



Office of Dr Amanda Cohn
Member of the NSW Legislative Council

02 9230 2566 | amanda.cohn@parliament.nsw.gov.au
6 Macquarie St, Gadigal Land, Sydney NSW 2000



Submission to the NSW Environment Protection Authority

Re: Energy from Waste framework - Options Paper Consultation

By email - energyfromwaste@epa.nsw.gov.au

To whom it may concern,

Thank you for the opportunity to provide a submission to the NSW Environment Protection Authority's review of the Energy from Waste Framework.

The Greens NSW appreciate the opportunity to provide feedback and indicate that we do not support the proposed changes to the Energy from Waste Policy Framework. We note the ACT Greens have provided a separate submission similarly opposing the proposed changes.

Most significantly, the public has not been provided sufficient detail for the majority of the proposed changes to be able to understand their impacts. For example, it is unclear what criteria would inform the exercise of discretion on a 'case-by-case basis' under clause 144(4) of the Protection of the Environment Operations (General) Regulation 2022. This lack of clarity prevents communities from understanding the implications for public health and air quality, and undermines the opportunity to propose evidence-based alternatives that could improve the framework.

The Greens NSW request that prior to any changes being made, the proposed regulatory changes be made public, in full, to allow communities to understand the risks and how any proposed safeguards would operate in practice. Further, we recommend a moratorium on waste to energy incinerator projects as they cannot currently be justified within the context of the circular economy strategy, do not have a social license within directly impacted communities, and the precautionary principle should be applied with regards to public health where best practice regulatory oversight cannot be assured.

Changes to precincts

Many communities have voiced opposition to local projects in the previously identified precincts due to the environmental and health risks, and a lack of adequate community consultation.

The Options Paper proposes that the West Lithgow precinct boundaries be extended and a new priority infrastructure area is established at Tomago, with no changes to the Parkes Special Activation Precinct and Southern Goulburn Mulwaree Precinct.



Office of Dr Amanda Cohn
Member of the NSW Legislative Council

02 9230 2566 | amanda.cohn@parliament.nsw.gov.au
6 Macquarie St, Gadigal Land, Sydney NSW 2000



Regional communities including the Parkes Clean Future Alliance and Communities Against the Tarago Incinerator community groups have raised their significant concerns that they are being treated inequitably with the location of infrastructure that is not deemed safe for metropolitan residents of Greater Sydney.

In addition, residents of the ACT and indeed the ACT Greens are concerned about the impact of the Southern Goulburn Mulwaree Precinct, located only 35 km from the ACT border, on their air quality and there is insufficient requirement for interjurisdictional consultation and consideration, given that proposed facilities are within environmental or health impact range of neighbouring states or territories.

It is proposed that the Richmond Valley Jobs Precinct is no longer identified as a priority infrastructure area, and the Greens support this proposal.

The Greens also note that there is very low community confidence regarding the EPA's capacity to regulate waste-to-energy incinerators sufficiently. For example, the Veolia Woodlawn Advanced Energy Recovery Centre proposal is from a proponent with a documented history of non-compliance with EPA requirements at its mechanical biological treatment facility in Tarago.

Allowing an operator with compliance issues to progress a major waste incinerator proposal seriously undermines the credibility of the framework and review itself, as well as public confidence in the EPA's regulatory role. In addition, No Incinerator for Western Sydney has raised that the Proof of Performance confirmation is reliant on operator self-reporting rather than independent verification by the EPA. This further undermines community confidence in any safeguards, as they previously documented in their 2017 submission to the NSW Parliamentary Inquiry into Energy from Waste.

Changes to the definition of thermal treatment

The proposed change is to expand the exclusions to allow certain types of waste to be thermally treated to produce new products or inputs to those products, not just for plastic. Also, under consideration is expanding the exclusions to include processes that produce a clear environmental benefit, as defined by the criteria in the regulation or guidelines.

