mitigation Plan (SDMP) estimates that by 2060 the Northern Beaches will have the highest Total Average Annual Losses in NSW, with estimated losses of close to \$1 billion per annum to the built environment alone. These predicted continual losses are an intolerable risk for our community, highlighting the urgent imperative to significantly bolster investment and sustained action on prevention, mitigation and adaptation measures in a time where disaster risk is increasing.

Council sought to legislate against intensification of development in areas that were identified as being at high risk of natural hazards in developing the consolidated Local Environment Plan (LEP) for the Northern Beaches. However, this precautionary approach was rejected by the NSW Department of Planning, Housing and Infrastructure.

It would be beneficial for the Commission to advocate for legislated preventative measures that can help reduce exposure of people and properties to climate-related risks. This would be consistent with the recommendations from the NSW Flood Inquiry (2022), Bushfire Inquiry (2019) and the SDMP.

Informing and empowering change

Question 2: What actions can the commission take to engage across the community to help drive the shifts needed for the net zero transition and for effective climate change mitigation and adaptation?

Climate change affects every part of society, and a broad, inclusive engagement strategy is crucial for fostering community action and resilience. A well-designed community education and engagement program could help build understanding,

commitment, and collective ownership of climate solutions while directly addressing misinformation or resistance.

Community engagement programs should also educate the community on natural hazards, climate change impacts and associated insurance risks. Recent research shows that climate change is creating an insurability crisis in Australia due to worsening extreme weather events and sky-rocketing insurance premiums. The research also shows that insurance and risk literacy in the community is low, especially in areas of relative socio-economic disadvantage.

This poses additional financial risks for homeowners, as most mortgage contracts include standard clauses that require properties to be insured. Failure to do so may expose homeowners to risk of being in breach of their mortgage contracts.

Waste

Question 15: What short to medium term measures could be prioritised to address the systemic challenges regarding waste generation and resource recovery?

Council's Waste and Circular Economy Strategy 2040 adopts the following directions and targets to reduce emissions from waste, including:

- reduce greenhouse gas emissions from household organic waste collected by Council by 20% by 2030
- reduce greenhouse gas emissions from Council waste collection vehicles and street sweeping vehicles by 50% by 2030
- a convenient and accessible Northern Beaches circular economy hub is in operation for the benefit of the local community by 2030
- reduce total household waste generated in the Northern Beaches by:
 - 10% per person by 2030
 - 20% per person by 2040
- 70% resource recovery rate from household waste by 2030
- 75% resource recovery rate from household waste by 2040
- halve the amount of household food waste sent to landfill by 2030.

To meet these targets Council's key priorities include:

- Identifying and implementing options to minimise greenhouse gas emissions and pollution in each stage of the waste supply chain, including:

- collecting and transporting waste: by transitioning to zero greenhouse gas emissions collection vehicles as it becomes logistically and economically feasible to do so.
- processing waste: by focusing on recycling waste with high potential to reduce greenhouse gas emissions and pollution footprint, including organics and electronic waste reusing organics: investigating options to reuse recovered organics and compost to regenerate local environments, habitat and biota
- disposing waste: focusing on reducing landfill gas and greenhouse gas emissions from waste disposal.
- Assessing the potential greenhouse gas emissions impact of any new waste collection or recycling service that Council offers to the community, prior to implementation.

In 2024 Council provided a detailed response to the NSW Environment Protection Authority's *Food and Garden Organics Mandates Proposal Paper*. The submission re-enforced Council's support for reducing food waste going to landfill and emissions from organics, including our proposed food organics recovery pilot in 2025/26 and raised several challenges and opportunities to sustainably deliver the service across the Northern Beaches. A copy of Council's response is included with this submission as **Attachment 2**.

Built environment

Question 19: What additional measures could accelerate electrification and increase energy efficiency of new and existing buildings?

