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PESTICIDE USE NOTIFICATION PLAN

1 INTRODUCTION

This pesticide use notification plan has been prepared in accordance with the requirements of the Pesticides Regulation 2017 (the Regulation).

The aim of this plan is to meet the community's general right to know about pesticide applications made to outdoor public places owned or controlled by public authorities. The plan allows members of the community to take action to avoid potential contact with pesticides, if they wish. The council ensures that pesticides are applied to public places in a safe, responsible manner, minimising harm to the community or the environment. The plan sets out how the council will notify members of the community of pesticide applications made by the council to public places. The plan describes:

- what public places are covered by the plan
- who regularly uses these public places, and an estimate of the level of use
- how and when the council will provide the community with information about its pesticide applications in public places (that is, what notification arrangements will be used)
- how the community can access this plan and get more information about the council's notification arrangements
- how future reviews of the plan will be conducted
- contact details for anyone wishing to discuss this plan with the council.

This plan forms a component of the council's integrated pest management policy. This policy states that the council only uses pesticides in public places when necessary to eliminate noxious weeds, to protect public property from pest damage, and to protect users of public places from nuisance or danger. The majority of pesticide use consists of applying herbicides for weed control and applying insecticides to manage certain insect pests. Frequency of programmed applications range from 6–8 times per year for sports fields, 2–5 times per year for parks and gardens, and twice yearly for public thoroughfares. Bait insecticides are used for termite and ant control to protect structures and public safety, wherever this is considered an effective solution. Other pesticides used include fungicides, rodenticides, bird baits and

Pesticides Notification Plan

Reviewed by Skye Phelps 14th October 2024

large vertebrate baits. Further information on the council's pesticide use can be obtained by calling the Regulatory (Weeds) Officer on 6830 5100 or by visiting the website www.brewarrina.nsw.gov.au.

2 PUBLIC PLACES COVERED BY THIS PLAN

Brewarrina Shire Council proposes to use or allow the use of pesticides in the following categories of outdoor public places that it owns or controls within the Brewarrina Shire Council area:

Public land owned or controlled by the Brewarrina Shire Council, including

- Public park and garden areas
- Sporting fields and ovals
- Road and laneway verges
- Pathways
- Reserves
- Drains and other easements
- Showground
- Dog pound
- Swimming pool
- Cemetery
- Kerb and gutters
- Sale yards
- Aerodrome
- Water filtration plant
- Waste Water (Sewerage) Treatment Plant
- Works Depot

Brewarrina Shire Council's estimate of the level of community use, regular user groups and types of pesticide use in each of these categories of public places are summarised in the following tables.

<u>Public places</u>	<u>Regular user groups</u>	<u>Level of use of public place</u>	<u>Type of pesticide use</u>
Public park and garden areas	<ul style="list-style-type: none"> • Council staff • Children • Families • Elderly people • Recreational users (joggers etc) • Groups (Friends of Parks) • Contractors • Education and Tour Groups • Maintenance staff 	Med to high	<ul style="list-style-type: none"> • Spot spray herbicides • Spot spray insecticides • Broadscale spraying herbicides • Broadscale spraying insecticides • Spot spraying fungicides
Sporting fields and ovals	<ul style="list-style-type: none"> • Council staff • Sport clubs and associations • School groups • General public • Spectators • Maintenance staff 	Low to med	<ul style="list-style-type: none"> • Spot spray herbicides • Spot spray insecticides • Broadscale spraying herbicides • Broadscale spraying insecticides • Cut n paint herbicides
Road and laneway verges	<ul style="list-style-type: none"> • Council staff • Adjoining landholders and residents • Walkers and joggers • Maintenance staff 	Low to high	<ul style="list-style-type: none"> • Spot spray herbicides • Spot spray insecticides • Broadscale spraying herbicides • Broadscale spraying insecticides
Pathways	<ul style="list-style-type: none"> • Council staff • Residents • Joggers • Visitors • Maintenance staff 	Low to high	<ul style="list-style-type: none"> • Spot spray herbicides • Spot spray insecticides
Reserves	<ul style="list-style-type: none"> • Council staff • Family groups • Walkers & joggers • Picnic groups • Maintenance staff • Fishermen 	Low to med	<ul style="list-style-type: none"> • Spot spray herbicides • Spot spray insecticides • Cut n paint herbicides
Drains and easements	<ul style="list-style-type: none"> • Council staff • Maintenance staff • Local residents 	Low	<ul style="list-style-type: none"> • Spot spray herbicides • Spot spray insecticides
Dog Pound	<ul style="list-style-type: none"> • Council staff • Maintenance staff • Visitors 	Low	<ul style="list-style-type: none"> • Spot spray herbicides • Spot spray insecticides
Showground	<ul style="list-style-type: none"> • Council staff • Sporting clubs • Families • Animals • Maintenance staff 	Low to med	<ul style="list-style-type: none"> • Spot spray herbicides • Spot spray insecticides • Boom spray herbicides

Pesticides Notification Plan
Reviewed by Skye Phelps 14th October 2024

Swimming pools	<ul style="list-style-type: none"> • Council staff • Families • School groups • Visitors/tourists • Maintenance staff 	Low to high	<ul style="list-style-type: none"> • Spot spray herbicides • Spot spray insecticides • Boom spray herbicides
Cemetery	<ul style="list-style-type: none"> • Council staff • Visitors • Maintenance staff 	Low to med	<ul style="list-style-type: none"> • Spot spray herbicides • Spot spray insecticides • Broadscale spraying herbicides
Saleyards	<ul style="list-style-type: none"> • Council staff • Animals • Farmers • Stock and Station Agents • Truck Drivers • Maintenance staff 	Low to med	<ul style="list-style-type: none"> • Spot spray herbicides • Broadscale spraying herbicides
Aerodrome	<ul style="list-style-type: none"> • Council staff • Pilots • Passengers • Maintenance staff 	Low to med	<ul style="list-style-type: none"> • Spot spray herbicides • Boom spraying herbicides
Water Filtration Plant	<ul style="list-style-type: none"> • Council staff • Maintenance staff • Company representatives 	Low	<ul style="list-style-type: none"> • Spot spray herbicides
Waste Water (Sewerage) Treatment Plant	<ul style="list-style-type: none"> • Council staff • Maintenance staff 	Low	<ul style="list-style-type: none"> • Spot spray herbicide • Spot spray insecticides
Works Depot	<ul style="list-style-type: none"> • Council staff • Maintenance staff • Delivery persons • Company representatives 	Low	<ul style="list-style-type: none"> • Spot spraying herbicide • Spot spraying insecticide

3 NOTIFICATION ARRANGEMENTS

This section of the plan describes how and when Brewarrina Shire Council will provide notice of pesticide use in public places, including special measures for sensitive areas that are adjacent to public places, arrangements for emergency pesticide applications and circumstances where notice will not be given.

