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# Fill Importation Management Plan

Moorebank Logistics Park- West Precinct  
Stage 3

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## Moorebank Logistics Park – Precinct West Stage 3

SSD 10431

### Fill Importation Management Plan

<b>Author</b>	[Redacted]	[Redacted]
<b>Contributor</b>	[Redacted]	[Redacted]
<b>Approver</b>	[Redacted]	[Redacted]
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Author Details	Qualifications and Experience
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]

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## Acronyms and Definitions

Acronym / Term	Meaning
CARAS 2021	MPW Imported Fill Protocol (Caras, dated 14 July 2021)
CEMP	Construction Environmental Management Plan MPW Stage 2 and Stage 3, Rev Q, 2 December 2021
CoC	Condition(s) of Consent
DPE	Department of Planning and Environment (formerly DPIE)
DPIE	Department of Planning, Industry and Environment (now DPE)
EPA	NSW Environment Protection Authority
ENM	excavated natural material
ER	Environmental Representative
FCMM	Final Compilation of Mitigation Measures
FIMP	Fill Importation Management Plan
IPC	Independent Planning Commission
MIP	Moorebank Intermodal Precinct
MPW	Moorebank Precinct West
MPW Concept Approval	MPW Concept Approval (SSD 5066), granted by granted DPE on 29 September 2014 for the development of an intermodal terminal facility including a rail link connecting the site to the Southern Sydney Freight Line, an intermodal terminal, warehousing and distribution facilities and a freight village.
SSD	State significant development
the Development	MPW Stage 3 SSD 10431
VENM	virgin excavated natural material

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Appendix G- Approved Notice under Section 143

## 1. Introduction

### 1.1. Purpose

The Sydney Intermodal Terminal Alliance (SIMTA) received approval for the construction of Stage 3 of the Moorebank Precinct West (MPW) Project (State significant development (SSD) 10431) on 11 May 2021. This development comprises the third stage of development under the MPW Concept Approval (SSD 5066) and MPW Stage 2 Approval (SSD 7709).

This Fill Importation Management Plan (FIMP) has been prepared by Aspect Environmental Pty Ltd (Aspect) to meet the SSD 10431 condition of consent (CoC) A16. This plan details how the MPW Stage 3 development (the Development) complies with conditions of consent relating to the importation and placement of fill at the MPW 3 construction site.

The Project involves the progressive subdivision of the MPW Site into nine allotments, importation of unconsolidated clean fill to the southern portion of the site for compaction up to final land level and structural fill for warehouse pad completion, establishment of a temporary works compound area in the southern portion of the MPW Site, and ancillary development.

This FIMP is to be read in conjunction with the Construction Environmental Management Plan MPW Stage 2 and Stage 3 (CEMP) and the MPW Imported Fill Protocol (Caras, dated 14 July 2021) ("CARAS 2021").

### 1.2. Development consent

The Development, including assessed impacts, consultation and proposed mitigation and management, is detailed in the following documents:

- SSD 10431 development consent
- Moorebank Precinct West - Stage 3 Environmental Impact Statement (SSD 10431) (Aspect Environmental, April 2020)
- Transport Assessment - Moorebank Intermodal Precinct West - Stage 3 (SSD 10431) (Ason Group, April 2020)
- Moorebank Precinct West - Stage 3 Response to Submissions (SSD 10431) (Aspect Environmental, July 2020)
- Transport Assessment - Moorebank Intermodal Precinct West - Stage 3 (SSD 10431) (Response to Submissions) (Ason Group, July 2020).

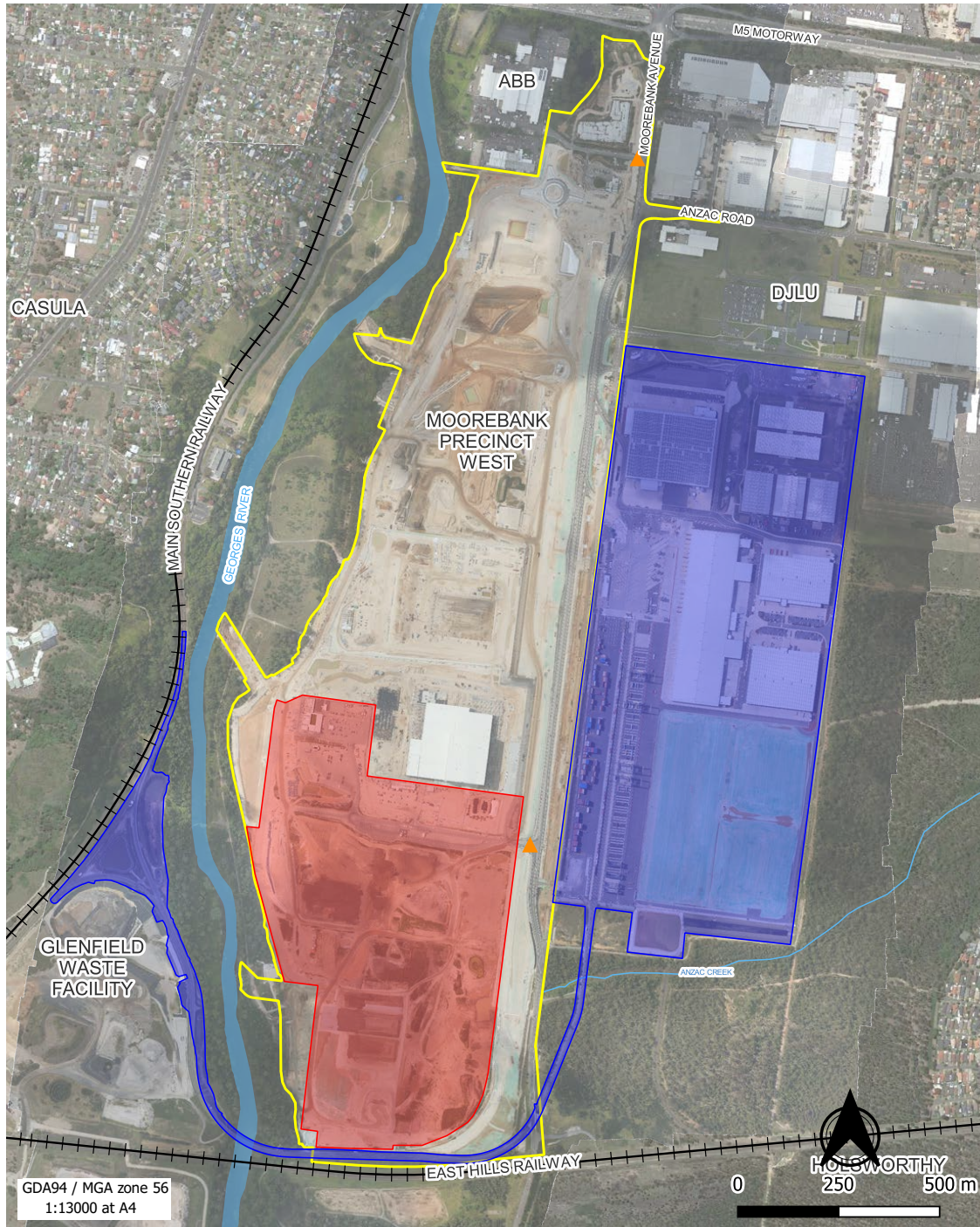
### 1.3. Development description

The Development site is located approximately 27km south-west of the Sydney Central Business District and approximately 26km west of Port Botany. The Development site is situated within the Liverpool Local Government Area, in Sydney's south-west sub-region, approximately 2.5km from the Liverpool city centre.

The Development site is located wholly within the MPW Stage 2 construction footprint in the southern portion of the site, except for subdivision works that occur across the entire MPW Site. The location of the Development site and site layout are shown in Figure 1-1 and Figure 1-2, respectively.



Figure 1-1 MPW Stage 3 site location



GDA94 / MGA zone 56  
1:13000 at A4

**LEGEND**

- MPW Stage 2 construction area
- MPW Stage 3 project boundary
- MPE site
- ▲ Site access
- Watercourse

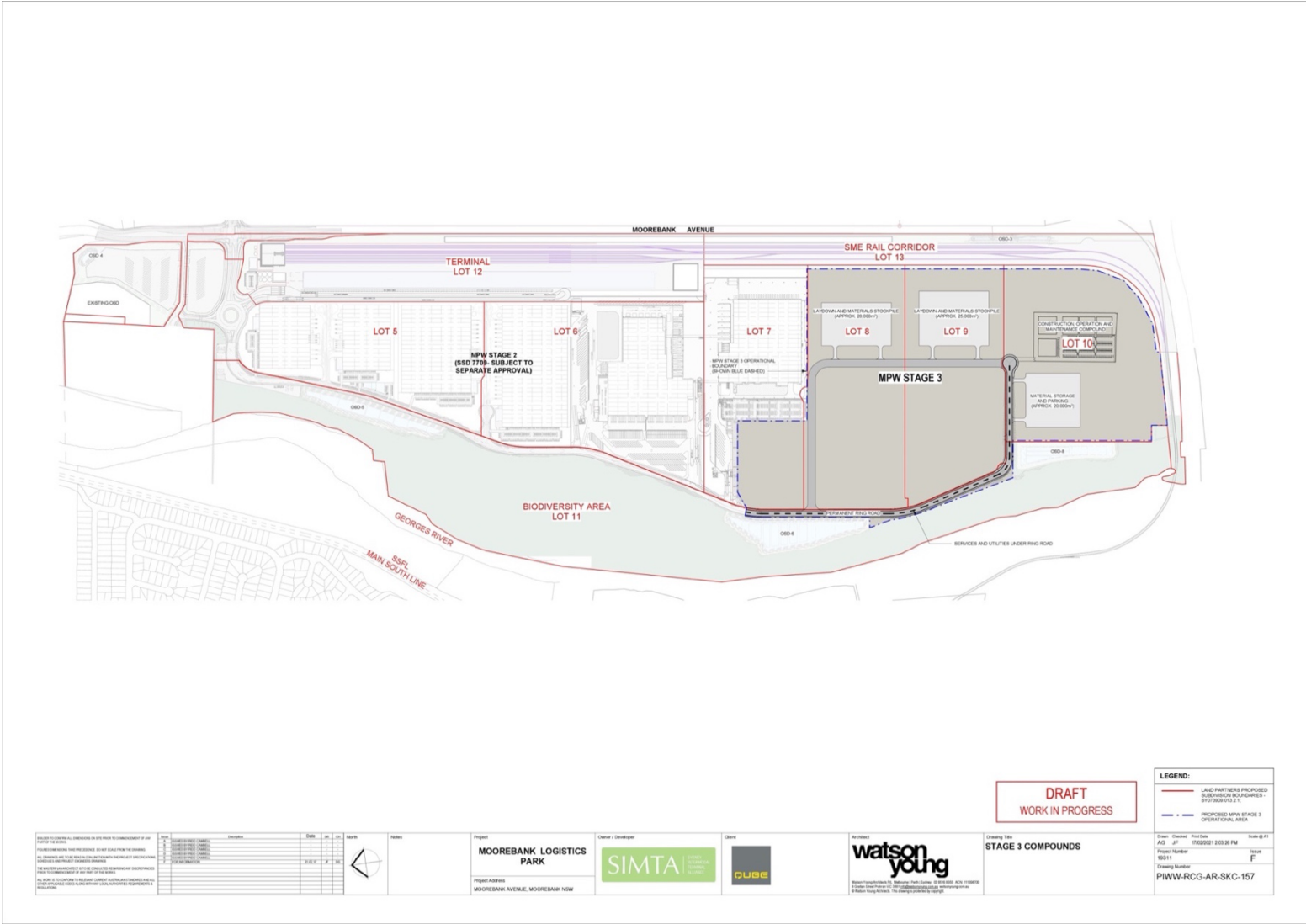
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Date: 28/09/2022 | Created by: AA | QC By: AW

