



Government Gazette

of the State of

New South Wales

Number 644–Environment

Friday, 17 December 2021

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website (www.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, see the Gazette page.

GENERAL BIOSECURITY DIRECTION

NSW Biosecurity Act 2015

I, Peter John McGrath

am an authorised officer under the *Biosecurity Act 2015* (**the Act**). In accordance with section 123 of the Act, I hereby give a general biosecurity direction (**the biosecurity direction**) to the following persons:

The unauthorized entry to the General Public to the entirety of Barren Box Storage and Wetland and its riparian areas.
 Lot 5 - DP 1156566, Lot 1 - DP 718984, Lot 2 - DP 788532, Lot 2 - DP 1086493, Lot 53 – DP 756062, Lot 19 – DP 756064, Lot 3 – DP 914688, Lot 2 – DP 1203459, Lot 4 – DP 1203459, Lot 1 – DP 1203459, Lot 39 – DP 756062, Lot 2 – DP 1203510, Lot 1 – DP 1156566, Lot 2 - DP 1156566, Lot 3 – DP 1156566, Lot 4 – DP 1156566, Lot 58 – DP 756062, Lot 55 – DP 1203523, Lot 1 – DP 1203510, Lot 3 - 1203459, Lot 3 – DP 1203510, Lot 4 – DP 1203510, Lot 1 – DP 433132, Lot 1 – DP 718984, Lot 1 – DP 346919, Lot 7300 – DP 1160543, Lot 1 – DP 184288, Lot 1 – DP 262942, Lot 2 – DP 718984

In accordance with section 126 of the Act, I reasonably believe that the biosecurity direction is necessary for the following purpose/s:

- To prevent, eliminate or minimise a biosecurity risk [s126(1)(a)]; and
- To prevent, manage or control a biosecurity impact that has occurred, is occurring or is likely to occur [s126(1)(b)];

The biosecurity direction specifically relates to the carrying out of an activity in connection with

To prevent, eliminate or minimize a biosecurity risk of Alligator Weed (*Alternanthera philoxeroides*) being carried away by a Person or Persons, Vehicles, Earth moving machinery, machinery, Vessels, Domestic animals or stock and the Biosecurity matter being carried away by water flow from Barren Box Swamp.

Directions

Section 126 of the Act authorises an authorised officer to give a biosecurity direction that prohibits, regulates, or controls the carrying out of an activity in connection with the biosecurity matter, carrier or potential carrier identified above. It is mandatory to comply with this biosecurity direction. Accordingly, this biosecurity direction:

1. Prohibit the entry of any unauthorized Person or Persons, Vehicles, Earth moving machinery, machinery, Vessels, Domestic animals or stock to all land known as the Barren Box Swamp.
2. To control unauthorized entry to Barren Box Swamp the managers will install Quarantine signs stating “the NSW Biosecurity act 2015, Alligator Weed control zone and the associated penalties for breaching a General Biosecurity Direction. Griffith City Council to be listed as the Local Control Authority and other pertinent information to the managers.

3. The managers and staff of Barren Box Swamp are Authorised persons and can Authorises persons to do activity's in accordance with the General Biosecurity Direction, these authorisation are to have a start and finish date and these persons are to have these authorizations with them and presented to Authorised Officers when asked, copies of these persons authorisation are to be sent to Griffith City Council the Local Control Authority
4. Clean down procedures must be put into place by the managers and adhered to. This is to prevent any Biosecurity matter being carried away by Vehicles, Earth moving machinery, Machinery, Vessels, Domestic animals or stock.
5. Any Domestic animals or stock on the site, must be reported to the Local Control Authority by the managers. All stock to remain in quarantine on site, until a full digestive cycle has been completed prior to moving off the site. This will prevent the possibility of Biosecurity matter being transported in feces.
6. Booms are to be erected by the managers, on the outflows of Barren Box swamp to prevent water flow carrying the Biosecurity matter away. A minimum of three (3) booms to be erected on the main outflow from the infestation site and also a single boom on each of the Wah Wah and Barren Box outfall channels. Regular monitoring shall take place by the managers to ensure the booms remain in place and functional to prevent any Biosecurity matter entering the neighboring Carrathool Shire council area.
7. Eradicate the Alligator weed (*Alternanthera philoxeroides*) or if that is not reasonably practicable destroy as much of the weed as is practicable and suppress the spread of any remaining weed.
8. The Local Control Authority Authorised Biosecurity Weeds Officers, shall have unfettered access to regulate and monitor the controls implemented and associated with this infestation and this Direction.

Commencement:

09/12/2021

Ends on:

09/12/2026

Definitions:

If applicable

Peter John McGrath

Authorised officers name

Authorised Biosecurity Weeds Officer

Role

Griffith City Council

Agency



Signature

09/12/2021

Date

Failure to comply with the conditions of the biosecurity direction could result in a penalty notice or prosecution. The maximum penalty for an individual is \$1,100,000. The maximum penalty for a corporation is \$2,200,000.

This information is collected by the collecting agency identified in this form in relation to its functions under the *Biosecurity Act 2015*. This agency/s and the NSW Department of Industry may use and disclose this information as reasonably necessary for the purpose of performing biosecurity risk functions under, or reasonably contemplated by, the *Biosecurity Act 2015*.

Guide to the General Biosecurity Direction

Information about the general biosecurity direction

This notice is issued under section 123 and section 126 of the *Biosecurity Act 2015* (the Act). It is an offence against the Act not to comply with this notice.

