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Dear Mr Chappel

Re: Draft NSW Waste and Circular Infrastructure Plan

Thank you for the opportunity to provide feedback on the *Draft NSW Waste and Circular Infrastructure Plan* ("the Draft Plan"). The Waste Management and Resource Recovery Association of Australia (WMRR) is the national peak body representing Australia's \$21 billion waste and resource recovery (WARR) industry. With more than 2,300 members from over 400 entities nationwide, we represent the breadth and depth of the sector, including representation from business organisations, the three (3) tiers of government, universities, and Non-Government Organisations (NGOs), including research bodies. In NSW, WMRR represents over 750 individual members from more than 130 entities.

The NSW Government and WMRR in theory, share the same vision of success, wherein net zero targets are achieved, and emphasis is placed on reinvestment of valuable resources back into the productive economy, in order that less can be used for longer and carbon impacts mitigated. As we shift towards circularity including resource efficiency and carbon mitigation, it is critical that we take a systemic approach to designing out waste and managing the material that results from consumption to keep it circulating and enable reinvestment safely back into the productive economy. This includes ensuring that landfilling is positioned as the least desirable option for material management.

According to the most recent EPA data, NSW generates 22.4 million tonnes of waste each year with a resource recovery rate of 66% - a figure calculated based on the diversion of 14.7 million tonnes of waste from landfill. The Draft Plan – which is considered the first chapter of a broader strategic plan for waste and resource recovery infrastructure in NSW, identifies that the first priority for the state to address, is a pending 'landfill crisis' which requires urgent attention. WMRR understands that future chapters will focus on regional and remote challenges, and the expansion of reuse and recycling infrastructure.

The Draft Plan proposes immediate interventions that will complement the FOGO mandates to address Greater Sydney's declining landfill capacity and the goal to transition to a circular economy. The plan proposes three (3) main strategies:

1. streamlining planning processes to fast-track extensions of existing landfills as an interim solution for managing residual waste as we transition to a circular economy;
2. reviewing the energy-from-waste framework ("EfW Framework") to safely enable alternatives to landfill for residual waste, while ensuring community health and environmental protections; and
3. implementing whole-of-government coordination to strategically plan for future infrastructure needs. This includes protecting existing facilities from urban encroachment, upgrading transfer stations to support organics collection, and designating new strategic sites for essential infrastructure such as non-putrescible landfills, transfer stations and intermodal hubs.

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The Draft Plan also introduces new governance mechanisms, including the formation of a Ministerial Advisory Committee and the appointment of lead agencies—Property and Development NSW (PNDSW) and the EPA—to oversee long-term waste and resource recovery infrastructure planning, and ideally delivery. These reforms aim to remove barriers to private investment, improve local council procurement outcomes, and ensure the delivery of essential waste services as NSW transitions toward a low-waste, circular economy.

WMRR does hold concerns that the current landfill-focused approach in the Draft Plan could potentially undermine the *NSW Waste and Sustainable Materials Strategy 2041* (“*WaSM*”) which acknowledges that energy recovery is higher on the waste management hierarchy and must play an integral role in managing residual materials that cannot be safely recycled and suggests that Greater Sydney needs at least one (1) large scale EfW plant by 2030, and an additional three (3) by 2040. Given the reality that these facilities can take up to 12 years to deliver, planning should be well progressed for all these facilities now. The Draft Plan’s emphasis on expanding existing landfill capacity risks impeding the state’s transition to a safe circular economy. This concern is especially significant if the EfW Framework is not accelerated in parallel. WMRR does also question the sources for the additional landfill capacity cited in Figure 4, which specifically identifies possible extra capacity in NSW – including approximately ~1.3M tonnes per annum proposed Woodlawn Eco-Precinct expansion, ~1M tonnes per annum planned Lucas Heights extension and ~1.1M tonnes per annum potential Energy from Waste by 2040.

In WMRR’s view, the short-term nature of the ‘landfill expansion solution’ is not clearly articulated in the Draft Plan. The efforts to streamline and expediate expansion of landfills, and improve whole-of-government support to strategically develop WARR infrastructure (notably transfer stations and non-putrescible landfills, including hazardous) are not matched with similar efforts to support higher order energy recovery from residual waste. The Draft Plan refers to the FOGO mandates expected to divert up to 950,000 tonnes of household FOGO waste from landfill each year, and identifies the government’s work developing a *NSW Reuse and Repair Strategy*, *NSW Plastics: The Way Forward* action plan and strengthening commercial incentives to recycle waste via review of the Waste Levy. EfW is referenced as an opportunity to make our waste management system ‘more resilient’, describing recovering energy from waste as “one (1) option”. This phrasing is very non-committal towards the role of EfW in NSW, and the approach to EfW to assess projects through “rigorous planning assessments” and “strict technical requirements” arguably positions EfW projects negatively.