## Fill Importation Management Plan Moorebank Logistics Park- West Precinct Stage 3

Figure 1-2 MPW Stage 3 Site location and layout



The key components of the Development for the purposes of this Fill Management Plan are as follows:

- Importation of 280,000m<sup>3</sup> (Condition A10) of uncompacted fill for compaction up to final land level, and 540,000m<sup>3</sup> (Condition A11) of structural fill for warehouse pad completion
- Ancillary development, including:
  - temporary and permanent access roads
  - earthworks, including temporary stockpiling of materials
  - fencing and preliminary establishment facilities
  - utilities installation/connection
  - stormwater and drainage infrastructure
  - signage and landscaping.

Construction of the Development is anticipated to take place over approximately 30 months, concurrent with MPW Stage 2 development activities.

Section 1-3 of the MPW Stage 3 CEMP provides an overview of anticipated construction activities for the Development.

Note: Nothing in this fill management plan enables the finished surface level of any filled section on the site to exceed 16.6m (AHD).

#### **1.4. FIMP objectives**

The objective of this FIMP is to identify how the Applicant will comply with the requirements of the conditions of consent relating to fill importation and fill placement including, the roles and responsibilities, procedures and requirements for all parties associated with the importation of fill on the Development, including but not limited to:

- principal contractors and their subcontractors;
- independent auditor;
- independent person for verifying the imported fill register; and
- project managers.

## 2. Environmental Framework

This section outlines the relevant legislation and Development requirements that apply to fill importation and placement and identifies additional permits and approvals that may be required during fill importation works.

### 2.1. Development organisation structure

All personnel including consultants, contractors, sub-contractors or other personnel associated with undertaking fill importation works on the Project, ultimately report to the Principal’s Representative.

The Principal’s Representative is responsible for monitoring the fill importation performance of the Development, maintaining appropriate records and verifying compliance with the CoCs and conformance with this FIMP.

### 2.2. FIMP documentation

In accordance with CoC B12(d), this FIMP must be reviewed by the Development’s Environmental Representative (ER) for consistency with the consent, and if so, make a written statement to that effect. In accordance with CoC A16, the FIMP is to be submitted to the Planning Secretary for approval.

Fill importation will not commence until the FIMP and the fill importation audit required by CoC A15, are approved by the Planning Secretary.

Fill importation is to be undertaken in accordance with the most recent version of this FIMP.

### 2.3. Roles and responsibilities

Key roles and responsibilities associated with this plan are presented in Table 2-1.

Table 2-1 Roles and responsibilities

Roles (or equivalent)	Responsibilities
Principal’s Representative	<ul style="list-style-type: none"> <li>• Oversee implementation of the FIMP</li> <li>• Identify fill import locations and document any sampling performed for purposes of certification</li> <li>• Document the conversion rate from tonnes to cubic metres</li> <li>• Populate Imported Fill Tracking Register</li> <li>• On direction from the Principal, provide Imported Fill Tracking Register to DPE and NSW EPA on request</li> </ul>
Fill Material Supplier (Coordinator of source site and transporter)	<ul style="list-style-type: none"> <li>• Source material from offsite (VENM, ENM or RRO)</li> <li>• Obtain and review Material Classification from source site against the requirements of this plan</li> <li>• Obtain approval from LOGOS (completed S143 form) and provide it to the source site and haulage company</li> <li>• Provide the Driver Code of Conduct to the haulage company</li> </ul>



Roles (or equivalent)	Responsibilities
Weighbridge Operator (CARAS)	<ul style="list-style-type: none"> <li>• Monitor and log import volumes by truck load and truck numbers</li> <li>• Monitor fill import type and verify incoming fill meets requirements of FIMP and consent</li> </ul>
Material Independent Verifier (CARAS)	<ul style="list-style-type: none"> <li>• Receive and check compliance for materials classification</li> <li>• Receive and check certification for geotechnical suitability</li> <li>• Maintain daily truck tally record of imported materials, including records of oversize, wet and rejected material</li> <li>• Documentation of volume and characteristic of imported fill materials</li> <li>• Daily reporting of imported truck tally cross referenced to supplier's records</li> <li>• Random surveillance on source sites</li> <li>• Training, implementation, and compliance with the FIMP requirements</li> <li>• Visually check and document each load of imported material</li> <li>• Identification of non-conformances and daily record of non-conforming materials</li> <li>• Identifying mass overloads in accordance with this protocol and the HVNL in accordance with CARAS 2021</li> <li>• Fortnightly reporting</li> <li>• Daily site inspection of compliance with WHS&amp;E controls in accordance with CARAS 2021</li> <li>• Monthly reporting of compliance and progress to the principal's representative</li> <li>• Compliance report to Site Auditor on request</li> <li>• Compliance report to geotechnical certifier on request</li> <li>• Compliance report to Environmental Representative on request</li> <li>• Monitoring of supplier conformance to the HVNL in accordance with CARAS 2021.</li> </ul>
Principal Contractor's Project Manager	<ul style="list-style-type: none"> <li>• Track stockpile types and locations</li> <li>• Track of fill placement locations</li> <li>• Monitor final finished surface levels</li> </ul>
Principal Contractor's Site Supervisor	<ul style="list-style-type: none"> <li>• Oversee implementation of the FIMP controls on site</li> <li>• Monitor stockpile types and locations</li> </ul>
Principal Contractor's Environmental Representative	<ul style="list-style-type: none"> <li>• Assist with implementation of the FIMP environmental controls on site</li> </ul>
Independent Person (A19)	<ul style="list-style-type: none"> <li>• Independently verify the fill import tracking register and prepare weekly reports</li> <li>• Submit weekly verification reports to DPE and to NSW EPA on request of an investigating officer and authorised officer</li> </ul>

### **2.3.1. Conditions of Consent**

The FMIP has been prepared taking in to account the Environmental Management Plan Guideline: Guideline for Infrastructure Projects (DPIE April 2020).

The regulatory framework for the Project is outlined within the Compliance and Obligations Register (refer to Appendix A of the Construction Environmental Management Plan MPW Stage 2 and Stage 3). This register identifies relevant legislative instruments, their key objectives and relevance to the Project, including legislative and voluntary obligations, permits and licences, standards and guidelines, and relevant CoA, CoC and management measures.

The MPW Stage 3 CoC relevant to fill importation and placement, and how they are addressed in this plan, are detailed in Appendix B- Compliance Matrix.

### **2.4. Training and awareness**

All personnel working on the Project are to undergo environmental awareness training in accordance with Section 2.7 of the CEMP. Relevant site personnel will undergo specific induction training highlighting requirements of fill import on the Project including:

- SSD1043 CoC A15 – A21
- requirements of this FIMP
- roles and responsibilities for implementing requirements.

All records of training will be filed in accordance with the document control system outlined in the CEMP.

### 3. Implementation

#### 3.1. Source material requirements

In accordance with SSD 1043 CoC A7, fill material will be accepted for import to site if it meets one of the below definitions:

- Virgin Excavated Natural Material (VENM) as defined by Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) (section 3.1.1)
- Excavated Natural Material (ENM) as defined in *the excavated natural material order 2014* (NSW EPA 2014) (section 3.1.2)
- Any other imported fill material approved in writing by the NSW EPA (Section 3.1.3).

Should any non-complying material be imported, the material will either be reloaded and returned to the supplier or be assessed for waste classification prior to off-site disposal to an appropriate landfill facility at the cost of the supplier. This plan and the CARAS 2021 outlines the procedure for inspecting and rejecting fill import at the weighbridge.

##### 3.1.1. VENM

All VENM imported to the Project must be assessed by the generator and or supplier in accordance with NSW EPA Waste Classification Guidelines and meet the definition as per the POEO Act.

The POEO Act defines VENM as:

*'natural material (such as clay, gravel, sand, soil or rock fines):*

*(a) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities and*

*(b) that does not contain any sulfidic ores or soils or any other waste'*

For material to be classified as VENM it must be assessed by a suitably qualified environmental consultant, incorporating laboratory testing and a review of source site history.

Prior to acceptance of material, the Principal's Representative must obtain the assessment certificate verifying that the material is classified as VENM.

VENM assessment will incorporate a review of the source site history and inspection of materials prior to/during/after importation onto the source site. A VENM assessment report prepared by a suitably qualified environmental consultant must be provided prior to importation of VENM.