Council supports the Commission's focus on accelerating electrification and increasing energy efficiency in the built environment having adopted the following commitments:

- 50% of suitable premises with solar panels installed by 2030 (community)
- 50% reduction in carbon emissions by 2040 (community)
- Net zero carbon emissions by 2050 (community)
- 60% reduction in carbon emissions by 2040 (Council operations)
- Net zero carbon emissions by 2045 (Council operations).

These commitments are supported by Council's adopted community aspirations to *reach net zero emissions by 2030* and that *new buildings will be net zero emissions by 2030*, which seek to inspire the community to cut emissions as soon as possible.

Council also recognises the need to reduce embodied emissions in the built environment. Recent [Green Building Council Australia](#) analysis found that over the 60 year lifetime of a home, the embodied carbon emissions from the construction materials are 7 times more than the operational emissions.

Council recommends the following key measures to accelerate electrification and increase energy efficiency in the built environment:

New buildings and significant alterations and additions

Mandate all-electric, net-zero ready through the Sustainable Buildings State Environmental Planning Policy 2025 Review

The NSW Sustainable Buildings State Environmental Planning Policy (Sustainable Buildings SEPP), introduced in October 2023, increased energy and thermal performance standards for most new developments except multi-residential buildings up to five storeys. The Sustainable Buildings SEPP is due to be reviewed in 2025. This review presents a critical opportunity to apply the standards to all residential development and further increase the energy efficiency and thermal performance standards by mandating:

- All-electric design for all building types (no new gas connections)
- Net-zero ready performance standards (solar, battery, electric vehicle ready).

The 2025 review should also introduce embodied emissions standards for residential and non-residential development. At present the Sustainable Buildings SEPP requires only non-residential development to measure and report embodied emissions.

Increasing the Sustainable Buildings SEPP standards are particularly urgent given the NSW Government's Low and Mid-Rise Housing Reforms introduced in February 2025. These reforms are expected to deliver 112,000 homes by 2030, much of which will be in multi-residential buildings up to 5 storeys that are currently excluded from the Sustainable Buildings SEPP increased energy and thermal standards. Not updating the Sustainable Buildings SEPP risks locking in decades of avoidable emissions and fossil fuel dependence, and poor performing, uncomfortable homes for future occupants that are expensive to operate.

Existing buildings

Incentivise electrification retrofits. Provide financial incentives, rebates, or low-interest loans for electrifying existing buildings to encourage owners to make the switch.

Introduce mandatory residential energy disclosure at sale and lease.

Mandatory disclosure for the residential sector will enable market transparency and informed consumer decisions, and reward efficient homes. Mandatory disclosure should be based on actual energy use, similar to the NABERS ratings used in the commercial sector. Rating systems that rely on modelled inputs like (NatHERS, BASIX), do not necessarily reflect operational performance.

Build on the success of Commercial Building Disclosure (CBD) Program.

The Commercial Building Disclosure Program (CBD) has delivered a 35% reduction in commercial office sector base building energy use. As recommended in two CBD program reviews, the CBD program should be expanded to include:

- Smaller commercial buildings (e.g. <1000m²)
- Non-office building typologies (e.g. retail, logistics, healthcare)

- Public sector buildings as an early compliance group to lead by example.

Upskill trades and facilities management workforce

A skilled workforce is essential for delivering and maintaining high-performance, low-carbon buildings. To facilitate this, it is recommended to:

- Embed electrification and decarbonisation content into TAFE and licensing programs for electricians, plumbers, and HVAC technicians
- Require or incentivise continuing professional development for builders, architects, and facilities managers
- Establish decarbonisation training hubs in partnership with industry bodies.

Question 20: How could social equity be better addressed in the transition to an electrified built environment?

Low-income renters have little power to make energy-related upgrades, yet they are the ones paying the gas and electricity bills. The upfront costs for energy efficiency and electrification upgrades are a significant barrier limiting uptake for low-income homeowners. A more equitable transition could occur through:

- **Minimum rental standards.** Introducing clear energy efficiency requirements for rental properties (insulation, efficient heating/cooling, and electrification) would ensure renters are not trapped in outdated, uncomfortable and costly homes. Enforcing this with fines for non-compliance could push landlords to act.
- **Mandatory energy efficiency disclosure.** Requiring landlords to disclose a property's energy efficiency rating at the point of lease could empower renters to make more informed decisions. While this may take time to have an effect, it sets a precedent for prioritising energy-efficient housing.
- **Targeted support for low-income households.** Provide direct financial assistance to low-income homeowners and energy hardship customers to help them transition away from gas appliances or to install solar. Programs could include rebates for electric heat pumps, solar panels, or smart meters to reduce long-term costs.