These notification requirements are based on Brewarrina Shire Council's assessment of:

- The level of usage of public places where pesticides may be used
- The extent to which members of the public who are most likely to be sensitive to pesticides are likely to use these areas
- The extent to which activities generally undertaken in these areas could lead to some contact with pesticides
- Type of pesticides used

Notice of pesticide use will be provided by a combination of:

- signs
- information on council's website (which will describe programmed, reactive and emergency pesticide use in public places) and will be publicised in rate notices
- letters
- fax and email
- letterbox drops
- door knocking
- phone contact.
- social media (Facebook and Instagram)

Council will ensure that notice will be given as detailed in "**8 WHAT INFORMATION WILL BE PROVIDED**" part of this plan.

The council uses small quantities of some pesticides widely available in retail outlets and ordinarily used for domestic purposes (including home gardening). The council does not intend to provide notice for such pesticide applications, other than by way of this description in this plan (or general information on council's website). This will apply to minor control of indoor and outdoor insect pests using baits or aerosol spray cans, and spot weed control using a wand or hand-held spray bottle.

4 HOW AND WHEN NOTICE OF PESTICIDE USE WILL BE PROVIDED

A Pesticide Application Notice will be printed in local media outlining Council's spraying program.

Notification will be as follows:

Public parks & garden areas

For public parks and garden areas, no notice will be provided unless specifically requested. Staff and/ or contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide. Application of pesticides includes:

- Spot spray herbicide (garden beds, gravel paths, broadleaf weeds etc)
- Spot spray insecticide (Fruit Fly, European Wasps etc)
- Apply fungicide (applied to plants and tubers etc)
- Broadscale herbicide (broadleaf weeds etc)
- Broadscale insecticide (turf eating insects like African Black Beetle etc)
- Cut n paint herbicide (direct application)

Sport fields and ovals

For sports fields and ovals, no notice will be provided unless specifically requested. Staff and/ or contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide. Application of pesticides includes:

- Spot spray herbicide (garden beds, gravel paths, broadleaf weeds etc)
- Spot spray insecticide (Fruit Fly, European Wasps etc)
- Apply fungicide (applied to turf areas etc)
- Broadscale herbicide (broadleaf weeds etc)
- Broadscale insecticide (turf eating insects like African Black Beetle etc).

Road and laneway verges

For road verges and reserves, no notice will be provided unless specifically requested. Staff and/ or contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide. Areas adjacent to sensitive areas such as outside schools, preschools, hospitals etc, will be provided at least 5 working days' notice in line with the regulation when pesticides will be used outside within 20 metres of a common boundary. In relation to the sensitive areas, it will be treated early in the morning and outside school hours where possible. Herbicide treatment adjacent to vineyards and orchards will be carried out prior to bud swell or after the fruit has finished too avoid non-target spray drift damage.

Application of pesticides includes:

- Spot spray herbicide (noxious weeds, tree sites and nuisance weeds etc)
- Spot spray insecticide (Fruit Fly, European Wasps etc)
- Boom spraying (vegetation growth on road shoulders)

Pathways

In pathways, no notice will be provided unless specifically requested. Pathways adjacent to sensitive areas such as schools, preschools, hospitals etc, will be provided at least 5 working days' notice in line with the regulation when pesticides will be used outside within 20 metres of a common boundary. In relation to the sensitive areas, it will be treated early in the morning and outside school hours where possible. Staff and/ or contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (noxious weeds and nuisance weeds etc)
- Spot spray insecticide (Fruit Fly, European Wasps etc)

Reserves

In reserves, no notice will be provided unless specifically requested. Herbicide treatment adjacent to vineyards and orchards will be carried out prior to bud swell or after the fruit has finished too avoid non-target spray drift damage. Staff and/ or contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (noxious weeds, tree sites and nuisance weeds etc)
- Spot spray insecticide (Fruit Fly, European Wasps etc)
- Cut n paint herbicides (direct application)

Drains & other easements

In drains and other easements, no notice will be provided unless specifically requested. Staff and/ or contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (noxious weeds, tree sites & nuisance weeds etc)
- Spot spray insecticide (Spiders, Coach Roaches, European Wasps etc)

Showground

In the Showground, no notice will be provided unless specifically requested. Staff and/ or contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (noxious weeds, paths, tree sites & nuisance weeds etc)
- Broadscale herbicide (broadleaf weeds etc)
- Spot spray insecticide (Fruit Fly, European Wasps etc)

Dog Pound

At the Dog pound, due to its remoteness and restricted access to the public, no notice will be provided, unless specifically requested. Brewarrina Shire Council Staff and/ or contractors will adopt best management practices, taking into account the particular conditions of each site requiring the application of pesticide.