Commencement of the general biosecurity direction

This biosecurity direction operates from the date that is specified in the biosecurity direction.

Limitations of a general biosecurity direction

In accordance with section 136 of the Act, an authorised officer may only destroy or require the destruction of a thing if:

- the thing is, or is reasonably suspected of being, prohibited matter; or
- the thing is a pest; or
- the thing is or is reasonably suspected of being, infected or infested with, or harbouring biosecurity matter that poses a biosecurity risk and there are no other reasonably practical treatment measures that could eliminate or minimise the biosecurity risk posed by the biosecurity matter; or
- the destruction is expressly authorised or required by an emergency order, control order or biosecurity zone regulation.

In accordance with section 137 of the Act, an authorised officer must not, without the express authorisation in an emergency order, control order, or a biosecurity regulation:

- destroy or require the destruction of any living thing that is protected fauna or a protected native plant within the meaning of the *National Parks and Wildlife Act 1974*; or
- destroy or require the destruction of any living thing that is a threatened species within the meaning of the *Threatened Species and Conservation Act 1995*; or
- destroy or require the clearing of native vegetation within the meaning of the *Native Vegetation Act 2003*; or
- harm (within the meaning of the *Heritage Act 1977*) or require the harming to any building, work, relic, moveable object, or place the subject of an interim heritage order or listing on the State Heritage Register under that Act.

Entry to residential premises

Under section 99 of the Act, states that an authorised officer can only enter a residential premises with the permission of the occupier or the authority of a search warrant.

Detention or treatment of persons

Under section 134 of the Act, an authorised officer can not do any of the following in a biosecurity direction, except in the case of an emergency (s134):

- prohibit, regulate or control the movement of a person,
- require a person to undergo any treatment measures or require treatment measures to be carried out

in relation to a person. An authorised officer cannot require a person to provide samples of their blood, hair, saliva or any other body part or body fluid.

Requiring information

An authorised officer may require a person to furnish records or information or to answer questions. However, the common law privilege against self-incrimination entitles a person to refuse to furnish records or information or to answer questions where it would tend to incriminate that person (except where the authorised officer makes the requirement in the case of an emergency).

Penalty for not complying with the general biosecurity direction

The maximum penalty is:

- in the case of an individual—\$220,000 and, in the case of a continuing offence, a further penalty of \$55,000 for each day the offence continues, or
- in the case of a corporation—\$440,000 and, in the case of a continuing offence, a further penalty of \$110,000 for each day the offence continues.

The maximum penalty for an offence that is committed negligently is:

- in the case of an individual—\$1,100,000 and, in the case of a continuing offence, a further penalty of \$137,500 for each day the offence continues, or
- in the case of a corporation—\$2,200,000 and, in the case of a continuing offence, a further penalty of \$275,000 for each day the offence continues.

Continuing obligation

Under section 138 of the Act, a person is obliged to comply with the requirements of the biosecurity direction continues until the biosecurity direction is complied with, even if the due date for compliance has passed.

Appeals against the general biosecurity direction

No appeal can be laid against a decision to give a general biosecurity direction.

Variation of the general biosecurity direction

Under section 125 of the Act, the biosecurity direction may be varied or revoked by a subsequent biosecurity direction issued by the Secretary or authorised officer.

Contact

For all biosecurity matters please contact NSW Department of Primary Industries on 1800 808 095 or biosecurity@dpi.nsw.gov.au



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

The Enrich360 rapidly dehydrated food waste exemption 2021

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 rapidly dehydrated food waste produced by specified Enrich360 units from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of rapidly dehydrated food waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Enrich360 rapidly dehydrated food waste order 2021'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to rapidly dehydrated food waste processed in the specified Enrich360 units, which is, or is intended to be, applied to land as a soil amendment.
- 1.2. Rapidly dehydrated food waste means the dehydrated output from the mechanical mixing and heating of food waste produced by specified Enrich360 units.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, rapidly dehydrated food waste to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 10 December 2021 and is valid until 10 December 2023 unless revoked by the EPA by notice published in the Government Gazette at an earlier date.

4. Premises to which this exemption applies

- 4.1. This exemption applies to premises at which the consumer's actual or intended application of rapidly dehydrated food waste is carried out.

5. Exemption

- 5.1. 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 rapidly dehydrated food waste to land as a soil amendment 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.
- 5.2. The exemption does not apply in circumstances where rapidly dehydrated food waste 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.

6. Conditions of exemption

The exemption is subject to the following conditions:

General conditions

- 6.1. At the time the rapidly dehydrated food waste is received at the premises, the material must meet all chemical and other material requirements which are required on or before the supply of rapidly dehydrated food waste under 'the Enrich360 rapidly dehydrated food waste order 2021'.
- 6.2. The rapidly dehydrated food waste can only be applied to land as a soil amendment on agricultural land, home gardens and for the purposes of landscaping. Food crops, where the harvested parts touch or are below the surface of the land, must not be grown at the land application site for 90 days after each application of rapidly dehydrated food waste.
- 6.3. The rapidly dehydrated food waste must not be land applied at high public contact sites, such as childcare centres and children's playgrounds¹.
- 6.4. The rapidly dehydrated food waste must be incorporated into the topsoil at the time of application.
- 6.5. The rapidly dehydrated food waste can be used as an input material at the start of a composting process as defined in 'the Compost Order 2016'.
- 6.6. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.

Preventing leaching and exposure to vectors

- 6.7. The consumer must ensure that the rapidly dehydrated food waste is appropriately contained prior to land application and when applying it to land, such that leaching or runoff from rapidly dehydrated food waste is prevented.