Given the tight rental market, enforcing standards while ensuring affordability remains key. If reforms disproportionately burden landlords without providing avenues for compliance, renters may end up with fewer housing options. A balanced approach is needed to ensure all stakeholders have the right incentives to transition equitably.

Question 21: What approaches could NSW consider to eliminate refrigerants with a GWP >10 from buildings?

Council recognises the need to reduce refrigerant emissions from buildings to meet net zero targets. Council's project management guidelines specify the use of low GWP refrigerants for Council's retrofit and renewal projects. Council is also drafting development controls that require the use of low GWP refrigerants in new buildings and significant renovations of existing buildings.

The following could be implemented to support the transition to low-emission, climate-resilient buildings:

- **Accelerate the phase-out of high-GWP refrigerants** in line with, or ahead of, the targets set under the Kigali Amendment to the Montreal Protocol. This includes aligning NSW policy and regulation with the federal hydrofluorocarbon (HFC) phase-down schedule, while exploring opportunities to go further where feasible, particularly in new residential and non-residential buildings.
- **Introduce regulatory mandates and performance standards** on the installation of refrigeration and air-conditioning systems that use refrigerants with a GWP >10 in new buildings and major refurbishments. This could be implemented through updates to the National Construction Code or through the NSW Sustainable Buildings SEPP. This should be supported with clear compliance procedures and a transition plan for industry.
- **Training and industry engagement.** Air conditioning technicians and the broader refrigeration industry play a critical role in the transition. However, there is evidence that some practitioners are advising against the use of low-GWP refrigerants, including in domestic heat pumps. Training and industry engagement would help to address this.

Adapting to a changing climate

Question 23: The adaptation objective is for NSW to be more resilient to a changing climate. The Act allows for regulations to further define the adaptation objective. What does a more resilient NSW look like to you?

Council adopted a *Resilience Strategy – Withstand. Adapt. Thrive.* in 2022. The evidence-based strategy was developed following extensive community engagement, and input from a wide range of subject matter experts.

The Strategy establishes seven key strategic directions which outline a clear vision of what resilience looks like for the Northern Beaches:

1. Planning for our future – resilient land use planning to reduce the impact of natural hazards and create housing, employment, education, and transport options to meet the needs of the community
2. Get ready Northern Beaches – our community understands the risks they face and works together to prevent, prepare, respond and recover from significant disruptions
3. Connect for strength – we look after each other in good times and bad and care for those who may need extra support
4. A strong and dynamic local economy – our local economy is diverse and offers rich opportunities for innovation education and career growth and community vitality
5. Adaptive services, assets, and infrastructure – we partner with key agencies and providers to protect our diverse portfolio of services, assets, and

infrastructure so we can continuously meet community needs despite significant disruptions

6. A resilient natural and built environment – we live in balance with our natural and built environments and proactively take steps to protect and enhance our environment, cool our suburbs, and green our buildings
7. Activated places and spaces – our safe and accessible public places and spaces support our social, emotional, and physical wellbeing.

Question 24: What additional information and evidence should the commission consider when assessing progress towards the adaptation objective?

The strategic directions outlined in the NSW State Disaster Mitigation Plan should also be considered for the Commission's adaptation objective to ensure alignment, encourage collective impact and avoid duplication of reporting.

Effective use of climate change projections

Question 25: How can adaptation planning better use the NSW Government's climate change projections (NARClIM)?

