



# *Government Gazette*

of the State of

New South Wales

**Number 161–Environment**

**Monday, 19 April 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](http://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.

# PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

## Order granting exemption under section 284

### Background

- (a) The *Protection of the Environment Operations Act 1997* (**POEO Act**) and the *Protection of the Environment Operations (Waste) Regulation 2014* (**Waste Regulation**) contain provisions regulating the clearing, transportation, receipt, storage, disposal and application to land of soil containing naturally occurring asbestos (**asbestos waste**).
- (b) The EPA has considered an exemption under section 284 of the POEO Act from provisions of that Act and the Waste Regulation in respect of landslip-generated asbestos waste located on and adjacent to the Oxley Highway between Coombes Gap and where Ralfes Creek crosses the Oxley Highway (**landslip waste**) resulting from the March 2021 storms and floods in New South Wales. The landslip waste is preventing vehicles from using the Oxley Highway in that area.
- (c) The EPA is satisfied that the March 2021 storms and floods in New South Wales are an emergency and that it may grant an exemption under section 284 of the POEO Act.
- (d) The purpose of this Order is to exempt Transport for NSW (**TfNSW**) and the Skinny Ridge Quarry owner and occupier from relevant provisions of the POEO Act and Waste Regulation to enable the clearing of landslip waste and its transportation to, and its receipt, storage, disposal and application to land at, the Skinny Ridge Quarry adjacent to the Oxley Highway between Plum Tree Hill Trig Road and Tobins Road (**quarry**) and to enable the transportation of virgin excavated natural material (**VENM**), sand and geotextile cover to, and its receipt, storage and application to land at, the quarry to meet the conditions of this Order (**the Operations**).
- (e) In this Order, any reference to TfNSW and the owner and occupier of the quarry includes any of their members of staff and any person employed or engaged by them for the purposes of carrying out the Operations.

### Order

By this Order, the Environment Protection Authority, in circumstances of an emergency, being the March 2021 storms and floods in New South Wales, grants exemptions to TfNSW and the owner and occupier of the quarry from compliance with sections 48, 142A, 143, 144, 144AAA, 144AAB of the POEO Act and clauses 78, 80(2)-(4), 109(4) and 110 of the Waste Regulation in respect of the Operations and any pollution of waters and land arising from the Operations.

### Conditions

This exemption is granted under section 284 of the POEO Act subject to the following conditions:

1. TfNSW is to carry a copy of this Order in any vehicle used to transport the landslip waste from the landslip areas, and the transport of VENM, sand and geotextile cover from off site, to the quarry.
2. TfNSW must take all necessary actions to manage and prevent dust during transport and loading and unloading operations.
3. TfNSW must take all necessary actions to manage and prevent dust at the quarry. This

may include ensuring that there is a water cart located at the quarry during the Operation in order to spray the landslip waste as it is unloaded from the transporting vehicle so as to minimise dust generated from the landslip waste.

4. TfNSW must:
  - a. keep the quarry boundaries signposted throughout the Operations to advise people of the presence of asbestos, and
  - b. at, or within 7 days of, the completion of the Operations signpost the site advising of the presence of asbestos.
5. TfNSW is to ensure that an Erosion and Sediment Control Plan (**E&SCP**), and a strategy for monitoring water quality, are prepared by a suitably qualified expert, prior to commencement of the Operations and implemented during the Operations in order to apply all reasonable and feasible controls in accordance with the “Blue Book” guidelines (Managing Urban Stormwater: Soils and Construction Volume 1 4th edition (Landcom 2004) and Volume 2B Waste Landfills (DECC, 2008) and Volume 2D, Main Road Construction (DECC, 2008).
6. TfNSW is to line the quarry floor that is to hold the landslip waste with geotextile fabric (liner) to separate the landslip waste from the quarry floor and place 100 millimetres of sand or VENM on top of that liner in order to protect the liner from movement and damage during the Operations.
7. TfNSW is to ensure that the landslip waste is placed in the quarry in accordance with each of the following requirements except where it is not physically practicable or not practicable for TfNSW to comply because the landslip waste is too wet:
  - a. The landslip waste must be covered with geotextile initially on placement in the quarry.
  - b. The quarry is to be filled progressively with landslip waste in strips.
  - c. As each strip is completed, a cover of 1 metre of VENM must be applied over that strip before the next strip is commenced.
  - d. Any strip that is not completed by the end of the day is to be covered with geotextile fabric overnight, until the strip is completed.
8. A final cover of 1 metre of VENM must be placed over all emplaced landslip waste beneath the final land surface of the quarry site, in addition to any other requirement in this Order to cover any landslip waste with VENM.
9. TfNSW must undertake a survey of the quarry before and after the completion of the Operations and provide the EPA, within 30 days of completion of the Operations, with a record which sets out the total volume of landslip waste, VENM, sand and geotextile cover emplaced during the Operation. The record is to be provided by email to the EPA at [EPA.Westopsregional@epa.nsw.gov.au](mailto:EPA.Westopsregional@epa.nsw.gov.au).
10. TfNSW is to provide the EPA, within 90 days of completion of the Operations, with a record which sets out the actions undertaken as part of the Operations and in accordance with this Order. The record is to be provided by email to the EPA at [EPA.Westopsregional@epa.nsw.gov.au](mailto:EPA.Westopsregional@epa.nsw.gov.au).

## **Duration of Exemption**

This Order takes effect from the date the Order is made and ceases to have effect on 30 December 2021 unless otherwise varied, revoked or renewed under section 284(4) of the POEO Act.



**Tracy Mackey**

**Chief Executive Officer**

**Environment Protection Authority**

**(by delegation)**

Date: **10.4.21**