¹The purpose of this condition is to avoid hand-to-mouth contact with soil in which rapidly dehydrated food waste has been applied, especially for children and other vulnerable members of the community.

- 6.8. The consumer must ensure minimal risk of exposure to and transfer of pathogenic materials from the site by vectors (animals, birds and insects).
- 6.9. The consumer must ensure that any application of rapidly dehydrated food waste to land occurs within a reasonable period of time after its receipt.

Livestock related

- 6.10. The consumer must not allow rapidly dehydrated food waste to be fed to or come into contact with pigs or ruminants in accordance with clauses 37 and 38 of the *Biosecurity Regulation 2017*.
- 6.11. The consumer must apply a livestock-withholding period of 90 days following the land application of rapidly dehydrated food waste.

Additional agricultural conditions

- 6.12. When used on agricultural land, the consumer must calculate application rates prior to the application of the rapidly dehydrated food waste to land. The application rates must be equal to or less than the rate for the most limiting factor.
- 6.13. Where rapidly dehydrated food waste is intended to be land applied within 4 weeks of any other exempted waste, an investigation to determine the suitability of the proposed application must be undertaken prior to the waste being received at the application site. A report must be prepared including, but not necessarily limited to, information detailing how the receiving site will benefit from multiple wastes being applied, how the matrices and constituents of the different wastes will interact, and what application rates will be appropriate to minimise the potential for environmental harm. The investigation should determine whether the land application will deliver a net benefit. Where a net benefit is not demonstrated the land application of rapidly dehydrated food waste must not proceed. A written record of the report must be kept for a minimum period of three years.
- 6.14. When used on agricultural land, the consumer must keep a written record of the following for a period of six years:
 - the quantity of any rapidly dehydrated food waste received; and
 - the name and address of the supplier of the rapidly dehydrated food waste received.

7. Definitions

In this exemption:

agricultural land means land where the current or future use is for the purposes of agriculture which includes horticulture, turf and any purpose of husbandry. This includes keeping or breeding livestock, poultry or bees, and growing fruit, vegetables, field crops or pastures.

animal waste means dead animals and animal parts and any mixture of dead animals and animal parts.

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, rapidly dehydrated food waste to land.

ruminant means an animal that has a rumen including, but not limited to, alpacas, camels, cattle, deer, goats and sheep as defined in Clause 3(1) Part 1 of the *Biosecurity Regulation 2017*.

food waste means food waste from the manufacture, preparation, sale or consumption of food but does not include grease trap waste or animal waste.

high public contact sites means land with a high potential for soil to mouth contact by the public, particularly children, including childcare centres and playgrounds.

Enrich360 unit means the units supplied by Enrich360 Pty Ltd. The Enrich360 unit is a fully automated, closed-circuit vessel that operates with agitation using internal propellers and minimum internal temperature of 84 degrees Celsius (achieved by way of a jacketed external oil chamber) for a minimum of 8 hours.

processor means a person who produces rapidly dehydrated food waste for supply to a consumer from the specified units in this exemption.



10/12/2021

Karen Marler

Director Environmental Solutions (Chemicals, Land and Radiation)

Regulatory Practice and Environmental Solutions Division

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

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.

Animal waste is defined as dead animals and animal parts and any mixture of these. Under the food waste definition in this exemption, it is intended that for example, meat waste from commercial kitchens and plate scrapings would be considered as food waste. However, animal carcasses or parts of animals from an animal slaughtering process are excluded.

Rapidly dehydrated food waste is a dehydrated material from the mechanical mixing and heating of food waste and is **not** the same as compost. Consumers should note that re-wetting of rapidly dehydrated food waste will encourage growth of organisms that may remain in a dormant state after the process is completed. The output itself will sustain the growth of organisms, including pathogenic organisms, which are introduced from the receiving environment. Rewetting will also commence the usual decomposition process that occurs with all organic waste and has the potential to generate offensive odours.

Note that food crop restrictions apply in this exemption to prevent the transmission of pathogenic organisms from the soil to food. Food crops that when harvested come into contact with the soil such as carrots, potatoes, lettuces and leafy herbs, must not be grown in soil where dehydrated food waste has been land applied for a period of less than 90 days after each application. However, the output material may be used for the growing of fruit or nut trees or vines at any time after land application but not where fallen produce is or may be collected off the ground within 90 days of application.

Rapidly dehydrated food waste may be acidic and contain high levels of sodium and other salts. The consumer should assess whether or not the rapidly dehydrated food waste is fit for the purpose for which it is proposed to be used, and whether this use will cause harm. The consumer may need to seek expert technical advice.

As rapidly dehydrated food waste is dry and may contain powdery particles, care should be taken to reduce dust during handling and application.

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 rapidly dehydrated food waste 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 when land applying this material, including, but not limited to the *Biosecurity Act 2015* and *Biosecurity Regulation 2017*.

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



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

The Enrich360 rapidly dehydrated food waste order 2021

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 processors of rapidly dehydrated food waste from specified Enrich360 units, to which 'The Enrich360 rapidly dehydrated food waste exemption 2021' applies. The requirements in this order apply to the supply of rapidly dehydrated food waste for application to land as a soil amendment.

1. Waste to which this order applies

- 1.1. This order applies to rapidly dehydrated food waste. In this order, rapidly dehydrated food waste means the dehydrated output from the mechanical mixing and heating of food waste by specified Enrich360 units.