WMRR trusts that its comments will be given due consideration, and that the Draft Plan will be revised and enhanced to provide greater support and certainty for resource recovery infrastructure, most notably EfW, with at least the same level of enthusiasm as is currently provided to landfills. The Draft Plan - whilst taking necessary actions for the urgent upgrade of transfer stations to facilitate the FOGO mandate and enabling the interim use of landfill in the near term - does not go far enough to support the state’s transition to the circular economy. On the contrary, the Draft Plan currently presents EfW as an ‘option’ and a way to ‘increase the resilience’ of the waste infrastructure network, rather than supporting it as higher order recovery of residual waste that should, in accordance with the waste hierarchy - be preferred above disposal.

WMRR’s responses to the consultation questions can be found at [Annexure A](#). Please contact the undersigned if you wish to further discuss WMRR’s submission.

Yours sincerely

Gayle Sloan

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Submission:

Theme and Proposed Action	WMRR's comments
Theme 1: Streamlining planning processes to fast-track expansion of existing landfills	
Establish a streamlined planning pathway for modifications to priority existing landfills	WMRR is supportive of this action, noting the timeframe to commence in late 2025, and the broader strategic plan for the EPA to enable a transition to a circular economy. However, this should apply to all waste and resource recovery infrastructure, not just landfill as there are concerns that prioritising landfill will distort the values of the waste management hierarchy – which places landfilling as the least desirable option for the management of materials. WMRR notes the additional landfill modelling provided in Table 4 of the Plan Draft for Consultation refers to an additional ~2.4M tonnes per annum of landfill capacity in 2040 if expansion for all potential landfill airspace is enabled, we query this number. WMRR is supportive of landfill expansion in the near term, but would hope that by 2040, other residual capacity will be online and expansion to this end will not be necessary. Given the initial capital costs of developing EfW projects, it would be a disincentive for investment into such projects if an alternative to keep landfilling is made available in the medium term. We note that there will be an ongoing role for landfill, particularly hazardous, however it will be much reduced. Putrescible landfills, in particular, would likely prove more cost competitive than higher order EfW solutions, given the capital intensive nature of these facilities and ongoing operating costs, which like all WARR Infrastructure relies on government getting landfill levy settings right to ensure the value of resources going to landfill is disincentivized. (WMRR notes however that the introduction of EfW may require non-putrescible landfill management for residuals such as APCr). The final <i>Waste and Circular Infrastructure Plan</i> (“final plan”) should clearly state that higher-order residual recovery infrastructure, such as EfW, must not be positioned in competition with the provision of additional landfill capacity for putrescible waste and place added emphasis on the expansion of landfills being a short-term solution only.
Rapidly assess proposed modifications to existing priority landfills	WMRR supports this in principle, noting that the state requires safe and effective management of residuals.
Consider reopening closed landfills to unlock waste capacity for red lidded bins	WMRR does not support this provision, we also think it oversimplifies the complexity of doing this. Further we should not be looking to make landfill more readily available, rather we should be signaling reduced reliance on landfill going forward and not opening these up. NSW should learn from the actions taken in Victoria to telegraph through the strategy as Victoria did with the Statewide Waste and Resource Recovery Infrastructure Plan (SWRRIP) that no further landfills would be supported and residual material must transition to EFW, providing both councils and industry time to adapt and invest.
Establish a waste infrastructure concierge to provide planning advice and support to applicants	WMRR strongly supports the deployment of specialised concierge service who are knowledgeable and empowered to address both planning regulations and the policy landscape, to ensure that both industry and the EPA do not waste time and resources.