- The VENM assessment report will consist of the following:
- Details of the source site address, history, and characteristics of the material (such as colour, soil type, odours).
- No manufactured chemicals or process residues are present.
- No sulfidic ores or spoils are present.
- No natural occurring asbestos soils are present.

- No other waste is present.
- Where there is doubt that the material is VENM, the report must include sampling and testing in accordance with the ENM Resource Recovery Order (Appendix C- Excavated Natural Material Resource Recovery Order) to confirm that the material is free of contaminants.
- Laboratory report(s) from a NATA accredited laboratory inclusive of Quality Assurance/Quality Control and chain of custody documentation.
- Demonstrate the samples were obtained using appropriate procedures by suitably qualified personnel.

### 3.1.2. ENM

All ENM imported to the project must be assessed in accordance with the *excavated natural material* order (NSW EPA 2014) by the generator/supplier.

ENM is defined in '*The excavated natural material* order 2014 (NSW EPA 2014)' as:

*'naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that has:*

*a) been excavated from the ground, and*

*b) contains at least 98% (by weight) natural material, and*

*c) does not meet the definition of Virgin Excavated Natural Material in the Act.*

*Excavated natural material does not include material located in a hotspot; that has been processed; or that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.'*

For material to be classified as ENM it must also be assessed by a suitably qualified person incorporating laboratory testing with results meeting criteria within the Resource Recovery Order (RRO) *under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 – The excavated natural material order 2014* (Appendix C- Excavated Natural Material Resource Recovery Order). Additionally, that the material will be utilised in accordance with *Resource Recovery Exemption (RRE) under Part 9, Clauses 91 and 02 of the Protection of the Environment Operations (Waste) Regulation 2014 – The excavated natural material exemption 2014* (Appendix D- Excavated Natural Material Resource Recovery Exemption 2014).

Prior to acceptance of material, the Principals Representative must obtain the assessment certificate/report verifying that the material is classified as ENM.

### 3.1.3. Material accepted by the NSW EPA

Written approval from the EPA has been provided in Condition L3.1 of the Moorebank Intermodal Precinct (MIP) Environmental Protection Licence (EPL). Condition L3.1 outlines that imported waste must meet the conditions of an RRE under *Part 9, Clause 91 and Clause 92 of the Protection of the Environment Operations (Waste) Regulation 2014*.

All material imported to the Project under Clause 91 and Clause 92 must be assessed by the generator and or supplier in accordance with NSW EPA guidelines and meet



the definition of the specific RRO under *Part 9, Clause 93 of the Protection of the Environmental Operations (Waste) Regulation 2014*.

Prior to acceptance of material, the Principal's Representative must obtain the assessment certificate verifying that the material is classified in accordance with the RRO.

RROs may include but not limited to - The recovered aggregate order 2014 (Appendix E- The Recovered Aggregate Order 2014).

The Principal's Representative must maintain records in accordance with relevant section of the RRE – The recovered aggregate exemption 2014 (Appendix F- The Recovered Aggregate Exemption 2014).

### **3.1.4. Assurance procedures- source material**

The appointed independent material verifier (CARAS) is responsible for accepting or rejecting material imported to site.

Prior to importation of material, the source site must submit to CARAS a Material Approval Form (CARAS 2021 (Appendix C- Excavated Natural Material Resource Recovery Order)). The form will include supporting documentation as outlined in section 3.1 of this plan.

All imported material entering the site will be accompanied by a waste classification form and a Supply Approved form (Appendix G- Approved Notice under Section 143) in accordance with *Section 143 POEO Act 1997* from LOGOS to the material owner and transporter.

All trucks entering site must take the most direct route too, and attend the weighbridge located on Chatham Ave. All documentation will be verified, and vehicle weighed by CARAS. All records are maintained by CARAS.

Sampling by visual inspection of the material is carried out at the weigh bridge and tipping location for anomalies, Y = material is consistent with material type, N = material is inconsistent with material type.

### **3.1.5. Truck rejection procedure**

Material will be rejected due to missing or inadequate supporting documentation, and where the material is not consistent with the supporting documentation or the requirements of the plan. Additionally, trucks will be rejected when the total daily import to MIP would exceed 13,000m<sup>3</sup> if the load was otherwise accepted.

Any truck rejected will be required to leave site immediately. CARAS will immediately notify the supplier of the rejection and will advise in writing the reasons for rejection.

Material rejected due to site closure may be accepted on site when the site is reopened, if the supplier can demonstrate appropriate chain of custody and provide at the suppliers cost a specific waste classification report in accordance with Section 3.1 of this plan.

### **3.1.6. Random audit and material inspection**

The material source site (supplier) must allow CARAS access to the site to conduct random inspection during importation of material to site. The supplier must facilitate inspections.

If the material is not consistent with the approved material, importation will be suspended until a revised approval is obtained from LOGOS.

All trucks transporting material to site must be fitted with an operational GPS to enable CARAS to review the route travelled and stops made. The haulage company must provide records on request.

CARAS will conduct random audits of the truck GPS data to confirm that approved haulage routes were followed. Additionally, periodic surveillance (tailing) of trucks from source site to fill site will be carried out.

### **3.2. Fill tracking requirements**

An Imported Fill Tracking Register has been prepared in accordance with CoC A16(e) and is included as Appendix A- Imported Fill Tracking Register of this FIMP. Information to be recorded in the Imported Fill Tracking Register includes:

- date and time in of trucks importing fill to the site;
- details of truck registration and haulage company;
- source of imported fill;
- material type and classification;
- details of the statement of compliance with relevant approval criteria;
- volume of imported fill in tonnes;
- location of stockpiled imported fill;
- location of final destination of imported fill; and
- details of any sampling performed for purposes of certification.

The register will be maintained by the Principal's Representative throughout the entire construction period (from commencement of fill import) and retained on site for review. If requested under A18, details of the Imported Fill Tracking Register will be provided to the Department and NSW EPA.

In accordance with CoC A19, a suitably qualified independent person will be engaged to verify the Imported Fill Tracking Register on a weekly basis and prepare weekly reports. Reports will be made available to the DPE and NSW EPA if requested by an investigating officer or authorised officer.

The independent person is considered independent if they are a third-party who is not in direct commercial relationships with either the Principal Contractor or the material suppliers.

Importation of fill must not exceed a total of 13,000m<sup>3</sup> of material per day across the development. In this instance the entire development refers to the sum of material imported to MIP under SSD 7628, SSD 7709 and SSD 10431.

All trucks importing material to MIP irrespective of which consent the material is destined for, must take the most direct route too, and attend the weighbridge located on Chatham Ave.

CARAS will maintain a per load cumulative tracking register that identifies the daily cumulative total. If MIP is approaching the daily total of 13,000m<sup>3</sup>, CARAS will inform both the suppliers and LOGOS that the site can only accept an approximate number of trucks averaged out based on capacity to receive and average truck volume.

CARAS will reject all trucks that would otherwise cause an exceedance of 13,000m<sup>3</sup> for that day. All rejections will be carried out in accordance with Section 3.1.5

Restrictions on fill import vary across MIP consents and are summarised in Table 3-1 below.

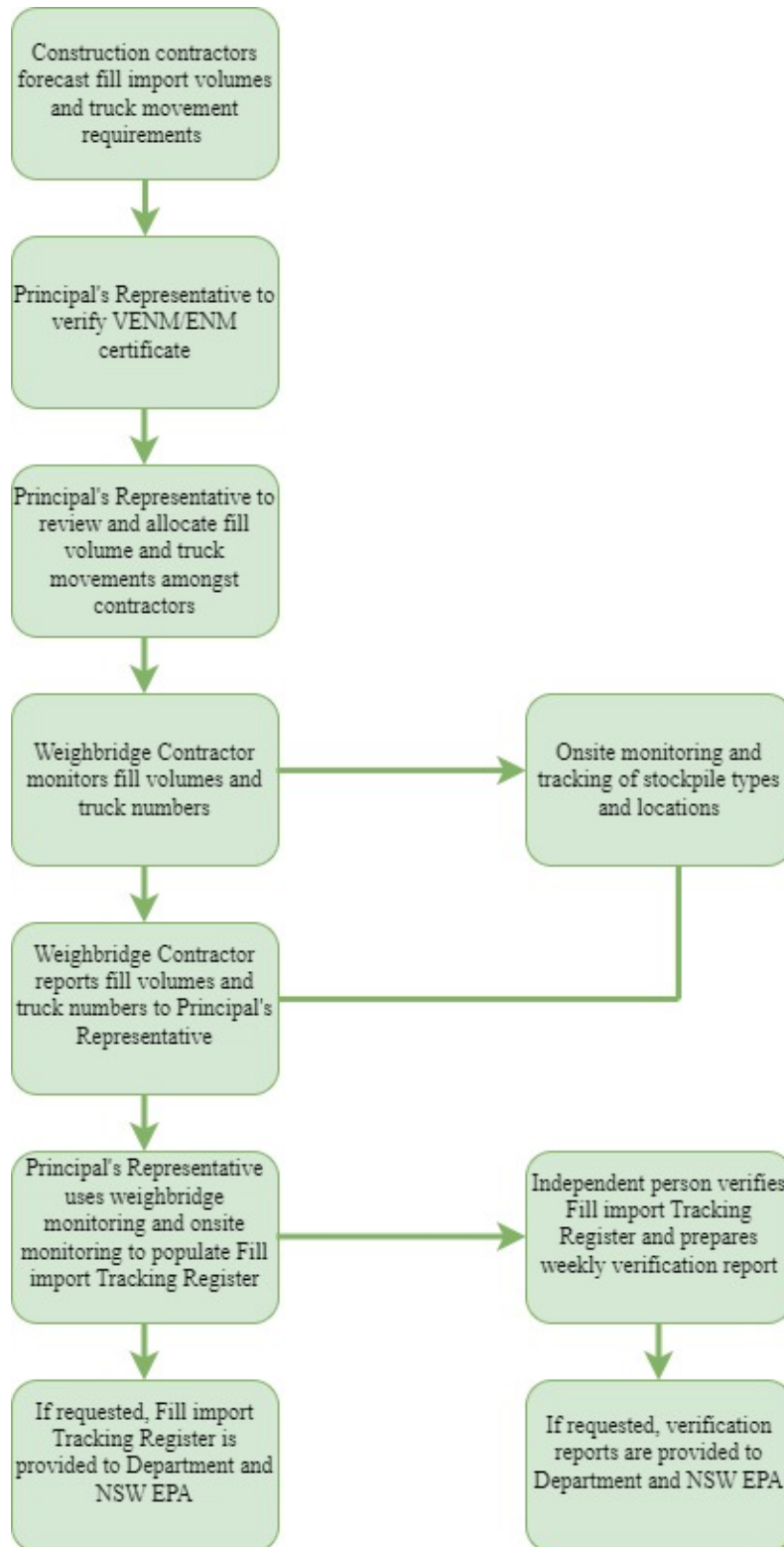
Table 3-1 Fill import volume restrictions associated with the SSD 10431 consent

<b>SSD 1043 Condition</b>	<b>Restriction</b>	<b>Limit</b>	<b>Other consents impacted</b>
A8	Daily combined fill import	13,000m <sup>3</sup>	SSD7628 and SSD 7709
A10	Total uncompacted fill import <sup>(1)</sup>	280,000m <sup>3</sup>	nil
A10	Total combined fill import	1,880,000m <sup>3</sup>	SSD 7709
A11	Total structural fill import	540,000m <sup>3</sup>	nil
A14	Finished land level height for compacted fill	16.6 AHD	SSD 5066

Note: (1) Fill may only be imported once the importation volume permitted under SSD 7709 consent is complete.

