



Andrew Barr MLA

Chief Minister

Treasurer

Minister for Climate Action

Minister for Economic Development

Minister for Tourism

Member for Kurrajong

Mr Tom Duncan

Clerk

ACT Legislative Assembly

GPO Box 1020

CANBERRA ACT 2601

Dear Mr Duncan

Thank you for your letter about Petition 12-22, lodged by Ms Jo Clay MLA, regarding a proposed Waste-to-Energy Incinerator site near Tarago, NSW.

The ACT Government structures its waste policies to both protect the local environment and for benefit of its residents. In recognition of environmental protection and management spanning across borders, the ACT Government also engages regularly and actively with the NSW Government and the local government areas that make up the Canberra Region.

The ACT's 2020-25 Waste-to-Energy Policy (the Policy) bans the use of thermal methods to generate energy from waste. The Policy is in response to the community's serious concerns that incinerating waste could create toxic emissions contaminating the local environment or compromising human health, particularly children and those with existing respiratory conditions. It also reflects community support for prioritising waste avoidance and recycling activities ahead of waste-to-energy solutions.

The Policy does allow potential energy generation from anaerobic digestion of organic waste.

The ACT Government acknowledges that waste-to-energy incinerators can remove methane and some other pollutants from the environment by burning it and converting it into carbon dioxide. It also notes industry statements on the benefits of using high temperature incineration to help avoid contaminants such as microplastics entering watercourses, compared with landfill.

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Before addressing the specific points on which the petition seeks action, I wish to clarify points raised in the context and background of the petition, as understood by the ACT Government.

There is no NSW Government-initiated proposal to establish a relevant precinct, or to construct a specific waste-to-energy facility. However, a precinct has been nominated in NSW legislation that allows for the development of a waste-to-energy facility near the town of Tarago. This is understood to result from an amendment to the *NSW Protection of the Environment Operations (General) Regulation 2021*, made under the *NSW Protection of the Environment Operations Act 1997*, on 8 July 2022 which enacted the NSW Government's *Energy from Waste Infrastructure Plan*.

The amended regulation prohibits waste-to-energy incineration unless undertaken in one of four nominated precincts, including the South Goulburn Mulwaree Precinct. This precinct could be home to a waste-to-energy incineration facility near Tarago, subject to NSW Government planning and environmental approvals.

The identification of this precinct in NSW legislation should not be read as automatic approval for construction and operation of a specific facility.

A proposal for the construction and operation of such a facility is currently before the NSW Government. The Proponent is from Veolia Environmental Services (Australia) Pty Ltd (Veolia). The ACT Government understands that an initial scoping report was prepared on behalf of Veolia in May 2021 which considered, among other matters, how a future Advanced Energy Recovery Centre (ARC) at Tarago (Woodlawn) would deal with emissions and particulate pollutants. This Report did not go into specific design detail on these matters and was also submitted to NSW Planning.

In July 2021, and in response to its receipt of the scoping report, NSW Planning wrote to Veolia to advise them of the 'Planning Secretary's Environmental Assessment Requirements' (SEARs). The SEARs directly apply to the preparation of an Environmental Impact Statement (EIS) for the proposal and include a requirement for the EIS to provide detailed design specifications, and that it must specifically and comprehensively address issues such as air quality and human health.

The ACT Government will continue to liaise with the NSW Government on matters of shared interest, including waste management. A completed EIS was recently submitted with NSW Planning and the proposal has just been released for public consultation. The ACT Government is carefully considering the EIS proposal and will make a full assessment in relation to its responsibilities to the residents and natural environment of the Territory.

However, the ACT is concerned about initial reports of potential wind flow from the potential incinerator location, over residential areas of North Canberra. It will be making a submission to the public consultation process currently underway, outlining both the ACT's rationale for its waste-to-energy restriction, and seeking specific consideration of the potential impact on residential areas in surrounding regions.

Once the ACT Government has completed its assessment of materials currently available, we will also determine what, further action is required in relation to impact on the ACT, including a possible education and awareness program regarding the issues raised by this proposal.

For petitioners' awareness, while the ACT Government seeks to encourage reduced waste generation, and reusing or recycling wherever possible, remaining household general waste collected by ACT Government waste contractors is sent to landfill in the ACT. It is not currently feasible or appropriate to impose a ban in relation to the transport of non-Government-collected waste out of the ACT.

I thank the signatories to this petition for raising their concerns with the ACT Government. The Government will continue to closely monitor this proposed development and will actively engage with NSW as details are made available, including regarding any potential for direct risk to human health or the environment.

Yours sincerely



Andrew Barr MLA
Chief Minister

9 December 2022