Theme and Proposed Action	WMRR's comments
Investigate alleviating pressures on existing landfills by diverting Virgin Excavated Natural Material and Excavated Natural Material from disposal and storing them for future reuse	WMRR assumes this measure is designed to alleviate pressure on C&D landfills, noting the large volumes of excavated material requiring management from large scale infrastructure projects, such as tunnelling. The WARR industry has not requested this and we query how these sites would be funded and licensed, and what clients would be prepared to both pay this cost and transport these materials. On this basis that this is to support large scale infrastructure projects, WMRR recognises that the establishment of holding yards for this material could be beneficial – especially as there may be demand for this material in infrastructure and landscaping projects. To avoid stockpiling and aggregating this material without beneficial recovery, WMRR would encourage NSW to couple the release of the final plan with the <i>Draft NSW Sustainable Procurement</i> policy and integrate provisions for this material to be procured by the government in major infrastructure projects (as per the <i>Recycled First</i> Policy in Victoria).
What are your thoughts on these actions? Are there any potential benefits or risks you'd like to provide?	WMRR welcomes these actions and urges the finalisation of the Plan as soon as practicable so as to ensure the ongoing safe and effective management of residual waste in NSW. As noted above, it is imperative that the Plan is not used as a tool for enabling councils, in particular, to justify prolonged use of cost-effective landfilling solutions instead of supporting higher order recovery via EfW. The prolonged justification for seeking landfill solutions over alternatives will only delay the transition to the circular economy and undermine the state's resource recovery and circular economy targets.
Are there other ideas or approaches you think we should consider	Whilst the need for urgent action to manage residual is not refuted, the Draft Plan's current modelling suggests landfilling could be supported at least until 2040 if all existing possible airspace is utilized and closed landfills are reopened. This does not support Circular Infrastructure development in the medium term and could hinder the development of EfW. It would be beneficial to revise the modeling shared in the final plan so that the immediate gap was highlighted and emphasis added to the continued landfilling of residual material being an interim solution, as well as provide clarity as to the reduction of available landfill to drive future investment in EFw, as per the approach in Victoria.
Theme 2: Building resilience by enabling planning for energy from waste	
Energy from waste can build the resilience of our waste management system	Having the role of EfW in the Draft Plan is welcomed, however the current wording indicates that EfW is an 'option' rather than demonstrating EfW as a bona fide part of the waste management hierarchy, and as such a preferable solution to landfill for residual material. Given that NSW has had an EfW policy for more than 10 years, and still no projects have been built, it is clear that much more needs to be done by the NSW Government to indicate policy and regulatory certainty for EfW projects to make them viable. Currently, the Draft Plan appears to lend greater support for landfill expansion, the potential reopening of closed landfills and new non-putrescible waste landfill applications, over new EfW developments. This is at odds with the principles of the waste management hierarchy.

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	WMRR notes that there is currently a disconnect in NSW which has no integrated strategy as yet for residual management, compared with for example Victoria and its Infrastructure Strategy that clearly identified as mentioned above, the closing of landfills in the South East of Victoria and the movement of materials to EfW in this precinct, clearly articulating that energy recovery is a better outcome for Victoria than landfilling residual material as per the waste management hierarchy. The Draft Plan needs to be explicitly clear in facilitating the streamlined processes for the expansion of landfills ahead of the 2030 capacity threshold that it is purely as an interim measure, in order that the ease of landfill expansion applications does not displace the important role of EfW in the NSW waste management hierarchy.
Energy from waste can reduce our reliance on landfills	"Reducing reliance on landfills" suggests that the motivation to divert material from landfill is only due to capacity constraints, rather than due to transitioning to a circular economy. WMRR would like to see this position revised to promote energy recovery as preferable to landfills, in support of the waste hierarchy and in alignment with the WaSM and Net Zero Plan. Revision of the Plan should be more closely linked to the role of EfW as part of the system needed for NSW to transition to a safe circular economy which underscores the state's goals to: • Transition to a Circular Economy by 2041 - shifting from a "take-make-dispose" model to one focused on reuse, repair, re-manufacturing, and recycling reducing landfill disposal and supporting circular infrastructure that creates marketable end products. EfW clearly has a role to play in this transition to displace the use of landfills where no higher order recovery can be achieved. • Achieve an 80% average recovery rate of materials from all waste streams by 2030 – which necessarily involves improving end markets for recovered materials. This includes energy as well as innovative by- products of EfW such as incinerator Bottom Ash Aggregate and Air Pollution Control Residue (APCr) which have found markets in other jurisdictions to replace the use of virgin materials, particularly in construction. • Reach Net zero emissions by 2050 and a 50% emissions reduction by 2030 – which includes reducing methane emissions from landfills. In this regard, EfW solutions are preferable to increased landfill.
What are your thoughts on this theme?	WMRR would like to see the final plan be more supportive of EfW solutions and explicitly reference the role of EfW in the Waste Hierarchy as preferable to landfill in the Plan's forward. The groundwork for this was already set by the WaSM which acknowledged that EfW can and should play an integral role in managing residual materials that cannot be safely recycled and suggests that Greater Sydney needs at least one (1) large scale EfW plant by 2030, and an additional three (3) by 2040. However, the Draft Plan has positioned EfW as an option, rather than a preference, and clearly articulates a more difficult planning and approval pathway when compared to landfill.