Adaptation planning can better utilise the NSW Government's climate change projections (NARClIM) through clear guidance, support, and engagement strategies, including:

- **Clear guidance and standardisation.** The NSW Government should provide clear, consistent, and practical guidance on the use of the climate change projections and scenarios across different sectors and decision-making contexts. This includes providing recommended scenarios to apply in land use planning, infrastructure design, natural resource management, and asset management.
- **Support for local government and organisations.** Councils are at the frontline of community engagement and service delivery and often bear the brunt of community anger when introducing measures to reduce risk. The NSW Government should provide public and technical support, resources, and training to help local councils and other organisations apply climate change projections effectively in their planning, land and asset management processes.
- **Community engagement and awareness.** A targeted communication and engagement campaign should be undertaken to increase public understanding of climate change impacts and the importance of using projections in decision-making. This builds community support for adaptation initiatives and improves local resilience.

Question 26: What other information or tools are needed to support decision-makers in NSW?

NSW Government alignment

All NSW Government departments and agencies must work collaboratively and consistently to deliver the objectives of the NSW Climate Change Adaptation Strategy.

Currently, inconsistencies between policies, legislation, and implementation guidance are undermining local government efforts to manage climate risk. A coordinated, whole-of-government approach is essential to ensure that adaptation actions are mutually reinforcing and do not conflict across planning and regulatory frameworks.

Under the *Reconstruction Authority Act 2022* (RA Act), councils are required to consider the State Disaster Mitigation Plan (SDMP) and natural hazard risks when exercising functions under the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Local Government Act 1993* (LG Act).

However, recent direction from the Department of Planning, Housing and Infrastructure (DPHI) to exclude natural hazard criteria, such as bushfire and flood risk, from the methodology used to apply the C3 Environmental Management zone in Council's Local Environment Plan is inconsistent with these obligations.

This disconnect reduces the effectiveness of local risk mitigation strategies and undermines the intent of the NSW Climate Change Adaptation Strategy, the SDMP, and the RA Act. Clear, consistent guidance is needed to ensure that natural hazard considerations are properly integrated into zoning and land use planning decisions.

Information and tools

Further consideration regarding tools and information to inform local-level adaptation is the accessibility of quantitative climate risk data to inform asset management. Many Councils' asset management plans and strategies point to the need for further work to quantify climate risk across asset classes to prioritise adaptation planning and investment. Consideration of climate and disaster risk is becoming more common throughout the design process for new assets, however, there remains a need for accessible risk assessment tools to quantify risk at an asset class level.

Early initiatives such as the NSW Cross Dependency Initiative (XDI) were promising, however there has been little progress to-date. While there is an increasing prevalence of private consultancies that specialise in asset climate risk assessment, these services remain prohibitively expensive. The design of a common tool that Councils, and other managers of public assets, could use to assess and quantify the risks and potential costs posed by climate change across a large asset portfolio would be hugely beneficial to focus adaptation efforts and investment. It could also provide an invaluable tool for quantitative performance metrics and goal setting.

A comparative tool to identify assets at risk from natural disasters and climate risk would have a range of benefits, including:

- Provide a ready to use tool to quickly and easily identify assets at risk
- Identify timeframe for exceedance of tolerable risk, impact to asset design life and optimal timing for adaptation investment or asset retirement
- Provide quantitative metrics to understand risk, but also against which KPI's can be set (for example, relevant strategies or action plans could set objectives

to develop adaptation plans for all assets classed as 'High' risk, or to reduce risk ratings to a certain level by a determined timeframe)

- Catalyse consistent terminology, comparative data and invaluable risk information that could inform aligned work such as the forthcoming regional Disaster Adaptation Plans being developed in conjunction with the NSW Reconstruction Authority.

Exploring NSW's preparation and responses to extreme heat events

Question 27: What initiatives should the commission consider in assessing NSW's preparation and responses to extreme heat and humidity events in NSW?

There has been a growing body of work to support heatwave prevention, preparedness, response and recovery spearheaded by the Resilient Sydney initiative and associated Great Sydney Heat Taskforce (The Taskforce). With specific regard to heatwave preparedness and response, Northern Beaches Council was a working group member of the Western Sydney Regional Organisation of Councils (WSROC) project to develop the Heatwave Management Guide. This resource provides a strong basis on which local governments can further develop their own heatwave response plans.