- Spot spray herbicide (noxious weeds, driveway and nuisance weeds)
- Spot spray insecticides (spiders, rodents etc)

Swimming Pool

At the swimming pool, no notice will be provided unless specifically requested. Staff or contractors are not to allow public to enter treated areas until spray has dried (spray during hours of closure). Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (fence lines, tree sites and nuisance weeds etc)
- Spot spray insecticide (Spiders, European Wasps etc)

Cemetery

At the cemetery, no notice will be provided unless specifically requested. Staff and/ or contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (noxious weeds, tree sites and nuisance weeds etc)
- Spot spray insecticide (Spiders, European Wasps etc)
- Broadscale spraying herbicide (Broadleaf weeds)

Kerb and gutters

When spraying kerb and gutters, no notice will be provided unless specifically requested. Kerb and gutters adjacent sensitive areas such as schools, preschools, hospitals etc, will be provided at least 5 working days' notice in line with the regulation when pesticides will be used outside within 20 metres of a common boundary. In relation to the sensitive areas, it will be treated early in the morning and outside school hours where possible. Staff and/ or contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (nuisance weeds etc)

Saleyards

At the saleyards, no notice will be provided unless specifically requested. Staff and/ or contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (nuisance weeds etc)
- Boom spray herbicides (in small paddocks areas)

Aerodrome

At the airport, no notice will be provided unless specifically requested. Staff and/ or contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (nuisance weeds etc)
- Boom spraying (broadleaf weeds)

Water filtration plant

At the water filtration plant, due to its restricted access to the public, no notice will be provided unless specifically requested. Staff and/ or contractors will adopt best management practices taking into account the particular conditions of each spray site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (weeds along water edges and fence lines etc)

Sewerage Treatment Plant

At the sewerage treatment plant, due to its remote location and restricted access to the public, no notice will be provided unless specifically requested. Staff and/ or contractors will adopt best management practices taking into account the particular conditions of each spray site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (nuisance weeds etc)

Works Depot

At the works depot, due to its remote location and restricted access to the public, no notice will be provided unless specifically requested. Staff and/ or contractors will adopt best management practices taking into account the particular conditions of each spray site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (nuisance weeds etc)
- Spot spraying insecticide (Spiders, European wasps etc)

5 SPECIAL MEASURES FOR SENSITIVE PLACES

Clause 39 of the Regulation defines a sensitive place to be any:

- School or pre-school
- Kindergarten
- Childcare centre
- Hospital
- Community Health Centre
- Nursing home
- Place declared to be a sensitive place by the Environment Protection Authority (now a part of the Department of Environment and Conservation)

Where any of the above pesticide uses occur adjacent to sensitive places (see definition of 'sensitive places', section 3.5) the occupiers will be provided with 48 hours prior targeted notice by phone, mail or letterbox drop (whichever is most practicable).

In line with the regulation at least 5 working days' advance notice to a neighbouring sensitive place when pesticides will be used outside within 20 metres of a common boundary. **Note that there is also no requirement to give notice in this instance if the sensitive place is a hospital.**

6 NOTIFICATION OF EMERGENCY PESTICIDE APPLICATIONS

An emergency pesticide application in a public place may be required to deal with biting or dangerous pests (such as rodents, wasps, bees, venomous spiders, fleas, bird mites or similar creatures). In these situations the council will, where possible, provide notice by posting signs nearby at the time of the application. If this is not possible, the council will provide information via its council information line number, or members of the public can ask for information from the person applying the pesticide.

7 PESTICIDE CONTRACTORS AND LESSEES OF PUBLIC PLACES

Where council uses contractors to apply pesticides on its behalf, council will ensure that notification is made in accordance with the notification requirements of this plan. Where persons or organisations hold an existing lease on council land that remains a public place, and if they use pesticides in this area, council will still require notification in accordance with the requirements of this plan.

8 WHAT INFORMATION WILL BE PROVIDED

In accordance with clause 41(1)(h) of the Regulation, notices of pesticide use must include all the following information:

- the full product name of the pesticide to be used
- the purpose of the use, clearly setting out what pest or pests are being treated
- the proposed date/s or date range of the pesticide use
- the place where the pesticide is to be used
- contact telephone number and email address of the council officer, whom people can contact to discuss the notice
- any warnings regarding re-entry to or use of the place of application specified on the product label or the Australian Pesticides and Veterinary Medicines Authority (APVMA) permit.

9 HOW THE COMMUNITY WILL BE INFORMED OF THIS PLAN

Brewarrina Shire Council will advise residents of this plan and its contents by:

- making a copy of the plan available for public viewing free of charge in council's libraries and main office at 57 Bathurst Street, Brewarrina, NSW during office hours
- placing a copy of the plan on the council website at www.brewarrina.nsw.gov.au
- placing a notice in the Western Herald
- placing a notice in the NSW Government Gazette
- placing a notice on the council's social media pages (Facebook & Instagram)

10 FUTURE REVIEWS OF THE PLAN

Pesticides Notification Plan
Reviewed by Skye Phelps 14th October 2024

The notification plan will be reviewed every three years or when circumstances require a review of the plan. The review will include:

- a progress report on the plan's implementation
- placing the plan on public exhibition, with any proposed changes, and calling for public submissions
- in the light of public submissions, making recommendations for alterations (if applicable) to the plan.

11 CONTACT DETAILS

Anyone wishing to contact Brewarrina Shire Council to discuss the notification plan or to obtain details of pesticide applications in public places should contact Council's Weeds Officer, during normal business hours on 68305100 or email skyep@brewarrina.nsw.gov.au.

APPENDICES

Figure 1. Sensitive area notification required (Brewarrina Central School and Maingirba Early Learning Centre, Brewarrina)



Figure 2. Sensitive area notification required (Brewarrina Multi-Purpose Health Centre)



Figure 3. Sensitive area notification required (St Patrick's Primary School, Brewarrina)



Figure 4. Sensitive area notification required (Gainmara- Birrilee Preschool, Brewarrina)



Figure 5. Sensitive area notification required (Weilmoringle Public School, Weilmoringle)



Figure 6. Sensitive area notification required (Goodooga Central School, Goodooga)



Figure 7. Sensitive area notification required (Goodooga Health Service, Goodooga)



Figure 8. Sensitive area notification required (Brewarrina Christian School, Gongolgon)





Resource Recovery Order under Section 286A of the Protection of the Environment Operations Act 1997

The Gales Kingscliff acid sulfate soil material (ASSM) order 2024

Introduction

This order, issued by the NSW Environment Protection Authority (EPA) under 286A of the Protection of the Environment Operations Act 1997 (POEO Act), imposes the requirements that must be met by suppliers of **Gales Kingscliff ASSM** to which 'The **Gales Kingscliff ASSM** exemption 2024' applies. The requirements in this order apply in relation to the supply of **Gales Kingscliff ASSM** for application to land for use as engineering fill.