2. Persons to whom this order applies

- 2.1. The requirements in this order apply, as relevant, to any person who supplies rapidly dehydrated food waste that has been generated, processed or recovered by the person.
- 2.2. This order does not apply to the supply of rapidly dehydrated food waste to a consumer for land application at a premises for which the consumer holds a licence under the *Protection of the Environment Operations Act 1997* (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 10 December 2021 and is valid until 10 December 2023 unless revoked by the EPA in writing at an earlier date.

4. Processor requirements

The EPA imposes the following requirements on any processor who supplies rapidly dehydrated food waste.

General conditions

- 4.1. On or before supplying rapidly dehydrated food waste, the processor must ensure that the rapidly dehydrated food waste:
 - 4.1.1. does not include grease trap waste or animal waste.
 - 4.1.2. does not contain any physical contaminants, including but not limited to glass,

metal, rigid or flexible plastics (including compostable plastics) or polystyrene.

- 4.1.3. is in a form and condition that is suitable for land application as a soil amendment.
- 4.1.4. has completed at least one full operational cycle by the specified Enrich360 unit.

Sampling requirements

- 4.2. On or before supplying rapidly dehydrated food waste, the processor must:
 - 4.2.1. Prepare a written sampling plan for the rapidly dehydrated food waste which includes a description of the input to the specific Enrich360 unit sampled, sample preparation, and storage procedures for the rapidly dehydrated food waste samples. The sampling plan must include the appropriate holding times for all tests including microbiological testing.
 - 4.2.2. Undertake sampling and testing of the rapidly dehydrated food waste as required under clause 4.3. The sampling must be carried out in accordance with the written sampling plan.
- 4.3. The processor must undertake characterisation of the rapidly dehydrated food waste by:
 - 4.3.1. collecting 10 samples and testing each sample for the chemicals and other attributes listed in Column 1 of Table 1. Each sample must be taken from a single batch that has not been previously sampled for the purposes of characterisation. A maximum of two samples must be collected per month. Characterisation must be conducted on the rapidly dehydrated food waste within 12 months following the commencement of the process¹; or
 - 4.3.2. an alternative sampling and testing program that is approved by the EPA.

Chemical and other material requirements

- 4.4. The processor must not supply rapidly dehydrated food waste to any person if, in relation to any of the chemical and other attributes of the rapidly dehydrated food waste:
 - 4.4.1. The concentration or other value of that attribute of any sample collected and tested as part of the characterisation of the rapidly dehydrated food waste exceeds the absolute maximum concentration or other value listed in Column 2 of Table 1.
- 4.5. The absolute maximum concentration or other value of that attribute in any rapidly dehydrated food waste supplied under this order must not exceed the absolute maximum concentration or other value listed in Column 2 of Table 1.

¹ Processors should note that further testing will be required after the first year. Further testing will be determined on the review of the results from the first year.

Table 1

Column 1	Column 2
Chemical and other attributes²	Absolute maximum concentration¹ (% 'dry weight' unless otherwise specified)
1. <i>Salmonella</i> spp.	Absent in 25 grams
2. <i>Escherichia coli</i> (<i>E. coli</i>)	Absent at limit of detection (Most probable number per gram)
3. <i>Clostridium perfringens</i>	Absent at limit of detection (colony forming units per gram)
4. <i>Bacillus cereus</i>	Absent at limit of detection (colony forming units per gram)
5. Particle size >9.5 mm	0 % mass
6. Electrical conductivity	N/A ³
7. Sodium mg/kg	N/A ³
8. Moisture content percentage	10%
9. pH	N/A ³

¹Processors should note that holding times for some of these tests are short and processors should check with the laboratories before sampling. For example, some microorganism samples must be analysed within 24 hours of collection.

²Take discreet samples for tests 1, 2, 3, and 4. Take composite samples for tests 5, 6, 7, 8 and 9.

³ While limits are not included for 6, 7 and 9, these must be tested in each sample and records kept of the results.

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 chemical and other attributes (listed in Column 1 of Table 1) in the rapidly dehydrated food waste supplied are tested in accordance with the test methods specified below. Where an equivalent analytical method is used the detection limit must be equal to or less than the detection limit for the method given below.
- 4.7.1. Test method for the detection of *Salmonella*:
- 4.7.1.1. Australian Standard 5013.10-2009 Food microbiology - Microbiology of food and animal feeding stuffs - Horizontal method for the detection of *Salmonella* spp., or an equivalent analytical method.
- 4.7.1.2. Report as absent or present in 25 grams.
- 4.7.2. Test method for *E. coli*:
- 4.7.2.1. Australian Standard AS5013.15-2006 Food microbiology - Microbiology of food and animal feeding stuffs - Horizontal method for the detection and enumeration of presumptive. *Escherichia coli* - Most probable number (MPN) technique, or an equivalent analytical method.
- 4.7.2.2. Report as MPN / g.
- 4.7.3. Test method for *Clostridium perfringens*:
- 4.7.3.1. Australian Standard AS 5013.16-2006 Food microbiology – Microbiology of food and animal feeding stuffs - Horizontal method for the enumeration of *Clostridium perfringens* —Colony-count technique – colony forming units (CFU) technique, or an equivalent analytical method.
- 4.7.3.2. Report as CFU / g.