To effectively implement fill importation and placement on the Development, the process outlined in Figure 3-1 will be followed.

Figure 3-1 Fill importation and placement process flow



### 3.2.1. Conversion rates

Fill types used on site require a conversion rate to precisely record in volume how much fill has been imported. The material is measured by weight (t) then converted to unconsolidated volume (m<sup>3</sup>). Table 3-2 below details conversion factors for grams of material to a cubic centimetre (in tonnes per cubic metre).

Table 3-2 Conversion rates used for each fill type

Fill Type	Conversion Rate
Sandstone	2.2 tonnes per cubic metre
Shale	2.2 tonnes per cubic metre

### 3.3. Structural fill import and placement

Prior to the importation of structural fill for any given area of the site, a structural fill import report is to be prepared and provided to the ER and Secretary. The report will be prepared by a suitably qualified person, the report will outline the volume of structural fill proposed to be received and placed on the given area of site the work is proposed.

Structural fill is not to be stored on site if it exceeds the volume proposed to be utilised in the following six-month period.

### 3.4. Fill staging

The MPW Site is cleared and disturbed because of works occurring under the SSD 7709 consent. As detailed in the MPW Stage 2 and Stage 3 CSWMP, land filling activities across the site are to occur in a phased manner occupying a maximum contiguous area of 65 hectares at any one time. Land disturbance of new phases are not to occur until:

- a C-factor of 0.05 has been achieved on a previous phase;
- at least 75% of the permanent stabilisation works have been implemented for the previous phase; and
- at least 95% of all the permanent stabilisation works on any other previously disturbed area have been implemented.

Weekly site environmental inspections undertaken by the construction contractors will monitor fill activities and land disturbance. Progressive Erosion and Sediment Control Plans (PESCPs) are prepared by construction contractors and outline contiguous areas on site. PESCPs are provided to the Development's nominated Certified Professional in Erosion and Sediment Control (CPESC). The CSWMP provides further control measures on appropriate erosion and sediment controls to be implemented during earthworks.

### 3.5. Stockpiling

Stockpiles of imported fill will be maintained in accordance with the CSWMP and condition C23 of the SSD 1043 consent. Locations of stockpiled material will be

tracked using the Imported Fill Tracking Register and weekly environmental site inspections undertaken by Principal Contractor's Site Supervisor.

Stockpiling of imported fill is not permitted for longer than 6 months before placement. Stockpiling of fill will be planned to minimise risk to stockpiled fill exceeding 6 months prior placement, though this timing may be impacted by unforeseen circumstances, such as adverse weather conditions or unexpected finds.

Stockpiles will be stabilised if they are not worked for a period exceeding Ten days. Further detail on stockpile management is in Section 5 of the CSWMP.

## **4. Inspection, Monitoring and Auditing**

### **4.1. Inspection and monitoring**

The fill importation and placement works will be inspected by the Principal's Representative to verify implementation of the FIMP.

Weekly inspections undertaken by Principal Contractor's Site Supervisor will include monitoring fill importation, placement and imported fill stockpiles.

Ongoing monitoring will be undertaken to assist in the management of the following:

- Fill importation works are in accordance with the FIMP
- Stockpile and fill placement location
- Effectiveness of controls.

In addition to monitoring undertaken by the Principal Contractor's Site Supervisor, an independent person will be engaged to verify the Imported Fill Tracking Register on a weekly basis. The independent person will prepare weekly reports on Imported Fill Tracking Register verification for provision to DPE and the NSW EPA on request.

### **4.2. Auditing**

Independent environmental audits will be undertaken in accordance with the Independent Audit Post Approval Requirements (Department 2020) on a six-monthly basis as detailed in Section 4.3.1.2 of the CEMP as required by CoC C42.

### **4.3. FIMP review**

Review and improvement of this plan will be undertaken annually to determine adequate fill importation controls and procedures within the FIMP as well as effectiveness of their implementation for fill importation activities carried out onsite.

Condition A45 identifies additional triggers for revision of this plan. These triggers include within three months of:

- Submission of a compliance report to the Secretary
- Submission of an incident report (where the incident relates to the import and or placement of fill) to the Secretary
- Submission of an independent audit to the Secretary
- The approval of any modification of the SSD10431 consent
- The issue of a direction of the Planning Secretary which requires a review
- Following any update of the FIMP, contractors will be informed of any revised requirements where relevant.

## 5. Non-Conformance and Non-Compliance

Non-compliances and non-conformances are managed in accordance with the CEMP Section 4.4.

### 5.1. Non-conformance

Non-conformances are observations or actions that are not in accordance with the CEMP and an aspect specific sub-plan. These are not recorded as non-compliances as there may be activity-specific justification for a change in implementation of the requirements of the management plan.

Where a non-conformance is also considered to represent a possible non-compliance, it is to be recorded as a potential non-compliance. Depending upon the nature of the non-conformance, the non-conformance may require reporting to the DPE as an incident - CoC C10 (SSD 7709) and CoC A40 (SSD 10431). It is the responsibility of all personnel to report non-conformances to their Site Supervisor and / or the Contractor's EM. The Contractor's EM will investigate non-conformances, log corrective actions, and delegate responsibility for corrective actions within assigned timeframes.

Non-conformances with the implementation of the CEMP and sub-plans shall be investigated to determine the root cause and any corrective and/or preventative actions arising. This will be reported to the Principal's Representative in a Non-Conformance Report and any corrective and/or preventative actions will be recorded within the Project Corrective Actions Register to be developed by the Construction Contractor and handled in accordance with the Environmental Management System – Corrective and Preventative Action [SHEMS-QM-04-PR-0022].

### 5.2. Non-compliance

A non-compliance as defined in MPW S2 SSD 7709 and MPW S3 SSD 10431 as “an occurrence, set of circumstances, or development that is a breach of this consent”. An incident may or may not cause a noncompliance, however, if reported as an incident it does not require reporting as a non-compliance. Non-compliances may also arise where an occurrence, set of circumstances or development is not in accordance with the EPBC Act Approval (EPBC 2011/6086) CoA, REMM, FCMM or RMMM.

Incident response, classification and notification requirements are outlined in Section 2.8 of the CEMP.

Potential non-compliances with the CoC can be identified by anyone and is to be reported to the Contractor's EM as a potential non-compliance. Whether the occurrence, set of circumstances, or development requires to be notified to the DPE as a non-compliance is the responsibility of the project management team.

Non-compliance with the CoC shall be investigated to determine the root cause and any corrective and/or preventative actions arising. This will be reported to the Principal's Representative in a Non-Compliance Report (NCR) and any corrective and/or preventative actions will be recorded within the Project Corrective Actions Register to be developed by the Construction Contractor and handled in accordance with the Environmental Management System – Corrective and Preventative Action



[SHEMS-QM-04-PR-0022]. Non-compliances shall be recorded and addressed through Aconex.

DPE will be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Project becomes aware of any non-compliance - CoC C11 and C12 (SSD 7709) and CoC A42 and A43 (SSD 10431). The notification will identify the development and the application number for it, set out the condition of consent that the development is potentially non-compliant with, the way in which it does not comply, the reasons for the non-compliance (if known), and what actions have been, or will be, undertaken to address the noncompliance.

**Appendix A- Imported Fill Tracking Register**

Table A-1 Import fill tracking register

Serial	Date 00/00/0000	Truck Reg	Time		Haulage Company	Source	Material Type Class	Vol (t) <sup>(1)</sup>	Sampling Visual <sup>(2)</sup> (Y/N)	Stockpile Location	Fill Placement Location	Class Certificate
			In	Out								

Note: (1) Load Net Mass - taken as the difference between the laden truck mass on crossing the onsite weighbridge and the previously obtained tare weight taken from crossing the onsite weighbridge.

(2) Weighbridge and tipping location visual inspection of material for anomalies, Y = material is consistent with material type, N = material is inconsistent with material type.