1. Waste to which this order applies

- 1.1. This order applies to **Gales Kingscliff ASSM**. In this order, **Gales Kingscliff ASSM** means naturally occurring soil (including but not limited to materials such as clay) that:
 - (a) has been processed at the generation site by mixing agricultural lime if the net acidity of **Gales Kingscliff ASSM** prior to processing is greater than 18 mol H⁺/t;
 - (b) has not been generated at a **contaminated site**;
 - (c) does not meet the definition of virgin excavated natural material in the POEO Act; and
 - (d) does not include material that contains asbestos or **PFAS**.

2. Persons to whom this order applies

- 2.1. The requirements in this order apply, as relevant, to any person who generates and supplies **Gales Kingscliff ASSM**.
- 2.2. This order does not apply to the supply of **Gales Kingscliff ASSM** 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 6 December 2024 and is valid until 6 December 2026 or until revoked by the EPA by notice in writing at an earlier date.

4. Generator requirements

The EPA imposes the following requirements on any **generator** who supplies **Gales Kingscliff ASSM**.

Stockpile sampling requirements

- 4.1. For stockpiled material, prior to supplying **Gales Kingscliff ASSM**, the **generator** must ensure that an **environmental practitioner** carries out the following:

- 4.1.1. Prepare a written sampling plan which includes a description of sample preparation and storage procedures for **Gales Kingscliff ASSM**.
 - 4.1.2. Assign a unique batch identifier to each stockpile of **Gales Kingscliff ASSM** created.
 - 4.1.3. Record the quantity of the stockpile of **Gales Kingscliff ASSM** against the unique batch identifier.
 - 4.1.4. Undertake sampling and testing in accordance with the written sampling plan.
 - 4.1.5. Undertake sampling by collecting the number of samples listed in Column 2 and Column 3 of Table 1 with respect to the quantity of the waste listed in Column 1 of Table 1. Sampling must be undertaken in a way that ensures that the samples taken are representative of the material from the entire stockpile.
 - 4.1.6. Collect a minimum volume of 500mL for asbestos fines/ fibrous asbestos (**AF/FA**) testing for each sample that is required in Column 3 of Table 1 with respect to the quantity of waste listed in Column 1 of Table 1.
 - 4.1.7. Ensure stockpiles greater than 4,000 tonnes, are segregated to less than 4,000 tonnes so that sampling can be undertaken in accordance with clause 4.1.5.
 - 4.1.8. Ensure 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 by providing the **generator** with a statement that clause 4.1.8 applies.
- 4.2. The **generator** must store **Gales Kingscliff ASSM** until clause 4.1.8 applies.

Table 1

Sampling of Stockpiled Material			
Column 1	Column 2	Column 3	Column 4
Quantity (tonnes)	Number of discrete samples for all chemicals and attributes in rows 1 to 15 of Table 4	Number of discrete samples for all chemicals and attributes in rows 16 to 18 of Table 4	Validation
<500	3	2	Required
500 – 1,000	4	2	
1,000 – 2,000	5	3	
2,000 – 3,000	7	4	
3,000 – 4,000	10	5	

In situ sampling requirements

- 4.3. For in situ material, prior to supplying **Gales Kingscliff ASSM**, the **generator** must ensure that an **environmental practitioner** carries out the following:
 - 4.3.1. Undertake sampling by collecting **discrete samples**. Compositing of samples is not permitted for in situ materials.
 - 4.3.2. Undertake characterisation sampling for the range of chemicals and other attributes listed in rows 1 to 15 of 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.
 - 4.3.3. Collect a minimum of volume of 500mL for asbestos fines/ fibrous asbestos (**AF/FA**) testing in row 16 of Table 4 according to the requirements listed in

Columns 1 and 5 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.

- 4.3.4. Undertake characterisation sampling for chemicals in rows 17 and 18 of Table 4 according to the requirements in Columns 1 and 5 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.
 - 4.3.5. Undertake sampling at depth according to Column 1 of Table 3.
 - 4.3.6. 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.
 - 4.3.7. Subdivide sites larger than 50,000 m² into smaller areas and sample each area as per Table 2.
 - 4.3.8. Assign a unique batch identifier to each stockpile of **Gales Kingscliff ASSM** created from the excavation of in situ materials.
 - 4.3.9. Record the quantity of the stockpile of **Gales Kingscliff ASSM** against the unique batch identifier.
 - 4.3.10. Ensure **Gales Kingscliff ASSM** 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 by providing the **generator** with a statement that clause 4.3.10 applies.
- 4.4. The **generator** must store **Gales Kingscliff ASSM** appropriately until clause 4.3.10 applies.

In situ hotspot segregation requirements

- 4.5. The **generator** must only segregate in situ **hotspots** under this order if each of the following is satisfied:
 - 4.5.1. Clause 4.3 of the order has been complied with; and
 - 4.5.2. The **generator** stores the **hotspot** material separately.
- 4.6. The **generator** may segregate the **hotspot(s)** from in situ material in accordance with this clause. The **generator** must:
 - 4.6.1. segregate by excavating the location(s) of the **hotspot(s)**; and
 - 4.6.2. label the segregated **hotspot(s)** as non-compliant segregated material and store it separately from the in situ material; and
 - 4.6.3. either (i) dispose of the **hotspots**, or (ii) ensure that it is kept on the generation site and not supplied; and
 - 4.6.4. engage an **environmental practitioner** to:
 - 4.6.4.1. undertake **validation sampling and testing**.
 - 4.6.4.2. if clause 4.6.5 applies, **undertake targeted validation sampling and testing**.
 - 4.6.4.3. prepare a **validation report**.
 - 4.6.4.4. provide a copy of the **validation report** to the **generator**.
 - 4.6.5. segregate in situ material further where there are **failed validation sample result(s)** by excavating an amount of in situ material that is determined by an

environmental practitioner.