- 4.7.4. Test method for *Bacillus cereus*:
- 4.7.4.1. Australian Standard AS 5013.2-2007 Food microbiology - Microbiology of food and animal feeding stuffs - Horizontal method for the enumeration of *Bacillus cereus* - Colony-count technique at 30C - colony forming units (CFU) technique, or an equivalent analytical method.
- 4.7.4.2. Report as CFU / g.
- 4.7.5. Test method for measuring maximum particle size:
- 4.7.5.1. Analysis using Australian Standard AS4454-2012 Composts, soil conditioners and mulches, Appendix G – Method for Determination of Particle Size Grading.
- 4.7.5.2. Results must be reported as % by mass retained on a sieve with 9.5 mm apertures.
- 4.7.5.3. The entire sample must pass through the sieve.
- 4.7.6. Test method for electrical conductivity:
- 4.7.6.1. Analysis using Method 3A1 Electrical Conductivity (EC) of 1:5 soil/water extract from SOIL CHEMICAL METHODS – Australasia, Rayment and Lyons 2011.
- 4.7.6.2. Report in dS/m on an air-dry basis.
- 4.7.7. Test method for sodium:
- 4.7.7.1. Sample preparation using USEPA SW-846 Method 3050B Acid digestion of sediments, sludges, and soils.
- 4.7.7.2. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma – optical emission spectrometry.
- 4.7.7.3. Report as mg/kg.
- 4.7.8. Test method for moisture content:
- 4.7.8.1. Analysis using method Method 2A1 Air dry moisture content from SOIL CHEMICAL METHODS – Australasia, Rayment and Lyons 2011.
- 4.7.8.2. Report as %.
- 4.7.9. Test method for pH:
- 4.7.9.1. Prepare sample by mixing one part of rapidly dehydrated food waste with 5 parts of water using analysis method 4A1 pH of 1:5 soil/water suspension from SOIL CHEMICAL METHODS – Australasia, Rayment and Lyons 2011, or an equivalent analytical method.
- 4.7.9.2. Report as pH on an air-dry basis.

Notification

- 4.8. On or before each transaction, the processor must provide the following to each person to whom the processor supplies the rapidly dehydrated food waste:
- a written statement of compliance certifying that all the requirements set out in this order have been met;
 - a copy of “the Enrich360 rapidly dehydrated food waste exemption 2021”, or a link to the EPA website where the exemption can be found; and
 - a copy of “the Enrich360 rapidly dehydrated food waste order 2021”.

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 4.2.1;
 - all test results in relation to the rapidly dehydrated food wastes supplied;

- the quantity of any rapidly dehydrated food waste supplied; and
 - the name and address of each person to whom the processor supplied the rapidly dehydrated food waste.
- 4.10. The processor must notify the EPA within seven days of becoming aware that it has not complied with any requirement in clauses 4.1- 4.5.

5. Definitions

In this order:

animal waste means dead animals and animal parts and any mixture of dead animals and animal parts².

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land;
- 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, rapidly dehydrated food waste to land.

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

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

food waste means food waste from the manufacture, preparation, sale or consumption of food but does not include grease trap waste or animal waste.

grease trap waste means any grease, oils, solids, water or other matter resulting only from the preparation or manufacturing of food that is collected in a grease trap in the usual course of the operation of the grease trap. This definition includes dissolved air flotation (DAF) units used to treat grease trap waste, but does not include grease trap waste collected from grease traps in hospitals and shopping centres other than those solely from the preparation of food.

Enrich360 unit means the units supplied by Enrich360 Pty Ltd. The Enrich360 unit is a fully automated, closed-circuit vessel that operates with agitation using internal propellers and minimum internal temperature of 84 degrees Celsius (achieved by way of a jacketed external oil chamber) for a minimum of 8 hours.

processor means a person who processes rapidly dehydrated food wastes for supply to a consumer.

transaction means:

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



10/12/2021

Karen Marler

Director Environmental Solutions (Chemicals, Land and Radiation)

Regulatory Practice and Environmental Solutions Division

² see Notes section for guidance

Notes

The EPA may amend or revoke this order at any time. It is the responsibility of the processor to ensure it complies with all relevant requirements of the most current order.

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.

While this order requires that the rapidly dehydrated food waste must not contain physical contaminants including but not limited to glass, metal, rigid and flexible plastics (whether compostable or not) or polystyrene, the EPA recognises that the rapidly dehydrated food waste may contain extremely low or incidental amounts of physical contaminants. The processor must implement procedures to prevent the presence of physical contaminants in the rapidly dehydrated food waste. These procedures must be formally documented and their implementation demonstrated. However, as noted in this order, the rapidly dehydrated food waste must not contain any grease trap waste or animal waste.

Animal waste is defined as dead animals and animal parts and any mixture of these. Under the food waste definition in this order, it is intended that for example, meat waste from commercial kitchens and plate scrapings would be considered as food waste. However, animal carcasses or parts of animals from an animal slaughtering process are excluded.

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 rapidly dehydrated food waste 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, but not limited to the *Biosecurity Act 2015* and *Biosecurity Regulation 2017*.

Failure to comply with the conditions of this order constitutes an offence under clause 93 of the Waste Regulation.

Declaration of significantly contaminated land



Section 11 of the *Contaminated Land Management Act 1997*

Declaration No. 20211102; Area No. 3479

The Environment Protection Authority (EPA) declares the following land to be significantly contaminated land under s 11 of the *Contaminated Land Management Act 1997* (Act).

Land to which this Declaration applies

1. This declaration applies to significantly contaminated land described as 132 Liverpool Road, Ashfield NSW 2131, within the Inner West Council (the Land). The Land is described as Lots 1 of Deposited Plan (DP) 930674, 930675 & 931857, and Lot 2 of DP931857. (Land).
2. A map of the Land is attached to this Declaration.