## **Appendix B- Compliance Matrix**

## Fill Importation Management Plan Moorebank Logistics Park- West Precinct Stage 3

Table A-2 Compliance matrix

CoC No.	Condition	Where addressed
A16	Prior to commencement of fill importation, the Applicant is to prepare a Fill Importation Management Plan for the approval of the Planning Secretary.	This Plan
A16(a)	The Fill Importation Management Plan must be prepared by a suitably qualified and experienced person;	This Plan
A16(b)	The Fill Importation Management Plan: must include details of how the Applicant will comply with the requirements of the conditions of this consent relating to fill importation and fill placement;	This Plan CTAMP Appendix F
A16(c)	The Fill Importation Management Plan: must require any fill imported on site to be lodged/tracked per truck load;	Section 3.2 Appendix A- Imported Fill Tracking Register
A16(d)	The Fill Importation Management Plan: must provide a conversion rate for the conversion of fill in cubic meters to and from tonnes;	Table 3-2
A16(e)	The Fill Importation Management Plan: must include a template for an Imported Fill Tracking Register, to be throughout the construction period that includes: (i) date and time in and date and time out of trucks importing fill to the site; (ii) details of truck registration and haulage company; (iii) source of imported fill; (iv) material type and classification; (v) details of the statement of compliance with relevant approval criteria; (vi) volume of imported fill in tonnes; (vii) location of stockpiled imported fill; (viii) location of final destination of imported fill; and (ix) details of any sampling performed for purposes of certification	Appendix A- Imported Fill Tracking Register

## Fill Importation Management Plan Moorebank Logistics Park- West Precinct Stage 3

		Section 3.1.1
A7	Only VENM, ENM, or other imported fill material approved in writing by EPA is to be placed on the site.	Section 3.1.2 Section 3.1.3
A8	Importation of imported fill must not exceed a total of 13,000m <sup>3</sup> of material per day across this development, MPW Stage 2 (SSD 7709) and MPE Stage 2 (SSD 7628) on the same day.	Table 3-1 CTAMP Section 3.2.3 and Appendix F CSWMP Section 3.4
A10	The total volume of uncompacted fill to be imported for compaction up to final land level must not exceed 280,000m <sup>3</sup> . This volume is additional to the 1,600,000m <sup>3</sup> of uncompacted fill permitted to be imported to site under the MPW Stage 2 (SSD 7709) consent, and may only be imported once importation of the volume permitted under the MPW Stage 2 (SSD 7709) consent is complete.	Section 1.3 and Table 3-1 CSWMP Section 3.4
A11	The total volume of structural fill to be imported for warehouse pad completion under this consent must not exceed 540,000m <sup>3</sup> . Prior to the importation of structural fill for any given area of the site, the Applicant is to provide the ER and the Planning Secretary with a report prepared by a suitably qualified and experienced engineer outlining the volume of structural fill it proposes to both received and emplace on that given area of the site. The Applicant may not at any time possess on site a volume of structural fill material that exceeds the volume that the applicant proposes to be emplaced on site in the next 6 months.	Section 3.3 and Table 3-1 CSWMP Section 3.4
A12	In addition to the other conditions of this consent, nothing in this consent permits the Applicant to stockpile or otherwise receive imported fill material beyond the amounts or volumes permitted under this or any other development consent, or place fill above the final land level or finished surface levels permitted under this or any other development consent.	Section 1.3 and Table 3-1
A14	For the avoidance of doubt, nothing in this consent enables the finished surface level of any filled section of the site to exceed 16.6 m AHD.	Section 1.3 and Table 3-1
A17	Fill importation must not commence until the Planning Secretary approves the Fill Importation Management Plan. The Applicant is to implement the Fill Importation Management Plan as approved by the Planning Secretary from time to time.	This Plan
A18	The Applicant must fill out the Imported Fill Tracking Register throughout the entire construction period. All details recorded in the Imported Fill Tracking Register must be provided to the Department and NSW EPA upon the request of an investigation officer and authorised officer.	Section 3.2 Appendix A

A19	The Applicant must engage an independent person to verify the Imported Fill Tracking Register on a weekly basis and prepare and submit weekly reports on this verification to the department and NSW EPA upon the request of an investigation officer and authorised officer.	Section 3.2 Section 4.1
C20	The Applicant must: (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site; (b) keep accurate records of the source, volume and type of fill imported to, and material removed from, the site; and (c) make these records available to the certifier, department or EPA upon request.	Section 3.1.1 Section 3.1.2 Section 3.1.3 Appendix B- Compliance Matrix Long Term Environmental Management Plan CSWMP Section 3.4
C21	Land disturbance and land filling activities across the site must be undertaken: (a) in a phased manner, impacting a maximum contiguous area of 65 hectares at any one time; and (b) with no disturbance (including vegetation clearing) of another area (other than the construction of erosion and sediments control measures and associated drainage for the separation of clean and dirty water) until: (i) a C-factor of 0.05 has been achieved on the previous phase; and (ii) at least 75% of the permanent stabilisation works have been implemented for the previous phase; and (iii) at least 95% of all the permanent stabilisation works on any other previously disturbed area have been implemented.	Section 3.4 CSWMP Section 2.8, 3.5, 5 and 6
C22	Stockpiling of imported fill is not permitted for longer than 6 months before placement.	Section 3.5 CSWMP Section 5.3
C24	Placed fill must be stabilised if construction does not commence within 10 days	Section 3.5 CSWMP Section 5.8

**Appendix C- Excavated Natural Material Resource Recovery Order**





# **Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014**

## **The excavated natural material order 2014**

### **Introduction**

This order, issued by the Environment Protection Authority (EPA) under clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), imposes the requirements that must be met by suppliers of excavated natural material to which 'the excavated natural material exemption 2014' applies. The requirements in this order apply in relation to the supply of excavated natural material for application to land as engineering fill or for use in earthworks.

### **1. Waste to which this order applies**

- 1.1. This order applies to excavated natural material. In this order, excavated natural material means naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that has:
- a) been excavated from the ground, and
  - b) contains at least 98% (by weight) natural material, and
  - c) does not meet the definition of Virgin Excavated Natural Material in the Act.

Excavated natural material does not include material located in a hotspot; that has been processed; or that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.

### **2. Persons to whom this order applies**

- 2.1. The requirements in this order apply, as relevant, to any person who supplies excavated natural material, that has been generated, processed or recovered by the person.
- 2.2. This order does not apply to the supply of excavated natural material to a consumer for land application at a premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

### **3. Duration**

- 3.1. This order commences on 24 November 2014 and is valid until revoked by the EPA by notice published in the Government Gazette.

## 4. Generator requirements

The EPA imposes the following requirements on any generator who supplies excavated natural material.

### Sampling requirements

- 4.1. On or before supplying excavated natural material, the generator must:
  - 4.1.1. Prepare a written sampling plan which includes a description of sample preparation and storage procedures for the excavated natural material.
  - 4.1.2. Undertake sampling and testing of the excavated natural material as required under clauses 4.2, 4.3, and 4.4 below. The sampling must be carried out in accordance with the written sampling plan.
- 4.2. The generator must undertake sampling and analysis of the material for ASS and PASS, in accordance with the NSW Acid Sulfate Soil Manual, Acid Sulfate Soils Management Advisory Council, 1998 and the updated Laboratory Methods Guidelines version 2.1 – June 2004 where:
  - 4.2.1. the pH measured in the material is below 5, and/or
  - 4.2.2. the review of the applicable Acid Sulfate Soil Risk Maps (published by the former Department of Land and Water Conservation and available at <http://www.environment.nsw.gov.au/acidsulfatesoil/riskmaps.htm>) indicates the potential presence of ASS.
- 4.3. For stockpiled material, the generator must:
  - 4.3.1. undertake sampling in accordance with Australian Standard 1141.3.1-2012 Methods for sampling and testing aggregates – Sampling – Aggregates (or equivalent);
  - 4.3.2. undertake characterisation sampling by collecting the number of samples listed in Column 2 of Table 1 with respect to the quantity of the waste listed in Column 1 of Table 1 and testing each sample for the chemicals and other attributes listed in Column 1 of Table 4. For the purposes of characterisation sampling the generator must collect:
    - 4.3.2.1. composite samples for attributes 1 to 10 and 18 in Column 1 of Table 4.
    - 4.3.2.2. discrete samples for attributes 11 to 17 in Column 1 of Table 4.
    - 4.3.2.3. The generator must carry out sampling in a way that ensures that the samples taken are representative of the material from the entire stockpile. All parts of the stockpile must be equally accessible for sampling.
    - 4.3.2.4. for stockpiles greater than 4,000 tonnes the number of samples described in Table 1 must be repeated.
  - 4.3.3. store the excavated natural material appropriately until the characterisation test results are validated as compliant with the maximum average concentration or other value listed in Column 2 of Table 4 and the absolute maximum concentration or other value listed in Column 3 of Table 4.

**Table 1**

<b>Sampling of Stockpiled Material</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Quantity (tonnes)</b>	<b>Number of samples</b>	<b>Validation</b>
<500	3	Required
500 – 1,000	4	
1,000 – 2,000	5	
2,000 – 3,000	7	
3,000 – 4,000	10	

4.4. For in situ material, the generator must:

- 4.4.1. undertake sampling by collecting discrete samples. Compositing of samples is not permitted for in-situ materials.
- 4.4.2. undertake characterisation sampling for the range of chemicals and other attributes listed in Column 1 of Table 4 according to the requirements listed in Columns 1, 2 and 3 of Table 2. When the ground surface is not comprised of soil (e.g. concrete slab), samples must be taken at the depth at which the soil commences.
- 4.4.3. undertake sampling at depth according to Column 1 of Table 3.
- 4.4.4. collect additional soil samples (and analyse them for the range of chemicals and other attributes listed in Column 1 of Table 4), at any depth exhibiting discolouration, staining, odour or other indicators of contamination inconsistent with soil samples collected at the depth intervals indicated in Table 3.
- 4.4.5. segregate and exclude hotspots identified in accordance with Table 2, from material excavated for reuse.
- 4.4.6. subdivide sites larger than 50,000 m<sup>2</sup> into smaller areas and sample each area as per Table 2.
- 4.4.7. store the excavated natural material appropriately until the characterisation test results are validated as compliant with the maximum average concentration or other value listed in Column 2 of Table 4 and the absolute maximum concentration or other value listed in Column 3 of Table 4.

**Table 2**

<i>In Situ Sampling at surface</i>				
Column 1	Column 2	Column 3	Column 4	Column 5
Size of <i>in situ</i> area (m <sup>2</sup> )	Number of systematic sampling points recommended	Distance between two sampling points (m)	Diameter of the hot spot that can be detected with 95% confidence (m)	Validation
500	5	10.0	11.8	Required
1000	6	12.9	15.2	
2000	7	16.9	19.9	
3000	9	18.2	21.5	
4000	11	19.1	22.5	
5000	13	19.6	23.1	
6000	15	20.0	23.6	
7000	17	20.3	23.9	
8000	19	20.5	24.2	
9000	20	21.2	25.0	
10,000	21	21.8	25.7	
15,000	25	25.0	28.9	
20,000	30	25.8	30.5	
25,000	35	26.7	31.5	
30,000	40	27.5	32.4	
35,000	45	27.9	32.9	
40,000	50	28.3	33.4	
45,000	52	29.3	34.6	
50,000	55	30.2	35.6	

Table 2 has been taken from NSW EPA 1995, *Contaminated Sites Sampling Design Guidelines*, NSW Environment Protection Authority.