4.6.6. not supply the remaining in situ material to any person under this order unless:

4.6.6.1. clauses 4.6.1 to 4.6.4 are complied with; and

4.6.6.2. an **environmental practitioner** has undertaken clause 4.6.4

Table 2

<i>In Situ Sampling</i>				
Column 1	Column 2	Column 3	Column 4	Column 5
Size of <i>in situ</i> area (m ²)	Number of systematic sampling points at surface	Distance between two sampling points (m)	Diameter of the hot spot that can be detected with 95% confidence (m)	Number of representative sampling points at surface
500	8	8	9.3	4
1000	8	11	13.2	4
2000	8	16	18.7	4
3000	9	18	21.5	5
4000	11	19	22.5	6
5000	13	20	23.1	7
6000	15	20	23.6	8
7000	17	20	23.9	9
8000	19	21	24.2	10
9000	20	21	25.0	10
10,000	21	22	25.7	11
15,000	25	24	28.9	13
20,000	30	26	30.5	15
25,000	35	27	31.5	18
30,000	40	27	32.4	20
35,000	45	28	32.9	23
40,000	50	28	33.4	25
45,000	52	29	34.6	26
50,000	55	30	35.6	28

Table 2 has been taken from NSW EPA 2022, *Sampling design part 1 – application, Contaminated Land Guidelines*, NSW Environment Protection Authority.

Table 3

<i>In Situ Sampling at Depth</i>	
Column 1	Column 2
Sampling Requirements *	Validation
<p>For chemicals and other attributes in rows 1 to 15 listed in Column 1 of Table 4, collect one soil sample at 1.0 m bgl from each surface sampling point followed by one soil sample for every metre thereafter.</p> <p>For chemicals and other attributes in rows 16 to 18, collect 1 soil sample at 1.0 m bgl from each surface representative sampling point, followed by one 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>

Chemical and other material requirements

- 4.7. The **generator** must not supply **Gales Kingscliff ASSM** to any person if, in relation to any of the chemical and other attributes of **Gales Kingscliff ASSM**:
 - 4.7.1. The chemical concentration or other attribute of any sample collected and tested of **Gales Kingscliff ASSM** exceeds the absolute maximum concentration or other value listed in Column 3 of Table 4, or
 - 4.7.2. The average concentration or other value of that attribute of **Gales Kingscliff ASSM** (based on the arithmetic mean), exceeds the maximum average concentration or other value listed in Column 2 of Table 4.
- 4.8. The absolute maximum concentration or other value of that attribute in any **Gales Kingscliff ASSM** 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 (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration ('AMC') (mg/kg 'dry weight' unless otherwise specified)
1. Mercury	0.5	1.0
2. Cadmium	0.5	1.0
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. Total Polycyclic Aromatic Hydrocarbons (PAHs)	20	40
10. Benzo(a)pyrene	0.5	1
11. Benzene	Not applicable	0.5
12. Toluene	Not applicable	65
13. Ethyl-benzene	Not applicable	25
14. Xylene	Not applicable	15
15. Total Recoverable Hydrocarbons C ₁₀ – C ₃₆ ¹	350	500
16. Asbestos fines/ fibrous asbestos ('AF/FA')	Not applicable	No asbestos found
17. Foreign materials – Rubber, plastic, bitumen, paper, cloth, paint and engineered wood products and preservative treated or coated wood residues.	0.05%	0.1%
18. Net acidity ²	Not applicable	18 mol H ⁺ /t ³

Notes:

1. The TRH test may include silica gel clean-up. The absolute maximum concentration and the maximum average concentration may include silica gel clean-up. TRH silica gel clean-up may be undertaken if the initial TRH test (without silica gel clean-up) exceeds the absolute maximum concentration or the maximum average concentration.
2. Net acidity means **Potential sulfidic acidity + Actual Acidity + Retained acidity**.
3. mol H⁺/t means moles of acidity per tonne.

ASSM Requirements

Proof of performance ('POP') testing – Lime treatment

Excavator with mixing bucket attachment method

- 4.9. The **generator** must undertake the following in the order set out in this clause:
- 4.9.1. place no greater than 300mm in thickness of **Gales Kingscliff ASSM** onto a **treatment pad**.
 - 4.9.2. ensure an **environmental practitioner** calculates the appropriate liming rate in accordance with an **Acid Sulfate Soils Management Plan**.
 - 4.9.3. use the liming rate calculated from clause 4.9.2, mix agricultural lime with **Gales Kingscliff ASSM** using the excavator with **mixing bucket attachment** on the **treatment pad**.
 - 4.9.4. repeat clauses 4.9.1 to 4.9.3 until a minimum volume in Column 1 of Table 5 of **Gales Kingscliff ASSM** has been generated.
 - 4.9.5. ensure an **environmental practitioner** collects the number of discrete samples listed in Column 2 of Table 5 with respect to the volume of the **treated stockpile** in Column 1 of Table 5 and sends all the samples to a laboratory for testing using the **chromium reducible sulfur method**.
 - 4.9.6. store and not mix **treated stockpiles** together until an **environmental practitioner** validates **Gales Kingscliff ASSM** test results as compliant with the maximum average concentration or other value listed in Column 2 of Table 6 and the absolute maximum concentration or other value listed in Column 3 of Table 6.
 - 4.9.7. if the **generator** proposes to undertake ongoing processing and validation in clause 4.13, repeat clauses 4.9.1 to 4.9.6 until 3 **consecutive batches** of **treated stockpiles** comply with the maximum average concentration or other value listed in Column 2 of Table 6 and the absolute maximum concentration or other value listed in Column 3 of Table 6.
 - 4.9.8. If the generator proposes to undertake ongoing processing and validation in clause 4.13 with a volume of **Gales Kingscliff ASSM** that is greater than clause 4.9.7, it must repeat clauses 4.9.1 to 4.9.6 until 3 **consecutive batches** of **treated stockpiles** of the same volume in Column 1 of Table 5 comply with the maximum average concentration or other value listed in Column 2 of Table 6 and the absolute maximum concentration or other value listed in Column 3 of Table 6.
 - 4.9.9. not include **treated stockpiles** that have been over-limed in clause 4.18, or under-limed in clause 4.19, to count towards compliance with clauses 4.9.7 and 4.9.8.