It should be noted however, that regarding heatwave response initiatives such as provision of 'Cool Places' or community outreach during a heatwave, State guidance or direction should align with, and not exceed, requirements, roles and responsibilities as set out in the *State Emergency and Rescue Management 1989 Act* (SERM Act). Expectations for Council to deliver services or taskings above and beyond what is outlined in the SERM Act should be decided at the discretion of each Council.

Attachment 2 – Council Submission to NSW EPA on Proposed Food and Garden Organics Mandates - July 2024

8 July 2024

NSW Environment Protection Authority

Submission via

Circular.reg.reform@epa.nsw.gov.au

Our Ref: 2024/462931

Dear Sir / Madam,

Food and Garden Organics Mandates Proposal Paper – Feedback

Northern Beaches Council (Council) welcomes the opportunity to provide feedback on the NSW Environment Protection Authority's *'Food & Garden Organics Mandates Proposal Paper'*.

Council supports the objective of reducing food waste going to landfill and reducing emissions from organics. This focus is reflected in our recently adopted *Waste and Circular Economy Strategy 2040*. In the Strategy, Council targets to halve the amount of household food waste sent to landfill by 2030, through a holistic range of measures in the following outcome:

'Our households have the tools to minimise their organic waste, reuse their organics at home and access a flexible collection and recycling services which maintains the value in organics'.

Transitioning to a new food organics collection service will be one of the most significant behaviour change programs for Council and the Northern Beaches community over the next ten years, affecting every household. It will also lead to sizeable increases in the domestic waste charge.

As such, it is crucial for Council to test different models of service delivery to ensure that the final model meets the unique needs and circumstances of the Northern Beaches community.

Council will also seek to ensure sustainability of the service to avoid adverse outcomes as have occurred with AWT and food and garden organics (FOGO) in other States, where large volumes of 'compost' material has ended up in landfill. This undermines community trust and can threaten the viability of the mandate as a whole. As such, Council will seek to de-risk the rollout of food collection services by testing the availability of suitable infrastructure and markets for the recovered products, to provide service and market flexibility.

To do this, Council commits in the Strategy to a phased roll-out of a food organics (FO) &/or food and garden organics (FOGO) collection for households in the Northern Beaches LGA. This will begin with a pilot in 2025, to test different food organics collection and processing models in targeted households in the LGA. This phased

approach will provide an evidence base for future scale up of the service across the entire LGA as required by the NSW Government. This will ensure that Council has the best chance to put in place the most user friendly, and economically/environmentally feasible option for both Council and the community.

Proposed Household Mandate

Council recognises the broad impact the FOGO mandate will have on resource recovery across NSW. It is incumbent upon the NSW Government to provide the right settings to ensure that the mandate has every chance of success. Critical to enabling sustainable success will be ensuring the mandate and its supporting framework is **flexible, resourced, and subject to risk-based regulation**.

- ***Flexibility***

Council understands there can be barriers to expanding the organics market, including contamination and drought. When contamination is too high, this limits the end use potential of being a valuable commodity which is essential to the mandate's success. This is of a concern given the experience with MWOO and AWTs.

To 'future proof' FOGO collections, it should be open to Councils, and indeed encouraged, to both trial and implement a range of different processing options. This includes composting of FOGO, but also food organics only (FO) processing through anaerobic digestion, soldier fly larvae and other options. This will provide more resilient end markets into the future, ensuring the long-term sustainability of a separate FO/FOGO service. For Councils such as ours, with a valued existing garden organics stream, it can also retain the value in that commodity.

Unfortunately, the proposal paper and existing funding arrangements do not appear to encourage trials or FO processing, which undermines the rollout of alternative processing options and concentrating investment in FOGO. This limits competition and markets, which in turn could undermine the overall success of the FOGO mandate if the market or regulation for FOGO compost fails in any way (as occurred with AWT).