Significant Contaminants affecting the Land

3. The EPA has reason to believe that the Land is contaminated with the following substances (Significant Contaminants) in such a way as to warrant regulation as significantly contaminated land under the Act:
 - (i) Petroleum Hydrocarbons

Nature of harm caused, or that may be caused, by the Significant Contaminants

4. The EPA has reason to believe harm has been caused, or may be caused, by the Significant Contaminants, including:
 - (i) Petroleum hydrocarbons have impacted soil and groundwater beneath the Land as a result of loss of fuel from the service station operations.
 - (ii) The contamination includes the presence of light non-aqueous phased liquid (LNAPL) which has the potential to act as an ongoing secondary source of groundwater contamination.
 - (iii) Potential harm may be caused by the off-site migration of the contamination to human health or the environment.

Matters considered before declaring the Land to be significantly contaminated land

5. Before making this Declaration, the EPA has taken into account relevant guidelines and each of the matters listed in s 12(1) of the Act with respect to the Significant Contaminants that the EPA believes cause the Land to be contaminated.
6. The EPA believes that the Land is contaminated, and that the contamination is significant enough to warrant regulation under the Act for the following reasons.
 - (a) The concentration of groundwater contamination at monitoring wells nearby the site boundary shows an increasing trend of petroleum hydrocarbon
 - (b) There is the potential for offsite migration to the south of the site which could impact on off-site receptors, including service lines.

Further action to carry out voluntary management under the Act

7. The making of this Declaration does not prevent the carrying out of voluntary management of the Land by any person. Any person may submit a voluntary management proposal for the Land to the EPA.

Submissions invited

8. Any person may make a written submission to the EPA on:
 - whether the EPA should issue a management order in relation to the Land; or
 - any other matter concerning the Land.

9. Submissions should be made in writing and sent to:

Email RegOps.MetroRegulation@epa.nsw.gov.au

or

Post Director Regulatory Operations Metro South
NSW Environment Protection Authority
Locked Bag 5022
PARRAMATTA NSW 2124

10. Submissions should be made by no later than **5:00pm on 14 January 2021**.

11. Information on contaminated land management can be found on the EPA's website at:
www.epa.nsw.gov.au/your-environment/contaminated-land



JACINTA HANEMANN
Director Regulatory Operations
(by delegation)

Date of this Declaration: 15 December 2021

Further information about this Declaration

Management Order may follow

If management of the Land or part of the Land is required, the EPA may issue a Management Order under s 14 of the Act.

Amendment or Repeal

This declaration may be amended or repealed. It remains in force until it is otherwise amended or repealed. The subsequent declaration must state the reasons for the amendment or repeal (s 44 of the Act).

Information recorded by the EPA

Section 58 of the Act requires the EPA to maintain a public record. A copy of this significantly contaminated land declaration will be included in the public record and is available for access at the principal office of the EPA and on the EPA's website.

Information recorded by Councils

Section 59(a) of the Act requires the EPA to inform the relevant local Council as soon as practicable of this Declaration. Pursuant to s 59(2)(a) of the Act, land being declared to be significantly contaminated land is a prescribed matter to be specified in a planning certificate issued pursuant to s 10.7 of the *Environmental Planning and Assessment Act 1979*. The EPA is also required to inform the relevant Council as soon as practicable when the declaration is no longer in force. Pursuant to s 59(3) of the *Contaminated Land Management Act 1997*, if a Council includes advice in a planning certificate regarding a declaration of significantly contaminated land that is no longer in force, the Council is to make it clear on the planning certificate that the declaration no longer applies.

Relationship to other regulatory instruments

This Declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

The Land to which this Declaration applies is shown shaded and bounded in blue, and identified 132 Liverpool Road, Ashfield NSW 2131. The Land is described as Lots 1 of Deposited Plan (DP) 930674, 930675 & 931857, and Lot 2 of DP931857. The original image was sourced from nearmap.



NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A NATIONAL PARK

I, the Honourable Margaret Beazley AC QC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below as part of **Everlasting Swamp National Park**, under the provisions of Section 30A(1)(a) of the *National Parks and Wildlife Act 1974*.

Dated this 15th day of December 2021.

MARGARET BEAZLEY
Governor,
By Her Excellency's Command,

MATTHEW KEAN
Minister for Energy and Environment.

Schedule

Land District – Grafton LGA – Clarence Valley

County of Clarence, Parish of Southgate, about 186.69 hectares, being Lot 1 DP1259385, Lot 7001 DP92577, Lot 355 DP751386, and the council public road and Crown road; as shown by red hatching in the diagram below.

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A STATE CONSERVATION AREA

I, the Honourable Margaret Beazley AC QC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below as part of **Parr State Conservation Area**, under the provisions of Section 30A(1)(c) of the *National Parks and Wildlife Act 1974*.

Dated this 15th day of December 2021.