Pugmill mixing method

- 4.10. The **generator** must undertake the following in the order set out in this clause:
- 4.10.1. ensure an **environmental practitioner** calculates the appropriate liming rate in accordance with an **Acid Sulfate Soils Management Plan**.
 - 4.10.2. use the liming rate calculated from clause 4.10.1, mix **agricultural lime** with **Gales Kingscliff ASSM** using a **pugmill** until a volume in Column 1 of Table 5 of **Gales Kingscliff ASSM** has been generated.
 - 4.10.3. ensure an **environmental practitioner** collects the number of discrete samples listed in Column 2 of Table 5 with respect to the volume of the **treated stockpile** in Column 1 of Table 5 and sends all the samples to a laboratory for testing using the **chromium reducible sulfur method**.
 - 4.10.4. store and not mix **treated stockpiles** together until an **environmental practitioner** validates **Gales Kingscliff ASSM** test results as compliant with the maximum average concentration or other value listed in Column 2 of Table 6 and the absolute

maximum concentration or other value listed in Column 3 of Table 6.

4.10.5. if the **generator** proposes to undertake ongoing processing and **validation** in clause 4.13, repeat clauses 4.10.1 to 4.10.4 until three **consecutive batches of treated stockpiles** comply with the maximum average concentration or other value listed in Column 2 of Table 6 and the absolute maximum concentration or other value listed in Column 3 of Table 6.

4.10.6. If the generator proposes to undertake ongoing processing and validation in clause 4.13 with a volume of **Gales Kingscliff ASSM** that is greater than clause 4.10.5, it must repeat clauses 4.10.1 to 4.10.4 until 3 **consecutive batches of treated stockpiles** of the same volume in Column 1 of Table 5 comply with the maximum average concentration or other value listed in Column 2 of Table 6 and the absolute maximum concentration or other value listed in Column 3 of Table 6.

4.10.7. not include **treated stockpiles** that have been over-limed in clause 4.18, or under-limed in clause 4.19 to count towards compliance with clauses 4.10.5 and 4.10.6.

Table 5

Column 1	Column 2	Column 3	Column 4
Volume (m ³) ¹	Number of discrete samples during POP testing	Number of discrete samples after POP testing	Validation
< 250	5	3	Required
250 - 350	7	4	
350 – 500	10	5	

Note:

1. 3 consecutive batches of treated stockpiles of the same volume in Column 1 of Table 5 means, for example, 3 consecutive batches of 250 m³, or 3 consecutive batches of 400 m³, or 3 consecutive batches of 350 – 500 m³. It does not include, for example, 2 batches of 250 m³ and 1 batch of 500 m³.

Table 6

Column 1	Column 2	Column 3
Chemicals and other attributes	Maximum average concentration (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)
pH ¹	6.5 to 9.0	6.5 to 10.0
Net acidity after treatment ²	Not applicable	Less than 0 mol H ⁺ /tonne

Note:

1. pH means pH_{KCL}.
2. Net acidity after treatment means **Potential sulfidic acidity + Actual Acidity + Retained acidity – (post treatment acid neutralising capacity – initial acid neutralising capacity)**.

Ongoing processing and validation testing after POP testing

4.13. The **generator** must only undertake ongoing processing and **validation** testing in accordance with clauses 4.14 to 4.15 below if it has complied with clause 4.9.7, or clause 4.9.8, or clause 4.10.5, or clause 4.10.6.

Excavator with mixing bucket attachment method

4.14. The **generator** must:

- 4.14.1. repeat clauses 4.9.1 to 4.9.3 until a maximum volume in Column 1 of Table 5 of **Gales Kingscliff ASSM** has been generated that is based on the POP testing volume in clause 4.9.7 or clause 4.9.8. For example, if the POP testing volume was less than 250 m³, then **Gales Kingscliff ASSM** in clause 4.14.1 must have a volume of less than 250 m³.
- 4.14.2. ensure an **environmental practitioner** collects the number of discrete samples listed in Column 3 of Table 5 with respect to the volume of the **treated stockpile** in Column 1 of Table 5 and sends all the samples to a laboratory for testing using the **chromium reducible sulfur method**.
- 4.14.3. store and not mix **treated stockpiles** together until an **environmental practitioner** validates test results as compliant with the maximum average concentration or other value listed in Column 2 of Table 6 and the absolute maximum concentration or other value listed in Column 3 of Table 6.

Pugmill mixing method

4.15. The **generator** must:

- 4.15.1. repeat clause 4.10.1 until a maximum volume in Column 1 of Table 5 of **Gales Kingscliff ASSM** has been generated that is based on the POP testing volume in clause 4.10.5 or clause 4.10.6. For example, if the POP testing volume was less than 250 m³, then **Gales Kingscliff ASSM** in clause 4.15.1 must have a volume of less than 250 m³.
- 4.15.2. ensure an **environmental practitioner** collects the number of discrete samples listed in Column 3 of Table 5 with respect to the volume of the **treated stockpile** in Column 1 of Table 5 and sends all the samples to a laboratory for testing using the **chromium reducible sulfur method**.
- 4.15.3. store and not mix **treated stockpiles** together until an **environmental practitioner** validates test results as compliant with the maximum average concentration or other value listed in Column 2 of Table 6 and the absolute maximum concentration or other value listed in Column 3 of Table 6.