We urge the NSW Government to reconsider its approach by actively encouraging a diverse range of processing options and markets, to promote innovation, competition, flexibility, and customising to community needs, to ensure success of the scheme. The mandate legislation should be drafted to provide this flexibility.

The NSW Government is effectively creating a market through the mandate; it needs to ensure it is a competitive one for success.

- ***Resourcing - Current Lack of Local Processing Infrastructure***

Council agrees that mandating FO and/or FOGO collections will provide certainty to the waste industry, business and councils to allow for investment in infrastructure such as processing facilities and transfer stations.

However, as outlined in The Department of Planning, Infrastructure and Environment's "NSW Waste and Sustainable Materials Strategy – A Guide to Future Infrastructure Needs".

“Greater uptake of FOGO across NSW will likely require substantial new investment in FO/FOGO infrastructure, repurposing existing GO and AWT infrastructure and establishing new transfer stations in the MLA”.

The report also outlines that there will still be a gap by 2030 in the processing requirement of approximately 1,090,000 tonnes per annum. Council realises that since this report was published in 2021, more pipeline facilities are in progress. However, Council is concerned that there will still be a significant gap in organics processing infrastructure and capacity, including on the Northern Beaches.

Considering the time for a new facility to be approved, built and fully operational, this may impact the ability of facilities to cope with the volumes of FO/FOGO that will need to be processed by the proposed mandate start date of 1 July 2030. Considering the emissions impact if the processing facilities are over 100-200kms distance from the LGA, Council should have the choice to rollout an onsite processing solution e.g.; home composting or worm farms vs an actual collection, until closer processing infrastructure is available.

- **Resourcing – Level of funding**

The NSW Government is mandating food organics collection, which then requires local councils (and through them, the ratepayer) to pay for the costs of collection and processing.

We acknowledge the range of organics funding programs that the EPA has provided over a number of years. However, the level of funding available for roll-out by Councils pales in comparison to the total cost of roll out and ongoing implementation of a NSW Government mandated FOGO/FO scheme.

We request that the NSW Government carefully review funding available, including accessing further waste levy revenue, for roll outs and delivery of food organics services to ensure it more equitably shares the costs of the NSW Government mandated scheme. Council would be happy to discuss scale of costs for running a FOGO service for a Council of Northern Beaches Council size with the NSW Government.

- **Risk based regulation - Acceptable PFAs levels in compost.**

Transparency in potential risks with FOGO/FO products is important as councils make the significant shift to separate collection. This will ensure we can build trust with the community in the system, and potential hurdles it may face. We cannot afford a breach of trust once the system is in place for over 100,000 Northern Beaches households.

As such, we understand there are currently no clear parameters available on the acceptable levels of PFAs in compost. This raises concern on how this will affect the end use and ongoing demand for compost if future compost is deemed contaminated with high levels of PFAs. What protections will be in place for councils who engage in long term contracts if emerging contamination issues arise from PFAs or other unknown contaminants?

Council suggests the NSW Government publishes a paper on the acceptable levels or considers an addition to the Test Methods section in the NSW EPA's Compost

Order 2016. This would specify the test and acceptable levels of PFAs within compost, and that this is supported by research demonstrating that existing or planned processing facilities can achieve the proposed acceptable levels.

Providing this information will give greater confidence to Councils when implementing a food organics service.

Proposed Business Mandate

Council supports the intent of the business mandate. However, Council is concerned with aspects of its proposed implementation and the lack of consultation in its proposed design.

Council believes the NSW Government, not local council, should be responsible to monitor and enforce compliance of the business mandate to ensure the NSW Government's legislative intent is met.

This is in line with feedback from the Food Authority that the *"Food Regulation Partnership will not be used as a vehicle to monitor compliance of non-Food Act 2003 activities."*

Council's main concern with the proposal is that the NSW Government is handing a portfolio over to Councils with no additional funding, with limited to no ability for LGAs to recover costs associated with the function and no requirement to undertake the function. This will result in limited to no tangible outcome against the NSW Government's objectives.

