



New South Wales

State Environmental Planning Policy (Transport and Infrastructure) Amendment (Thermal Energy from Waste) 2022

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

State Environmental Planning Policy (Transport and Infrastructure) Amendment (Thermal Energy from Waste) 2022

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Transport and Infrastructure) Amendment (Thermal Energy from Waste) 2022*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

This Policy is repealed at the beginning of the day following the day on which this Policy commences.

Schedule 1 Amendment of State Environmental Planning Policy (Transport and Infrastructure) 2021

[1] Sections 2.36(6) and 2.38(3)

Insert at the end of the subsections—

Note— Thermal energy from waste development is regulated by Division 28.

[2] Section 2.40 Prohibited development

Omit “(within the meaning of clause 57L of the *Protection of the Environment Operations (General) Regulation 1998*)”.

Insert instead “, within the meaning of the *Protection of the Environment Operations (General) Regulation 2022*, Chapter 9, Part 3,”.

[3] Section 2.153 Development permitted with consent

Insert at the end of the section—

Note— Thermal energy from waste development is regulated by Division 28.

[4] Part 2.3, Division 28

Insert after Part 2.3, Division 27—

Division 28 Thermal energy from waste development

2.171 Prohibited development

- (1) Development is prohibited if it—
 - (a) involves, or is carried out to enable, the thermal treatment of waste involving or resulting in energy recovery from the waste, and
 - (b) is on land identified on the Thermal Energy From Waste Prohibition Map—Greater Sydney, and
 - (c) is prohibited by the *Protection of the Environment Operations (General) Regulation 2022*, Chapter 9, Part 4.
- (2) This section prevails to the extent of an inconsistency over—
 - (a) another provision of this Policy, and
 - (b) the provisions of another environmental planning instrument.
- (3) A word or expression used in this section has the same meaning as in the *Protection of the Environment Operations (General) Regulation 2022*, Chapter 9, Part 4.
- (4) In this section—

Thermal Energy From Waste Prohibition Map—Greater Sydney means the State Environmental Planning Policy (Transport and Infrastructure) 2021 Thermal Energy from Waste Prohibition Map—Greater Sydney.

Schedule 2 Amendment of State Environmental Planning Policy (Planning Systems) 2021

Schedule 1 State significant development—general

Insert at the end of the Schedule, with appropriate section numbering—

Thermal energy from waste development

- (1) Development for the purposes of electricity generating works, industry or waste or resource management facilities—
 - (a) involving, or carried out to enable, the thermal treatment of waste involving or resulting in energy recovery from the waste, and
 - (b) with a capital investment value of—
 - (i) if the development is located in an environmentally sensitive area of State significance—more than \$10 million, or
 - (ii) otherwise—more than \$30 million.
- (2) Development for the purposes of industry or waste or resource management facilities—
 - (a) involving, or carried out to enable, the thermal treatment of waste involving or resulting in energy recovery from the waste, and
 - (b) involving the incineration of more than 1,000 tonnes of waste per year.
- (3) This section does not apply to proposed development the subject of a development application made, but not finally determined, before this section commenced.
- (4) A word or expression used in this section has the same meaning as in the *Protection of the Environment Operations (General) Regulation 2022*, Chapter 9, Part 4, unless otherwise defined in this section.
- (5) In this section—
waste has the same meaning as in the *Protection of the Environment Operations Act 1997*.

Schedule 3 Amendment of State Environmental Planning Policy (Precincts—Regional) 2021

Schedule 1 Parkes Activation Precinct

Omit “January 2015” from clause 6(2). Insert instead “June 2021”.