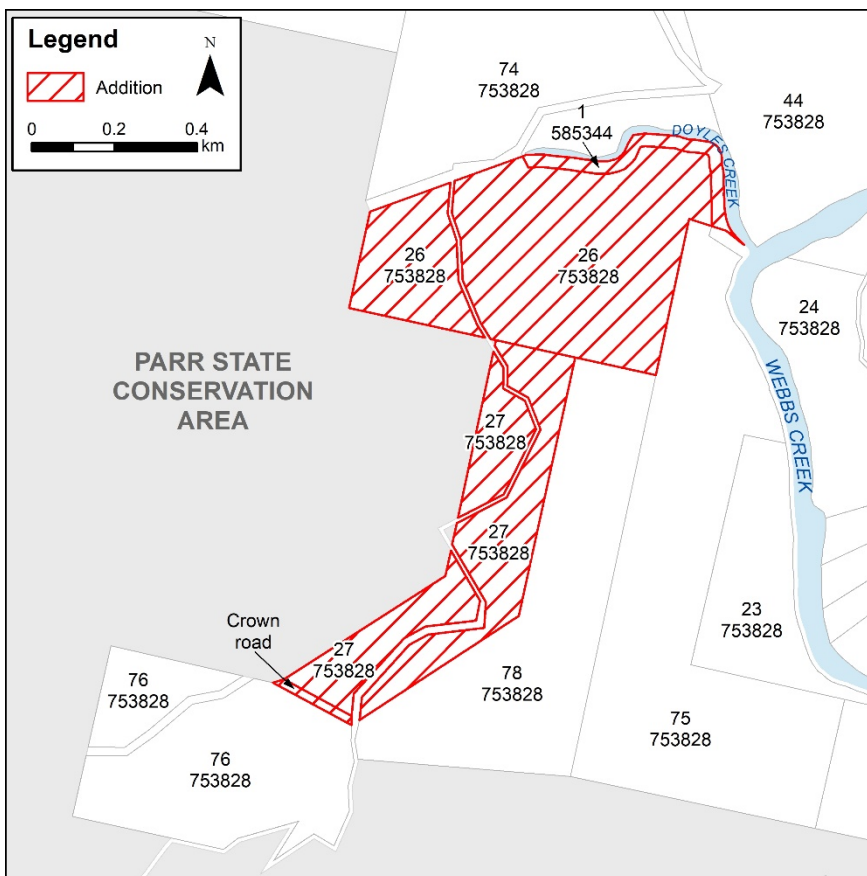
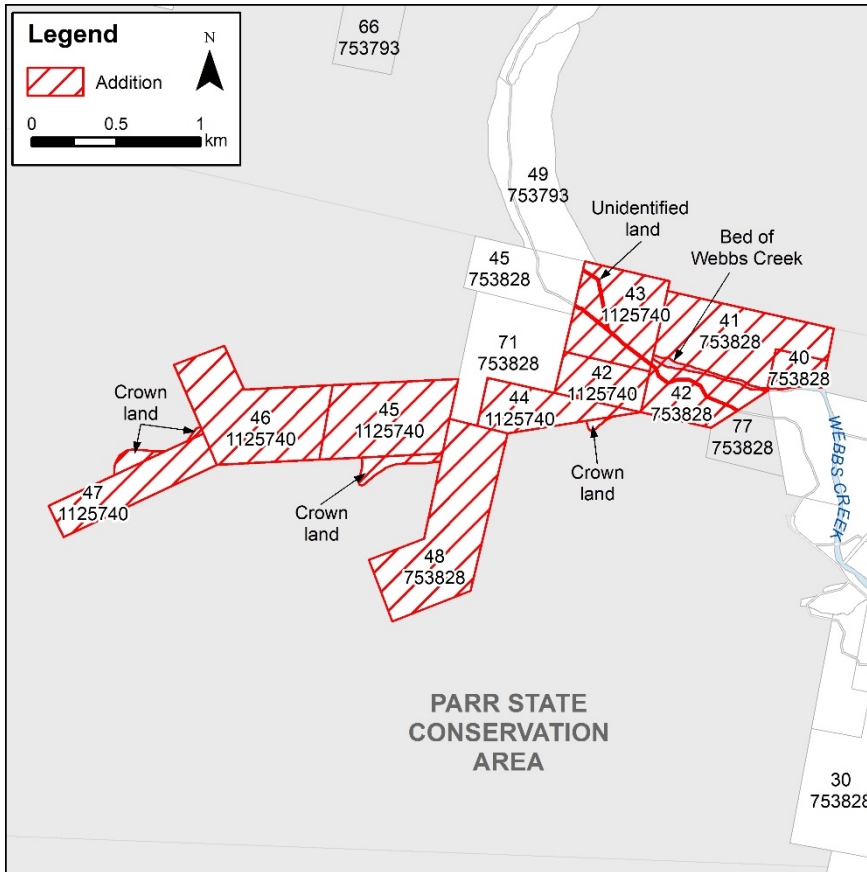
MARGARET BEAZLEY
Governor,
By Her Excellency's Command,

MATTHEW KEAN
Minister for Energy and Environment.

Schedule

Land District – Windsor LGA – Hawkesbury

County of Hunter, Parish of Wonga, about 310.43 hectares, being Lots 42, 43, 44, 45, 46 and 47 DP1125740, Lots 40, 41, 42 and 48 DP753828, Lot 1 DP585344, Lots 26 and 27 DP753828, unidentified land within Lot 43 DP1125740, the bed of Webbs Creek within Lot 41 DP753828, Crown road separating Lots 27 and 76 DP753828 and unidentified Crown land separating the aforementioned land from Parr State Conservation Area; as shown by red hatching in the diagrams below.



Papers NPWS/EF14/7184, EF15/10257

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A NATURE RESERVE

I, the Honourable Margaret Beazley AC QC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below under the provisions of Section 30A(1)(f) of the *National Parks and Wildlife Act 1974* and under Section 30A(2) assign the name **Yarri Barri Nature Reserve**.

Dated this 15th day of December 2021.

MARGARET BEAZLEY
Governor,
By Her Excellency's Command,

MATTHEW KEAN
Minister for Energy and Environment.