In short if the NSW Government has set this behaviour modification work as a priority, the government should then invest appropriate resources into it and regulate it within their own structure or provide a meaningful ongoing financial contribution and support to local government to undertake this work on their behalf.

Please see Council's response to the specific questions posed in relation to the proposed paper:

1. If the mandate should apply to all types of households in NSW?

Response

Council believes there needs to be more flexibility in the implementation of a food organics service across different types of households, rather than a blanket statement that the mandate is to apply to all types of households in NSW. This flexibility could be more clearly outlined in either different time frames or specific exemption areas listed by NSW Government.

The following household type scenarios, specifically within the Northern Beaches LGA, may not suit or be able to have a food organics collection, and would need to be considered and possibly exempted, include:

MUDs

- High Rise MUDs with existing chute systems and/or on floor cupboards (that can't be retrofitted) and bin rooms that aren't accessible to residents. These

residents will not be able to place food waste into communal bins. Alternate food waste processing could be considered e.g.: onsite processor, however this is an expensive option.

- MUDs with bin room space constraints, governance and/or amenity issues that may not allow for extra organics bins or access to use the bins by residents.
- MUDs that arrange own waste collection services (not on Councils' domestic waste collection service) and therefore council does not have any authority over the requirement to add an organics collection.
- Social Housing – where waste sorting is not a priority due to complex personal situations and as a result, levels of contamination are high. To not fully exclude, perhaps an 'opt in' for those properties that wish to participate.

SUDs

- SUDs on larger/rural properties with agricultural solutions for food waste scraps that do not require a collection.
- For both SUDs and MUDs, the NSW Government should also consider whether separate collections are necessary for households with Council provided on-site composting or worm farm systems which achieve similar objectives to the mandate.

2. The suitability of a 1 July 2030 start date for all NSW households.

Response

Due to some of the challenges facing FOGO/FO processing, the NSW Government needs to further review and monitor these areas to determine if the proposed start time of 1 July 2030 is viable in all circumstances. This is particularly the case given the infrastructure and market challenges when many councils will be implementing FOGO around the same time (2029/30), adding pressure on processing facilities, collection contractors and councils.

Due to the more complex nature of rolling FOGO/FO out in MUDs, as it can be a more transient population and have increased issues with contamination (and the ability to know exactly which resident/s is causing the contamination), Council recommends that the NSW Government consider a later start time for certain MUDs or possible full exemption from a mandated food organics collection.

3. The suitability of the requirements for the food donation mandate for business and charities?

Response

Council agrees with the proposed food donation reporting mandate wording, provided it does not over-regulate reporting in a way that would disincentivise food donations.

Noting that the cost and resources required to weigh and record the donated food should be on the supermarket, not the charity, as they are not resourced to do so.

If possible, for the supermarkets within our own LGA, Council would like to be able to get access to the volume data to see how much food waste is being diverted from landfill via food donations.

4. If exemptions to the mandates, both household and business, should be available?

Response

Council agrees with the mandate exemption wording for both household and business mandates that:

“the EPA should have discretion to grant exemptions from the mandates whether generally or in specified circumstances and whether from the entire mandate or certain parts of it”.

Exemptions for both household and business mandates are vitally important as each LGA has its own unique variables, that require a level of flexibility and consideration. The suggested general household exemptions are listed above in 1. *If the mandate should apply to all types of households in NSW?*

The process of applying for exemption/s needs to be clear, accessible, and not overly complex.

Additional Feedback & Queries

Council has some additional feedback and further queries around the proposed mandate wording:

Issue	Feedback/Queries
Household Mandate	
Is the collection mandated?	<p>In the introduction webpage for the proposed paper, it discusses a mandated collection. However, the mandate wording only mentions that organic collection bins are to be provided and not mixed with other waste during transportation.</p> <p>If the intention is that a food organics collection is to be mandated, Council recommends specifying this in the household mandate wording.</p> <p>If it is intended to be managed, are alternatives to collections been considered, such as Compost/Worm Farms.</p>

