



New South Wales

Environmental Planning and Assessment Amendment (Prohibition of Waste to Energy Incinerators) Bill 2020

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 waste to energy incinerators.

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 proposed section 4.63A that—

- (a) prohibits new development for the purposes of waste to energy incinerators, and
- (b) does not apply to waste to energy incinerators that only treat clinical or related waste and certain other waste that has been declared to be exempt waste fuel by the proposed Act or by a later regulation, and
- (c) provides that pending applications for development consent or for certain planning approvals are to be dealt with in accordance with the proposed section, and
- (d) provides that development for which development consent or approval has been granted before the commencement of the proposed section is not prohibited if the development is

carried out in accordance with the development consent or approval as in force immediately before that commencement, and

- (e) operates despite any other provision of the *Environmental Planning and Assessment Act 1979* or any other Act or law.

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