**Table 3**

<i>In Situ Sampling at Depth</i>	
Column 1	Column 2
Sampling Requirements *	Validation
<p>1 soil sample at 1.0 m bgl from each surface sampling point followed by 1 soil sample for every metre thereafter.</p> <p>From 1.0 m bgl, sample at the next metre interval until the proposed depth of excavation of the material is reached. If the proposed depth of excavation is between 0.5 to 0.9 m after the last metre interval, sample at the base of the proposed depth of excavation.</p>	<p>Required if the depth of excavation is equal to or greater than 1.0 m bgl</p>

\* Refer to Notes for examples

## Chemical and other material requirements

- 4.5. The generator must not supply excavated natural material waste to any person if, in relation to any of the chemical and other attributes of the excavated natural material:
- 4.5.1. The chemical concentration or other attribute of any sample collected and tested as part of the characterisation of the excavated natural material exceeds the absolute maximum concentration or other value listed in Column 3 of Table 4:
- 4.5.2. The average concentration or other value of that attribute from the characterisation of the excavated natural material (based on the arithmetic mean) exceeds the maximum average concentration or other value listed in Column 2 of Table 4.
- 4.6. The absolute maximum concentration or other value of that attribute in any excavated natural material supplied under this order must not exceed the absolute maximum concentration or other value listed in Column 3 of Table 4.

**Table 4**

Column 1	Column 2	Column 3
Chemicals and other attributes	Maximum average concentration for characterisation (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)
1. Mercury	0.5	1
2. Cadmium	0.5	1
3. Lead	50	100
4. Arsenic	20	40
5. Chromium (total)	75	150
6. Copper	100	200
7. Nickel	30	60
8. Zinc	150	300
9. Electrical Conductivity	1.5 dS/m	3 dS/m
10. pH *	5 to 9	4.5 to 10
11. Total Polycyclic Aromatic Hydrocarbons (PAHs)	20	40
12. Benzo(a)pyrene	0.5	1
13. Benzene	NA	0.5
14. Toluene	NA	65
15. Ethyl-benzene	NA	25
16. Xylene	NA	15
17. Total Petroleum Hydrocarbons C <sub>10</sub> -C <sub>36</sub>	250	500
18. Rubber, plastic, bitumen, paper, cloth, paint and wood	0.05%	0.10%

\* The ranges given for pH are for the minimum and maximum acceptable pH values in the excavated natural material.

## Test methods

- 4.7. The generator must ensure that any testing of samples required by this order is undertaken by analytical laboratories accredited by the National Association of Testing Authorities (NATA), or equivalent.
- 4.8. The generator must ensure that the chemicals and other attributes (listed in Column 1 of Table 4) in the excavated natural material it supplies are tested in accordance with the test methods specified below or other equivalent analytical methods. Where an equivalent analytical method is used the detection limit must be equal to or less than that nominated for the given method below.
  - 4.8.1. Test methods for measuring the mercury concentration.
    - 4.8.1.1. Analysis using USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold vapour technique), or an equivalent analytical method with a detection limit < 20% of the stated absolute maximum concentration in Column 3 of Table 2 (i.e. < 0.20 mg/kg dry weight).
    - 4.8.1.2. Report as mg/kg dry weight.
  - 4.8.2. Test methods for measuring chemicals 2 to 8.
    - 4.8.2.1. Sample preparation by digesting using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils (or an equivalent analytical method).
    - 4.8.2.2. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of the stated absolute maximum concentration in Column 3 of Table 2, (e.g. 10 mg/kg dry weight for lead).
    - 4.8.2.3. Report as mg/kg dry weight.
  - 4.8.3. Test methods for measuring electrical conductivity and pH.
    - 4.8.3.1. Sample preparation by mixing 1 part excavated natural material with 5 parts distilled water.
    - 4.8.3.2. Analysis using Method 103 (pH) and 104 (Electrical Conductivity) in Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
    - 4.8.3.3. Report electrical conductivity in deciSiemens per metre (dS/m).
  - 4.8.4. Test method for measuring Polynuclear Aromatic Hydrocarbons (PAHs) and benzo(a)pyrene.
    - 4.8.4.1. Analysis using USEPA SW-846 Method 8100 Polynuclear Aromatic Hydrocarbons (or an equivalent analytical method).
    - 4.8.4.2. Calculate the sum of all 16 PAHs for total PAHs.
    - 4.8.4.3. Report total PAHs as mg/kg dry weight.
    - 4.8.4.4. Report benzo(a)pyrene as mg/kg.

- 4.8.5. Test method for measuring benzene, toluene, ethylbenzene and xylenes (BTEX).
- 4.8.5.1. Method 501 (Volatile Alkanes and Monocyclic Aromatic Hydrocarbons) in Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
- 4.8.5.2. Report BTEX as mg/kg.
- 4.8.6. Test method for measuring Total Petroleum Hydrocarbons (TPH).
- 4.8.6.1. Method 506 (Petroleum Hydrocarbons) in Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
- 4.8.6.2. Report as mg/kg dry weight.
- 4.8.7. Test method for measuring rubber, plastic, bitumen, paper, cloth, paint and wood.
- 4.8.7.1. NSW Roads & Traffic Authority Test Method T276 Foreign Materials Content of Recycled Crushed Concrete (or an equivalent method).
- 4.8.7.2. Report as percent.

## **Notification**

- 4.9. On or before each transaction, the generator must provide the following to each person to whom the generator supplies the excavated natural material:
- a written statement of compliance certifying that all the requirements set out in this order have been met;
  - a copy of the excavated natural material exemption, or a link to the EPA website where the excavated natural material exemption can be found; and
  - a copy of the excavated natural material order, or a link to the EPA website where the excavated natural material order can be found.

## **Record keeping and reporting**

- 4.10. The generator must keep a written record of the following for a period of six years:
- the sampling plan required to be prepared under clause 4.1.1;
  - all characterisation sampling results in relation to the excavated natural material supplied;
  - the volume of detected hotspot material and the location;
  - the quantity of the excavated natural material supplied; and
  - the name and address of each person to whom the generator supplied the excavated natural material.
- 4.11. The generator must provide, on request, the characterisation and sampling results for that excavated natural material supplied to the consumer of the excavated natural material.

## 5. Definitions

In this order:

**application or apply to land** means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

**Bgl** means below ground level, referring to soil at depth beneath the ground surface.

**composite sample** means a sample that combines five discrete sub-samples of equal size into a single sample for the purpose of analysis.

**consumer** means a person who applies, or intends to apply excavated natural material to land.

**discrete sample** means a sample collected and analysed individually that will not be composited.

**generator** means a person who generates excavated natural material for supply to a consumer.

**hotspot** means a cylindrical volume which extends through the soil profile from the ground surface to the proposed depth of excavation, where the level of any contaminant listed in Column 1 of Table 2 is greater than the absolute maximum concentration in Column 3 of Table 2.

**in situ material** means material that exists on or below the ground level. It does not include stockpiled material.

**in situ sampling** means sampling undertaken on *in situ* material.

**N/A** means not applicable.

**stockpiled material** means material that has been excavated from the ground and temporarily stored on the ground prior to use.

**systematic sampling** means sampling at points that are selected at even intervals and are statistically unbiased.

**transaction** means:

- in the case of a one-off supply, the supply of a batch, truckload or stockpile of excavated natural material that is not repeated.
- in the case where the supplier has an arrangement with the recipient for more than one supply of excavated natural material, the first supply of excavated natural material as required under the arrangement.

**Manager Waste Strategy and Innovation**  
**Environment Protection Authority**  
**(by delegation)**



## Notes

The EPA may amend or revoke this order at any time. It is the responsibility of each of the generator and processor to ensure it complies with all relevant requirements of the most current order. The current version of this order will be available on '[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)'

In gazetting or otherwise issuing this order, the EPA is not in any way endorsing the supply or use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this order are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this order nor the accompanying exemption guarantee that the environment, human health or agriculture will not be harmed.

Any person or entity which supplies excavated natural material should assess whether the material is fit for the purpose the material is proposed to be used for, and whether this use may cause harm. The supplier may need to seek expert engineering or technical advice.

Regardless of any exemption or order provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The supply of excavated natural material remains subject to other relevant environmental regulations in the POEO Act and Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of this order, is guilty of an offence and subject to prosecution.

This order does not alter the requirements of any other relevant legislation that must be met in supplying this material, including for example, the need to prepare a Safety Data Sheet. Failure to comply with the conditions of this order constitutes an offence under clause 93 of the Waste Regulation.

## Examples

### *In situ* sampling at depth

Example 1.

If the proposed depth of ENM excavation is between 1 m bgl and 1.4 m bgl, then:

- 1 sample on surface (as per the requirements of Table 2).
- 1 sample at 1 m bgl.
- No further depth sampling after 1 m bgl, unless required under section 4.4.4.

Example 2.

If the proposed depth of ENM excavation is at 1.75 m bgl, then:

- 1 sample on surface (as per the requirements of Table 2).
- 1 sample at 1 m bgl.
- 1 sample at 1.75 m bgl.
- No further depth sampling after 1.75 m bgl, unless required under section 4.4.4.

Example 3.

If the proposed depth of ENM excavation is at 2.25 m bgl, then:

- 1 sample on surface (as per the requirements of Table 2).
- 1 sample at 1 m bgl.
- 1 sample at 2 m bgl.
- No further depth sampling after 2 m bgl, unless required under section 4.4.4.

**Appendix D- Excavated Natural Material Resource Recovery Exemption  
2014**



# Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

## The excavated natural material exemption 2014

### Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of excavated natural material from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the excavated natural material order 2014'.