Chemical and other material requirements

- 4.16. The **generator** must not supply **Gales Kingscliff ASSM** to any person if, in relation to any of the chemical and other attributes of **Gales Kingscliff ASSM**:
 - 4.16.1. The chemical concentration or other attribute of any sample collected and tested as part of the characterisation of **Gales Kingscliff ASSM** exceeds the absolute maximum concentration or other value listed in Column 3 of Table 6, or
 - 4.16.2. The average concentration or other value of that attribute from the characterisation of **Gales Kingscliff ASSM** (based on the arithmetic mean), exceeds the maximum average concentration or other value listed in Column 2 of Table 6.
- 4.17. The absolute maximum concentration or other value of that attribute in any **Gales Kingscliff ASSM** supplied under this order must not exceed the absolute maximum concentration or other value listed in Column 3 of Table 6.

What happens when Gales Kingscliff ASSM are over-limed

- 4.18. Where stockpiles of **Gales Kingscliff ASSM** are over-limed, the **generator**:
 - 4.18.1. may mix additional untreated **ASSM** to the **treated stockpile** using the excavator with **mixing bucket attachment** if the excavator with **mixing bucket attachment** was originally used, and re-sample the **treated stockpile** in clause 4.9.5 during POP testing, or clause 4.14.2 after POP testing, or
 - 4.18.2. may mix additional untreated **ASSM** to the **treated stockpile** using the **pugmill**

method if the **pugmill** method was originally used and re-sample the **treated stockpile** in clause 4.10.3 during POP testing, or clause 4.15.2 after POP testing, or

- 4.18.3. may dispose of **Gales Kingscliff ASSM** to a facility lawfully able to accept these materials for disposal.
- 4.18.4. must not add untreated **ASSM** if re-sampling in clause 4.18.1 or clause 4.18.2 exceeds the upper bound of the maximum average concentration or other value listed in Column 2 of Table 6, or the absolute maximum concentration or other value listed in Column 3 of Table 6 and dispose of **Gales Kingscliff ASSM**.

What happens when Gales Kingscliff ASSM are under-limed

- 4.19. Where stockpiles of **Gales Kingscliff ASSM** are under-limed, the **generator**:
 - 4.19.1. may mix additional lime to the **treated stockpile** using the excavator with **mixing bucket attachment** if the excavator with **mixing bucket attachment** was originally used, and re-sample the **treated stockpile** in clause 4.9.5 during POP testing, or clause 4.14.2 after POP testing; or
 - 4.19.2. may mix additional lime to the **treated stockpile** using the ex-situ **pugmill** method if the **pugmill** method was originally used, and re-sample the **treated stockpile** in clause 4.10.3 during POP testing, or clause 4.15.2 after POP testing; or
 - 4.19.3. may dispose of **Gales Kingscliff ASSM** to a facility lawfully able to accept these materials.
 - 4.19.4. must not add additional lime if re-sampling in clause 4.19.1 or clause 4.19.2 exceeds the lower bound of the maximum average concentration or other value listed in Column 2 of Table 6, or the absolute maximum concentration or other value listed in Column 3 of Table 6 and dispose of **Gales Kingscliff ASSM**.

Segregation of treated stockpile Gales Kingscliff ASSM

- 4.20. The **generator** must only segregate **non-compliant material** under this order if each of the following is satisfied:
 - 4.20.1. The test results from the laboratory shows at least 80% of sample results from the treated **Gales Kingscliff ASSM** complies with the maximum average concentration or other value listed in Column 2 of Table 6 and the absolute maximum concentration or other value listed in Column 3 of Table 6.
 - 4.20.2. The **generator** stores the **non-compliant material** separately;
- 4.21. If all of clause 4.20 is met, the **generator** may segregate **non-compliant material** from the **treated stockpile** and supply the remaining **treated stockpile** in accordance with this clause. The **generator** must:
 - 4.21.1. segregate the location(s) of the non-compliant sample referred to in clause 4.20.1 from the **treated stockpile** by excavating in all directions from that location(s) as equally as reasonably practicable until the segregated volume of 50 m³ is reached during POP testing, or the segregated volume of 100 m³ is reached after POP testing; and
 - 4.21.2. label the segregated volume of material as non-compliant segregated material and store it separately from the **treated stockpile**; and
 - 4.21.3. either (i) dispose of the non-compliant segregated material, or (ii) ensure that it is kept on the generation site and not supplied, or (iii) re-treat the non-compliant segregated material in accordance with:
 - 4.21.3.1. clause 4.9 if using the excavator with **mixing bucket attachment** method during POP testing,

- 4.21.3.2. clause 4.10 if using the **pugmill** mixing method during POP testing,
- 4.21.3.3. clause 4.14 if using the excavator with **mixing bucket attachment** method after POP testing,
- 4.21.3.4. clause 4.15 if using the **pugmill** mixing method after POP testing,
- 4.21.4. engage an **environmental practitioner** to:
 - 4.21.4.1. confirm that the **generator** has complied with clauses 4.21.1 and 4.21.2 by:
 - a. taking a digital photograph of the segregated volume of material stored under clause 4.20.2;
 - b. providing the **generator** with a statement that the segregated volume in clause 4.21.1 has been complied with; and
 - c. providing the **generator** with a copy of the photographs referred to in clause 4.21.4.1(a).
 - 4.21.5. not supply the remaining **treated stockpile** to any person under this order unless:
 - 4.21.5.1. clauses 4.20.1 to 4.20.2 are complied with;
 - 4.21.5.2. clauses 4.21.1 to 4.21.4 are complied with; and
 - 4.21.5.3. an **environmental practitioner** provides confirmation in accordance with clause 4.21.4.1.