Theme and Proposed Action	WMRR's comments
Theme 3: Strategic planning to meet the waste management needs of growth populations	
Establish lead NSW Government agencies for strategic waste (and resource recovery) planning	WMRR supports this initiative, noting that this plan must be adopted by all of government, as it cannot be delivered by NSW EPA alone.
Establish an accelerated planning pathway for new priority waste infrastructure	WMRR supports accelerated planning pathways for priority waste and resource recovery infrastructure noting that the Draft Plan explicitly refers to transfer stations, intermodal hubs and non-putrescible landfills. In WMRR's view, this distinction seems unnecessary, and priority waste and resource recovery infrastructure should be dependent on the needs and material flows of the region. Priority infrastructure, for example, should include all recycling and EfW facilities from all material streams.
Plan for long-term waste infrastructure needs	WMRR supports this, however, comments that the apparent focus in this chapter is on non-putrescible landfills along with transfer stations (to assist the rollout of FOGO services). This focus on landfills reinforces the view that despite all the talk of 'creating a circular economy in NSW', our overarching policy settings for the WARR sector still look to 'end of-pipe' remedies for linear consumption patterns rather than 'front of-pipe' prevention to create a safe circular economy. As mentioned above, WMRR would like to see increased references to other types of priority infrastructure, however, appreciates that this may be more prevalent in forthcoming chapters of the plan. It is important also through this plan that the infrastructure links to the outcomes sought, i.e. less landfill and more resource recovery where it is required in order to meet the 80% diversion by 2030. The final plan must tell this story clearly for certainty of both waste generators and those that are being required to invest to deliver this plan. At present this is not clear in NSW what the WARR infrastructure delivery plan is and when it needs to be delivered in order to meet targets.
Facilitate transfer station upgrades	WMRR agrees that the upgrading of transfer stations to accept food waste is urgently needed to meet the delivery of FOGO mandates, however the complexity of delivering this appears to not be well understood.
Clarify planning assessment requirements and update the assessment pathways for waste infrastructure	WMRR supports the revision of the Waste and Resource Recovery Infrastructure Planning Assessment Guidelines and the proposed inclusion of large non-putrescible landfills for a State Significant Development Pathway. Efforts should be directed to ensuring that WARR infrastructure is understood by all levels of government to be an essential service for businesses and households, and that similar approaches to assessing these facilities is implemented as for other essential services. WARR infrastructure must be strategically planned, supported, and protected to reflect its role as both an essential community service and an economically viable producer of high value secondary raw materials for use across the productive Australian economy.

Theme and Proposed Action	WMRR's comments
Enhance the strategic protection of new and existing waste infrastructure assets	WMRR strongly supports these actions to protect all existing WARR infrastructure assets from incompatible land uses, as well as to ensure that waste management needs are accounted for in new development by outlining infrastructure needs in the Greater Sydney Regional Plan. WMRR strongly supports this and advocates that government has a role also in identifying appropriate precincts for WARR facilities which will assist in communicating with the community the essential role that WARR has.
Enable Local Government's strategic planning	WMRR notes that councils already have this ability, and a number of regions of councils (ROCs) have been established to achieve this, the challenge is binding individual councils to the joint process which would require regulatory change. Further councils do not necessarily have the requisite technical or regulatory knowledge which can lead to procurements that are not in the best interest of council or the community, such as the Bioelektra example. There is a great opportunity to increase delivery of infrastructure in NSW, however greater thought is required on how to do this and industry must be involved.
What are your thoughts on these actions? Are there any potential benefits or risks you'd like to raise?	The streamlining approaches and integration with planning agencies is welcomed, as is the approach to promote strategic planning of WARR infrastructure as essential to the regions, however, these approaches for priority infrastructure should also be applied to circular infrastructure so that that plan is not viewed as a policy enabling longer term disposal beyond the interim capacity shortfall.
Are there other ideas or approaches you think we should consider?	A clear infrastructure delivery plan that demonstrates meeting of targets and can be measured, including success of planning timeframes and delivery timeframes improvements.