### 1. Waste to which this exemption applies

- 1.1. This exemption applies to excavated natural material that is, or is intended to be, applied to land as engineering fill or for use in earthworks.
- 1.2. Excavated natural material is naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that has:
  - a) been excavated from the ground, and
  - b) contains at least 98% (by weight) natural material, and
  - c) does not meet the definition of Virgin Excavated Natural Material in the Act.

Excavated natural material does not include material located in a hotspot; that has been processed; or that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.

### 2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies or intends to apply excavated natural material to land as set out in 1.1.

### **3. Duration**

- 3.1. This exemption commences on 24 November 2014 and is valid until revoked by the EPA by notice published in the Government Gazette.

### **4. Premises to which this exemption applies**

- 4.1. This exemption applies to the premises at which the consumer's actual or intended application of excavated natural material is carried out.

### **5. Revocation**

- 5.1. 'The excavated natural material exemption 2012' which commenced 19 October 2012 is revoked from 24 November 2014.

### **6. Exemption**

- 6.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of excavated natural material to land as engineering fill or for use in earthworks at the premises:

- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 of Schedule 1 of the POEO Act;
- Part 4 of the Waste Regulation;
- section 88 of the POEO Act; and
- clause 109 and 110 of the Waste Regulation.

- 6.2. The exemption does not apply in circumstances where excavated natural material is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal' (thermal treatment) of Schedule 1 of the POEO Act.

### **7. Conditions of exemption**

The exemption is subject to the following conditions:

- 7.1. At the time the excavated natural material is received at the premises, the material must meet all chemical and other material requirements for excavated natural material which are required on or before the supply of excavated natural material under 'the excavated natural material order 2014'.
- 7.2. The excavated natural material can only be applied to land as engineering fill or for use in earthworks.
- 7.3. The consumer must keep a written record of the following for a period of six years:
- the quantity of any excavated natural material received; and
  - the name and address of the supplier of the excavated natural material received.
- 7.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 7.5. The consumer must ensure that any application of excavated natural material to land must occur within a reasonable period of time after its receipt.

## 8. Definitions

In this exemption:

**application or apply to land** means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

**consumer** means a person who applies, or intends to apply excavated natural material to land.

**Manager Waste Strategy and Innovation  
Environment Protection Authority  
(by delegation)**

## Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the excavated natural material is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of excavated natural material remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.

**Appendix E- The Recovered Aggregate Order 2014**





# **Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014**

## **The recovered aggregate order 2014**

### **Introduction**

This order, issued by the Environment Protection Authority (EPA) under clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), imposes the requirements that must be met by suppliers of recovered aggregate to which 'the recovered aggregate exemption 2014' applies. The requirements in this order apply in relation to the supply of recovered aggregate for application to land as a road making material, or in building, landscaping or construction works.

### **1. Waste to which this order applies**

- 1.1. This order applies to recovered aggregate. In this order, recovered aggregate means material comprising of concrete, brick, ceramics, natural rock and asphalt processed into an engineered material. This does not include refractory bricks or associated refractory materials, or asphalt that contains coal tar.

### **2. Persons to whom this order applies**

- 2.1. The requirements in this order apply, as relevant, to any person who supplies recovered aggregate that has been generated, processed or recovered by the person.
- 2.2. This order does not apply to the supply of recovered aggregate to a consumer for land application at a premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

### **3. Duration**

- 3.1. This order commences on 24 November 2014 and is valid until revoked by the EPA by notice published in the Government Gazette.

### **4. Processor requirements**

The EPA imposes the following requirements on any processor who supplies recovered aggregate.

#### **Sampling requirements**

- 4.1. On or before supplying recovered aggregate, the processor must:
  - 4.1.1. Prepare a written sampling plan which includes a description of sample

preparation and storage procedures for the recovered aggregate.

- 4.1.2. Undertake sampling and testing of the recovered aggregate as required under clauses 4.2 and 4.3 below. The sampling must be carried out in accordance with the written sampling plan and Australian Standard 1141.3.1-2012 Methods for sampling and testing aggregates – Sampling – Aggregates (or equivalent).
- 4.2. Where the recovered aggregate is generated as part of a continuous process, the processor must undertake the following sampling:
  - 4.2.1. Characterisation of the recovered aggregate by collecting 20 composite samples of the waste and testing each sample for the chemicals and other attributes listed in Column 1 of Table 1. Each composite sample must be taken from a batch, truckload or stockpile that has not been previously sampled for the purposes of characterisation. Characterisation must be conducted for recovered aggregate generated and processed every year following the commencement of the continuous process; and
  - 4.2.2. Routine sampling of the recovered aggregate by collecting either 5 composite samples from every 4,000 tonnes (or part thereof) processed or 5 composite samples every 3 months (whichever is the lesser); and testing each sample for the chemicals and other attributes listed in Column 1 of Table 1 other than those listed as 'not required' in Column 3. Each composite sample must be taken from a batch, truckload or stockpile that has not been previously sampled for the purposes of routine sampling. However, if characterisation sampling occurs at the same frequency as routine sampling, any sample collected and tested for the purposes of characterisation under clause 4.2.1 may be treated as a sample collected and tested for the purposes of routine sampling under clause 4.2.2.
- 4.3. Where the recovered aggregate is not generated as part of a continuous process, the processor must undertake one-off sampling of a batch, truckload or stockpile of the recovered aggregate, by collecting 10 composite samples from every 4,000 tonnes (or part thereof) processed and testing each sample for the chemicals and other attributes listed in Column 1 of Table 1. The test results for each composite sample must be validated as compliant with the maximum average concentration or other value listed in Column 2 of Table 1 and the absolute maximum concentration or other value listed in Column 4 of Table 1 prior to the supply of the recovered aggregate.

### **Chemical and other material requirements**

- 4.4. The processor must not supply recovered aggregate to any person if, in relation to any of the chemical and other attributes of the recovered aggregate:
  - 4.4.1. The concentration or other value of that attribute of any sample collected and tested as part of the characterisation, or the routine or one-off sampling, of the recovered aggregate exceeds the absolute maximum concentration or other value listed in Column 4 of Table 1, or
  - 4.4.2. The average concentration or other value of that attribute from the characterisation or one-off sampling of the recovered aggregate (based on the arithmetic mean) exceeds the maximum average concentration or other value listed in Column 2 of Table 1, or
  - 4.4.3. The average concentration or other value of that attribute from the routine sampling of the recovered aggregate (based on the arithmetic mean) exceeds the maximum average concentration or other value

listed in Column 3 of Table 1.

- 4.5. The absolute maximum concentration or other value of that attribute in any recovered aggregate supplied under this order must not exceed the absolute maximum concentration or other value listed in Column 4 of Table 1.

**Table 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Chemicals and other attributes</b>	<b>Maximum average concentration for characterisation</b> (mg/kg 'dry weight' unless otherwise specified)	<b>Maximum average concentration for routine testing</b> (mg/kg 'dry weight' unless otherwise specified)	<b>Absolute maximum concentration</b> (mg/kg 'dry weight' unless otherwise specified)
1. Mercury	0.5	Not required	1
2. Cadmium	0.5	0.5	1.5
3. Lead	75	75	150
4. Arsenic	20	Not required	40
5. Chromium (total)	60	60	120
6. Copper	60	60	150
7. Nickel	40	Not required	80
8. Zinc	200	200	350
9. Electrical Conductivity	1.5 dS/m	1.5dS/m	3 dS/m
10. Metal	1%	1%	2%
11. Plaster	0.25%	0.25%	0.5%
12. Rubber, plastic, paper, cloth, paint, wood and other vegetable matter	0.2%	0.2%	0.3%

## Test methods

- 4.6. The processor must ensure that any testing of samples required by this order is undertaken by analytical laboratories accredited by the National Association of Testing Authorities (NATA), or equivalent.
- 4.7. The processor must ensure that the chemicals and other attributes (listed in Column 1 of Table 1) in the recovered aggregate it supplies are tested in accordance with the test methods specified below or other equivalent analytical methods. Where an equivalent analytical method is used the detection limit must be equal to or less than that nominated for the given method below.
- 4.7.1. Test method for measuring the mercury concentration:
- 4.7.1.1. Analysis using USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold vapour technique), or an equivalent analytical method with a detection limit < 20% of the stated maximum average concentration in Table 1, Column 2 (i.e. < 0.1 mg/kg dry weight).
- 4.7.1.2. Report as mg/kg dry weight.
- 4.7.2. Test methods for measuring chemicals 2 - 8:

- 4.7.2.1. Sample preparation by digesting using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils.
  - 4.7.2.2. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of stated maximum concentration in Table 1, Column 2 (i.e. 1 mg/kg dry weight for lead).
  - 4.7.2.3. Report as mg/kg dry weight.
- 4.7.3. Test methods for measuring the electrical conductivity:
- 4.7.3.1. Sample preparation by mixing 1 part recovered aggregate with 5 parts distilled water.
  - 4.7.3.2. Analysis using Method 104 (Electrical Conductivity) in Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
  - 4.7.3.3. Report deciSiemens per metre (dS/m).
- 4.7.4. Test method for measuring the attributes 10 - 12:
- 4.7.4.1. NSW Roads & Traffic Authority Test Method T276 Foreign Materials Content of Recycled Crushed Aggregate (or an equivalent method), for the materials listed in 10 - 12 of Column 1, Table 1.
  - 4.7.4.2. Report as %

### **Notification**

- 4.8. On or before each transaction, the processor must provide the following to each person to whom the processor supplies the recovered aggregate:
- a written statement of compliance certifying that all the requirements set out in this order have been met;
  - a copy of the recovered aggregate exemption, or a link to the EPA website where the recovered aggregate exemption can be found; and
  - a copy of the recovered aggregate order, or a link to the EPA website where the recovered aggregate order can be found.

### **Record keeping and reporting**

- 4.9. The processor must keep a written record of the following for a period of six years:
- the sampling plan required to be prepared under clause 4.1.1;
  - all characterisation, routine and/or one-off sampling results in relation to the recovered aggregate supplied;
  - the quantity of the recovered aggregate supplied; and
  - the name and address of each person to whom the processor supplied the recovered aggregate.
- 4.10. The processor must provide, on request, the most recent characterisation and sampling (whether routine or one-off or both) results for recovered aggregate supplied to any consumer of the recovered aggregate.
- 4.11. The processor must notify the EPA within seven days of becoming aware that it has not complied with any requirement in clause 4.1 to 4.7.