Schedule

Land District – Kempsey LGA – Kempsey

County of Macquarie, Parish of Palmerston, about 475.39 hectares, being Lot 1 DP196559 and Lot 7312 DP1144590.

Papers NPWS/EF19/21813, EF19/30759

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A STATE CONSERVATION AREA

I, the Honourable Margaret Beazley AC QC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below as part of **Gurranang State Conservation Area**, under the provisions of Section 30A(1)(c) of the *National Parks and Wildlife Act 1974*.

Dated this 15th day of December 2021.

MARGARET BEAZLEY
Governor,
By Her Excellency's Command,

MATTHEW KEAN
Minister for Energy and Environment.

Schedule

Land District – Grafton LGA – Clarence Valley

County of Clarence, Parish of Stuart, 0.24 hectares, being Lot 1 & 2 Section 4 DP758495.

Papers NPWS/EF16/14026

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A NATURE RESERVE

I, the Honourable Margaret Beazley AC QC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below as part of **Eusdale Nature Reserve**, under the provisions of Section 30A(1)(f) of the *National Parks and Wildlife Act 1974*.

Dated this 15th day of December 2021.

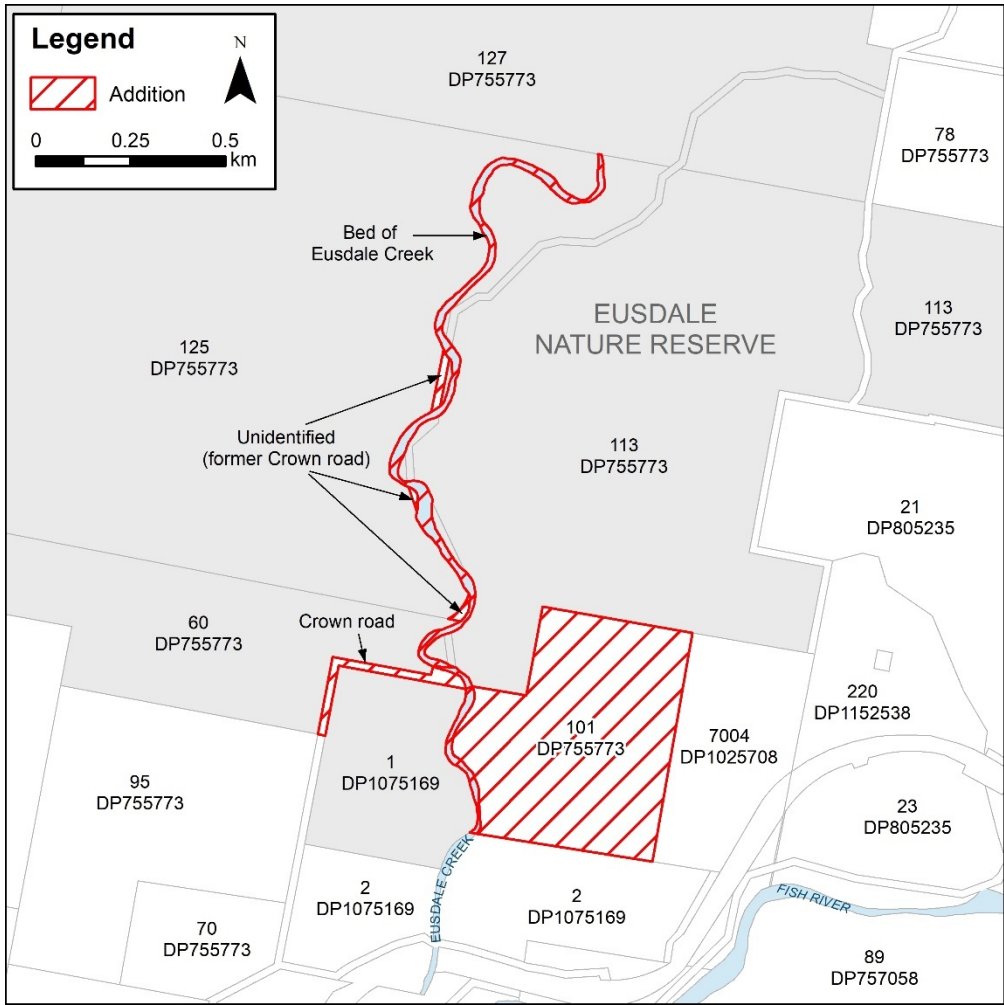
MARGARET BEAZLEY
Governor,
By Her Excellency's Command,

MATTHEW KEAN
Minister for Energy and Environment.

Schedule

Land District – Bathurst LGA – Bathurst Regional

County of Roxburgh, Parish of Eusdale, about 36.38 hectares, being Lot 101 DP755773 and that part of the bed of Eusdale Creek, Crown road and unidentified land; as shown by red hatching in the diagram below.



Papers NPWS/EF16/11106, EF20/28637, EF17/3097

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A NATIONAL PARK

I, the Honourable Margaret Beazley AC QC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below as part of **Tapin Tops National Park**, under the provisions of Section 30A(1)(a) of the *National Parks and Wildlife Act 1974*.

Dated this 15th day of December 2021.

MARGARET BEAZLEY
Governor,
By Her Excellency's Command,

MATTHEW KEAN
Minister for Energy and Environment.

Schedule

Land District – Taree LGA – Mid Coast

County of Macquarie, Parish of Rowley, about 272.18 hectares, being Lot 72 DP754447 and that part of the bed of Kerriki Creek separating Lot 72 DP754447 from Tapin Tops National Park.

Papers NPWS/EF19/12114.