



New South Wales

# Environmental Planning and Assessment Amendment (Waste Incinerator Facilities— Residential Exclusion Zones) Bill 2017

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to prohibit new development for the purposes of recovering energy from the thermal treatment of waste from being carried out on land within a residential zone or within 15 kilometres of a residential zone.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

## Schedule 1      **Amendment of Environmental Planning and Assessment Act 1979 No 203**

**Schedule 1 [1]** inserts a section that:

- (a) prohibits new development for the purposes of energy recovery from the thermal treatment of waste from being carried out within a residential zone or within 15 kilometres of such a zone, and
- (b) does not apply to the thermal treatment of clinical or related waste and certain other waste that has been declared to be exempt waste fuel (either in the proposed Act or by a later regulation), and

- (c) operates despite any other provision of the *Environmental Planning and Assessment Act 1979* or any other Act, or of any environmental planning instrument.

**Schedule 1 [2]** declares certain waste to be exempt fuel waste. The categories of waste declared are based on the Environment Protection Authority's *Eligible Waste Fuel Guidelines*.

**Schedule 1 [3]** provides that:

- (a) pending applications for development consent or for certain planning approvals are to be dealt with so as to give effect to the proposed prohibition, and
- (b) development that is subject to existing development consent or certain existing planning approval is not prohibited by the proposed prohibition.