## 5. Definitions

In this order:

**application or apply to land** means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

**composite sample** means a sample that combines five discrete sub-samples of equal size into a single sample for the purpose of analysis.

**consumer** means a person who applies, or intends to apply, recovered aggregate to land.

**continuous process** means a process that produces recovered aggregate on an ongoing basis.

**processor** means a person who processes, mixes, blends, or otherwise incorporates recovered aggregate into a material in its final form for supply to a consumer.

**transaction** means:

- in the case of a one-off supply, the supply of a batch, truckload or stockpile of recovered aggregate that is not repeated.
- in the case where the supplier has an arrangement with the recipient for more than one supply of recovered aggregate the first supply of recovered aggregate as required under the arrangement.

**Manager Waste Strategy and Innovation**

**Environment Protection Authority**

**(by delegation)**

## Notes

The EPA may amend or revoke this order at any time. It is the responsibility of each of the generator and processor to ensure it complies with all relevant requirements of the most current order. The current version of this order will be available on [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

In gazetting or otherwise issuing this order, the EPA is not in any way endorsing the supply or use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this order are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this order nor the accompanying exemption guarantee that the environment, human health or agriculture will not be harmed.

Any person or entity which supplies recovered aggregate should assess whether the material is fit for the purpose the material is proposed to be used for, and whether this use may cause harm. The supplier may need to seek expert engineering or technical advice.

Regardless of any exemption or order provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The supply of recovered aggregate remains subject to other relevant environmental regulations in the POEO Act and Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of this order, is guilty of an offence and subject to prosecution.

This order does not alter the requirements of any other relevant legislation that must be met in supplying this material, including for example, the need to prepare a Safety Data Sheet. Failure to comply with the conditions of this order constitutes an offence under clause 93 of the Waste Regulation.

**Appendix F- The Recovered Aggregate Exemption 2014**



# Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

## The recovered aggregate exemption 2014

### Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of recovered aggregate from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the recovered aggregate order 2014'.

### 1. Waste to which this exemption applies

- 1.1. This exemption applies to recovered aggregate that is, or is intended to be, applied to land for road making activities, building, landscaping and construction works.
- 1.2. Recovered aggregate is a material comprising of concrete, brick, ceramics, natural rock and asphalt processed into an engineered material. This does not include refractory bricks or associated refractory materials, or asphalt that contains coal tar.

### 2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, recovered aggregate to land as set out in 1.1.

### 3. Duration

- 3.1. This exemption commences on 24 November 2014 and is valid until revoked by the EPA by notice published in the Government Gazette.



## **4. Premises to which this exemption applies**

- 4.1. This exemption applies to the premises at which the consumer's actual or intended application of recovered aggregate is carried out.

## **5. Revocation**

- 5.1. 'The recovered aggregate exemption 2010' which commenced on 13 September 2010 is revoked from 24 November 2014.

## **6. Exemption**

- 6.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of recovered aggregate to land when used for road making activities, building, landscaping and construction works at the premises:
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
  - Part 4 of the Waste Regulation;
  - section 88 of the POEO Act; and
  - clause 109 and 110 of the Waste Regulation.
- 6.2. The exemption does not apply in circumstances where recovered aggregate is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

## **7. Conditions of exemption**

The exemption is subject to the following conditions:

- 7.1. At the time the recovered aggregate is received at the premises, the material must meet all chemical and other material requirements for recovered aggregate which are required on or before the supply of recovered aggregate under 'the recovered aggregate order 2014'.
- 7.2. The recovered aggregate can only be applied to land in road making activities, building, landscaping and construction works. This approval does not apply to any of the following applications:
- 7.2.1. Construction of dams or related water storage infrastructure,
  - 7.2.2. Mine site rehabilitation,
  - 7.2.3. Quarry rehabilitation,
  - 7.2.4. Sand dredge pond rehabilitation,
  - 7.2.5. Back filling of quarry voids,
  - 7.2.6. Raising or reshaping of land used for agriculture, and
  - 7.2.7. Construction of roads on private land unless:
    - (a) the recovered aggregate is applied only to the minimum extent necessary for the construction of the road, and
    - (b) a development consent has been granted under the relevant Environmental Planning Instrument (EPI), or

- (c) it is to provide access (temporary or permanent) to a development approved by a Council, or
  - (d) the works are either exempt or complying development.
- 7.3. The consumer must keep a written record of the following for a period of six years:
- the quantity of any recovered aggregate received; and
  - the name and address of the supplier of the recovered aggregate received.
- 7.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 7.5. The consumer must ensure that any application of recovered aggregate to land must occur within a reasonable period of time after its receipt.

## **8. Definitions**

In this exemption:

**application or apply to land** means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

**consumer** means a person who applies, or intends to apply, recovered aggregate to land.

**processor** means a person who processes, mixes, blends, or otherwise incorporates recovered aggregate into a material in its final form for supply to a consumer.

**Manager Waste Strategy and Innovation**  
**Environment Protection Authority**  
**(by delegation)**

## Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the recovered aggregate is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of recovered aggregate remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.

**Appendix G- Approved Notice under Section 143**



**ORIGINAL: TO BE COMPLETED BY LANDOWNER AND GIVEN TO WASTE TRANSPORTER OR DISPLAYED AT WASTE FACILITY**

**APPROVED NOTICE UNDER SECTION 143**

**PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997**

**WARNING: If you sign this notice it could be used as a defence by a transporter if they deposit waste on your land. It does not give you a defence. It is an offence to provide false or misleading information about waste (section 144AA)**

I (full name) .....

am the owner and/or occupier (delete if not applicable) of (insert street address and/or folio identification number of place):

.....  
.....

certify that this place can lawfully be used as a waste facility for the **waste(s) specified** in the following table.

(Note: you must clearly state the exact type. Do not use terms like 'fill' or 'clean fill'.)

**Table of specified wastes**

Type of waste e.g. virgin excavated natural material	Classification of waste e.g. general solid waste	Amount of waste e.g. 50 tonnes
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

**Before signing this notice you should read the back of this form for important information about offences.**

Signature .....

Signature .....

Name .....

Name .....

Position title (e.g. director, owner, occupier) .....

Position title (e.g. director, owner, occupier) .....

ACN .....

ACN .....

Date .....

Date .....

Note that only one signature is required if the person signing this notice is **not** signing on behalf of a company.



## Lawful authority to use place as waste facility for the specified waste

The place can lawfully be used for the types of waste described in the notice **because** (Delete whichever is not applicable):

A. This use is permitted by EPA licence number: .....

Or

An EPA licence is not required (for example, a resource recovery exemption may apply)

**And because** (Delete whichever is not applicable):

B. The place has consent or approval under the *Environmental Planning and Assessment Act 1979* for the uses described in the table above.

Or

The place can be used as a waste facility without consent or approval under the *Environmental Planning and Assessment Act 1979*.

The use(s) for the waste at the place are: .....

Land owners and occupiers should note that it is an offence to use land as a waste facility without lawful authority, see section 144 of the *Protection of the Environment Operations Act 1997* (POEO Act). It is also an offence to carry out an activity listed in Schedule 1 to the POEO Act without an Environment Protection Licence when one is required (see section 48). Offences carry a maximum penalty of \$250,000 for an individual and \$1,000,000 for a corporation. In the case of a continuing offence, a further penalty applies for each day the offence continues, being \$60,000 for an individual and \$120,000 for a corporation.

**Regardless of this notice, any person who carries out any development or activity on land involving waste must ensure they comply with any planning requirements including obtaining any planning consent or approval and complying with any conditions attached to that consent or approval**

## Information about this notice

Waste is a very broad concept under the law and covers many types of materials you may not think of as waste; for example, it covers waste tyres, building and demolition materials and virgin excavated natural material.

Under the POEO Act, a waste facility includes any premises used for storage, treatment, processing, sorting or disposal of waste. For example, if you are planning to build a road or dam, or fill a gully, this could involve using your place as a waste facility.

Section 143 of the POEO Act makes it an offence to transport waste to a place that cannot lawfully be used as a waste facility for that waste. The notice above is the approved notice under section 143 (3A) of the POEO Act. If you sign this notice it may be used as a defence by a transporter if they are charged with unlawfully transporting or depositing waste on your land. It does not give you a defence to using your land as a waste facility without lawful authority.

If you sign this notice, you should give it to the transporter or display it at the waste facility. The transporter should keep the original and you should keep a copy.

If the landowner or occupier signing this notice is a company, the full name of the company and ACN should be used and the notice must be executed in accordance with the Corporations Law.

If you operate an unlicensed landfill site for business or commercial purposes you should contact the EPA to discuss reporting and operating requirements.

If you are not sure if you require an EPA licence you can ring the Environment Line on 131 555.

You are likely to need development consent to use your land as a waste facility. If you are not sure if you require development consent you should contact your local council.



**COPY: TO BE KEPT BY LANDOWNER AND KEPT FOR RECORDS**

**APPROVED NOTICE UNDER SECTION 143**

**PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997**

**WARNING: If you sign this notice it could be used as a defence by a transporter if they deposit waste on your land. It does not give you a defence. It is an offence to provide false or misleading information about waste (section 144AA)**

I (full name) .....

am the owner and/or occupier (delete if not applicable) of (insert street address and/or folio identification number of place):

.....  
.....

certify that this place can lawfully be used as a waste facility for the **waste(s) specified** in the following table.

(Note: you must clearly state the exact type. Do not use terms like 'fill' or 'clean fill'.)

**Table of specified wastes**

Type of waste e.g. virgin excavated natural material	Classification of waste e.g. general solid waste	Amount of waste e.g. 50 tonnes
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

**Before signing this notice you should read the back of this form for important information about offences.**

Signature .....	Signature .....
Name .....	Name .....
Position title (e.g. director, owner, occupier) .....	Position title (e.g. director, owner, occupier) .....
ACN .....	ACN .....
Date .....	Date .....

Note that only one signature is required if the person signing this notice is **not** signing on behalf of a company.