Issue	Feedback/Queries
FO & GO or FOGO?	<p>The proposed mandate wording isn't clear if a council can have separate FO and GO bins or a combination of FOGO and FO and GO in different property types and/or locations.</p> <p>Mandating a combined food and garden organics collection only (i.e. put food in the garden organics bin) may result in a loss of a currently clean and fully utilised garden organics stream. and This may be a detrimental outcome in terms of emissions and recovery of organics.</p> <p>In our LGA, a small proportion of high-density households do not have a GO bin, if we chose to implement a FO collection (not FOGO) for this proportion of households, it would only be a FO collection without a GO collection? Would this meet mandate requirements?</p>
Organic waste must not be mixed with other waste during transportation	<p>This wording needs to be clearer regarding when organic waste cannot be mixed with other wastes. Does this apply only while food organics are being transported by vehicle? Will councils have discretion to mix heavily contaminated FOGO bins with other waste eg: residual waste?</p> <p>Note that this does not leave room for the implementation of emerging and future technologies in food waste processing, particularly if interpreted narrowly, for example communal insinkers, macerators, dehydrators, or processing at Sydney Water facilities as currently happens with biowaste in the sewer.</p>
Should collection frequencies be mandated?	<p>Council's position is that minimum or maximum collection frequencies are <u>not</u> to be mandated for domestic waste collections.</p> <p>Regulation in this area would unreasonably interfere in Council's operations in delivering a domestic waste service. Council should be able to apply flexibility to the collection and offer different solutions depending on the type of property e.g. social housing, high needs or high-density.</p>

Issue	Feedback/Queries
MUDs – Strata Companies	For MUDs that are managed by Strata Companies, it would be beneficial if NSW Government could provide some binding resolution/wording/requirements, that would require strata companies to comply and support local council in the food waste collection setup and ongoing education on contamination.
Best Practice Guideline/Wording for DCPs.	<p>For future MUD developments, if the mandate applies to all households, council recommends the NSW Government provides “best practice” guidelines and wording that can be added to DCPs for food organics collection planning in future DA requirements.</p> <p>The NSW Government should also include wording in SEPPs impacting residential developments, that subject to complying with certain requirements, developments under the SEPPs must comply with Councils’ waste requirements in councils’ DCPs.</p>
Business Mandate	
Council Generated Waste (CGW) Facilities & Definition	<p>Council requires confirmation what facilities (other than childcare centres) are included within the business mandate, examples:</p> <ul style="list-style-type: none"> - Libraries - Museum - Theatres - Community centres - Aquatic centres - Youth Centres - Theatres - Council offices/depots - Art Galleries - Senior Citizens Centres - Council run surf clubs. - Council run events. <p>Could the mandate allow for Council facilities that are managed under the same contracts as residential properties be aligned in the implementation. This would allow Councils to implement a more resilient and consistent solution through the entire LGA. Does the NSW Government have any intention of extending the list of businesses/institutions in the future?</p>
Residual Bin Capacities	Are the listed residual bin capacities outlined in the mandate referring to the volume collected weekly or the capacity on site at any given point in time?

Issue	Feedback/Queries
	<p>When referring to business locations that house a number of different businesses, including a large supermarket (e.g. a Mall or Shopping Centre), is the intent that all businesses within that facility will be required to separate food organics from 1 July 2025, in situations where bins are shared?</p>
Events/Markets	<p>Council requires clarity if the Hospitality Industry section of the mandate includes Events and/or Markets under the following clauses, and if so, what are the parameters to the size, patronage or type of the markets/events?</p> <ul style="list-style-type: none"> - Events that include mobile food businesses (food trucks not mobile catering businesses) - Events that include stall holders (mobile food businesses that aren't food trucks but would usually retail/cook out of a marquee)

We would welcome the opportunity to work with the NSW Government on a holistic approach to food waste reduction and recovery, to help develop a thriving organics framework and markets in NSW. We would also welcome a review of any drafting of the proposed mandate.

Should you require any further information or assistance in this matter, please contact

[Redacted contact information]

Yours sincerely

[Redacted signature]

Director Environment and Open Space