Concerns have been raised with the Greens that in addition to the lack of detail about how this would be applied in practice, this change should not be progressed until the advice from the Chief Scientist relating to whether or not current regulatory standards are fit for purpose or are best practice, as requested by the Minister, has been received. If regulatory standards in NSW



Office of Dr Amanda Cohn
Member of the NSW Legislative Council

02 9230 2566 | amanda.cohn@parliament.nsw.gov.au
6 Macquarie St, Gadigal Land, Sydney NSW 2000



are not in keeping with best practice, this must be clearly explained and consented to by the public.

Changes to the exception relating to powering industrial or manufacturing processes on site

The proposed change to the exception under clause 144(4) of the Regulation to enable the EPA to consider and allow proposals to replace liquefied petroleum gas, natural gas, and liquefied natural gas with energy recovery from waste, on a case-by-case basis has caused considerable concern in the community because it is unclear what criteria would be applied on each case-by-case basis and particularly potential air pollution impacts.

While industry stakeholders have described the current provisions as “too restrictive,” the proposed flexibility raises significant concerns that public health and environmental protection are being deprioritised to meet industry needs. Replacing gas with energy from waste should not be permitted where electrification or renewable energy sources is a possible alternative.

Health

The Options Paper refers to the application of the precautionary principle, particularly near high population areas or where air quality standards are regularly exceeded. However, this principle must be applied equitably to all residents of NSW, not only in areas of high population density.

In addition to the human health impacts of air pollution, rural residents have raised their concerns about impacts on livestock, water, and agricultural land.

Broader waste management context

Waste-to-energy incineration is not an efficient means of producing energy, and it is clear that the government is pursuing waste-to-energy incineration primarily in the interests of managing Greater Sydney’s waste rather than in the interests of energy generation. Waste-to-energy incinerators, regardless of how well regulated they are, discourage recycling by creating a long-term demand for burnable waste for incinerators to be viable. Waste incinerators, a linear waste management method, contradict the circular economy policy and principles that the NSW Government claims to support. Included in the recently released Waste and Circular Infrastructure Plan is the acknowledgement and need to reduce landfill reliance and build



Office of Dr Amanda Cohn
Member of the NSW Legislative Council

02 9230 2566 | amanda.cohn@parliament.nsw.gov.au
6 Macquarie St, Gadigal Land, Sydney NSW 2000



infrastructure for genuine resource recovery. These goals are fundamentally at odds with expanding waste-to-energy incineration.

Cate Faehrmann MLC explained this well in her second reading speech for a 2020 bill proposing a statewide moratorium on waste to energy incineration: “These types of incinerators also go against the government’s stated goals for a circular economy because waste that would otherwise be composted, recycled or processed is burned. These incinerators need to operate for 25 to 30 years to be financially viable which means that if the waste-to-energy industry gets a foothold in NSW it will resist policies to reduce waste.”

The Greens understand that NSW cannot continue business-as-usual waste management, as such an approach will accelerate critical landfill shortages and increase household and business waste collection and costs as well as its avoidable environmental impacts.

The ACT Greens have previously proposed that waste facility proposals should be subject to lifecycle assessment and evaluated for alignment with waste policy objectives ahead of their entering the planning system. In the absence of clear waste policy guidelines, proposals assessed only for their localised planning and pollution impacts do not regard broader waste system outcomes or environmental consequences. Requiring an independent waste policy and life cycle assessment could better align projects with circular economy goals and restore public confidence in the infrastructure decisions made in the context of our waste and climate crisis. This suggestion is worth consideration as the NSW Government strives to coordinate a statewide approach to the current waste crisis.

We look forward to working with the NSW Government to transition to a circular or zero waste economy, and particularly to implement the new Product Lifecycle Responsibility Act 2025, which represents an important step toward producer responsibility and waste minimisation at its source.

Warm regards,

A handwritten signature in black ink, appearing to be 'Amanda Cohn'.

Dr Amanda Cohn
Member of the NSW Legislative Council
Greens Spokesperson for Air Quality, Waste, Central West and Western NSW