Test methods

- 4.22. 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.
- 4.23. The **generator** must ensure that the chemicals and other attributes (listed in Column 1 of Table 4) in the **Gales Kingscliff ASSM** 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.
 - 4.23.1. Test methods for measuring the mercury concentration.
 - 4.23.1.1. 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 <10% of the stated absolute maximum concentration in Column 3 of Table 4 (i.e. <0.10 mg/kg dry weight).
 - 4.23.1.2. Report as mg/kg dry weight.
 - 4.23.2. Test methods for measuring chemicals 2 to 8 in Table 4.
 - 4.23.2.1. 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).
 - 4.23.2.2. 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 2 of Table 4 (i.e. <10 mg/kg dry weight for lead).
 - 4.23.2.3. Report as mg/kg dry weight.
 - 4.23.3. Test method for measuring Polynuclear Aromatic Hydrocarbons (PAHs) and benzo(a)pyrene.
 - 4.23.3.1. Analysis using USEPA SW-846 Method 8100 Polynuclear Aromatic Hydrocarbons (or an equivalent analytical method).

- 4.23.3.2. Calculate the sum of all 16 PAHs for total PAHs.
- 4.23.3.3. Report total PAHs as mg/kg dry weight.
- 4.23.3.4. Report benzo(a)pyrene as mg/kg.
- 4.23.4. Test method for measuring benzene, toluene, ethylbenzene and xylenes (BTEX).
 - 4.23.4.1. Analysis using USEPA SW-846 Method 8260B volatile organic compounds by gas chromatography/mass spectrometry (GC/MS).
 - 4.23.4.2. Report BTEX as mg/kg.
- 4.23.5. Test method for measuring TRHs:
 - 4.23.5.1. Analysis using Method A2 in Section 13.3 in Schedule B3: Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013), or an equivalent analytical method.
 - 4.23.5.2. Report C₁₀ – C₄₀ as mg/kg dry weight.
- 4.23.6. Test method for measuring *asbestos fines / fibrous asbestos*:
 - 4.23.6.1. The laboratory report must be consistent with the reporting recommendations in the National Environment Protection (Assessment of Site Contamination) Measure, 2013 (NEPM).
 - 4.23.6.2. Analysis must comply with the Australian Standard AS4964-2004, Method for the qualitative identification of asbestos in bulk samples, Standards Australia (AS4964-2004).
 - 4.23.6.3. The weight of the sample must be recorded by the laboratory prior to analysis.
 - 4.23.6.4. Samples must not be sub-sampled by the laboratory, unless the sub 2mm fraction is greater than approximately 30-60g, then sub sampling may occur based on the requirements in AS4964-2004.
 - 4.23.6.5. Description of the sample must be recorded.
 - 4.23.6.6. Method of analysis includes polarised light microscopy and dispersion staining.
 - 4.23.6.7. Sieve sizing requirements must include 2mm and 10mm sieves.
 - 4.23.6.8. If no asbestos is detected, report no asbestos detected at the limit of reporting.
 - 4.23.6.9. If asbestos is detected, but is detected below the limit of reporting, asbestos must be reported as found.
 - 4.23.6.10. If asbestos is detected, report the type of asbestos found (example, Chrysotile, Amosite, Crocidolite).
 - 4.23.6.11. If asbestos is detected, report the form of asbestos found (example, fibre cement debris fragments, bituminous debris, matted fibre bundles, isolated fibre bundles), and the raw weight of asbestos.
 - 4.23.6.12. Report results of trace analysis based on the requirements of AS4964-2004.
 - 4.23.6.13. Report results consistent with NEPM as follows:
 - 4.23.6.13.1. ACM > 7mm (g)
 - 4.23.6.13.2. **AF/FA** < 7mm (g)
 - 4.23.6.13.3. **AF/FA** <7mm (%w/w)
 - 4.23.6.13.4. ACM > 7mm (%w/w)
- 4.23.7. Test method for measuring rubber, plastic, bitumen, paper, cloth, paint, and wood.

4.23.7.1. NSW Roads & Traffic Authority Test Method T276 Foreign Materials Content of Recycled Crushed Concrete (or an equivalent method).

4.23.7.2. Report as percent.

4.23.8. Test method for measuring net acidity:

4.23.8.1. National Acid Sulfate Soils Guidance, National acid sulfate soils identification and laboratory methods manual, Australian Government Department of Agriculture and Water Resources, 2018.

4.23.8.2. Chromium reducible sulfur NLM-2.1

4.23.8.3. KCl extractable pH_{KCl} NLM-3.1

4.23.8.4. Titratable **Actual Acidity** NLM-3.2

4.23.8.5. Net acid soluble sulfur NLM-4.1

4.23.8.6. Report as mol H^+ / tonne (oven-dry basis).

Independent Third-Party Expert

4.24. The **generator** must engage an **independent third party expert** to prepare an **audit report** that shows the **independent third party expert**:

4.24.1. has verified **Gales Kingscliff ASSM** complies with the sampling, testing, in situ **hotspot** segregation, chemical and other material requirements in clauses 4.1 to 4.8 of the order.

4.24.2. has verified the documentation of **Gales Kingscliff ASSM** from clause 4.1 and clause 4.6 of the order. Documentation includes:

4.24.2.1. Laboratory reports

4.24.2.2. Laboratory sample receipts

4.24.2.3. Chain of custody documentation

4.24.2.4. Summary chemical analytical tables

4.24.3. has verified POP testing was carried out in accordance with either clause 4.9, or clause 4.10 of the order.

4.24.4. has verified a minimum of three consecutive POP tests have been undertaken in accordance with clause 4.9.7, or clause 4.10.5 of the order and the **generator** may undertake ongoing processing and **validation** testing in clause 4.13.

4.24.5. has verified that ongoing processing and **validation** testing was carried out in accordance with either clause 4.14, or clause 4.15 of the order.

4.24.6. has verified **Gales Kingscliff ASSM** complies with the chemical and other material requirements in clause 4.16 and clause 4.17 of the order.

4.24.7. has verified over-limed and under-limed **Gales Kingscliff ASSM** have been managed in accordance with clauses 4.18 to 4.19 of the order.

4.24.8. has verified where relevant segregation of **Gales Kingscliff ASSM** has complied with clause 4.20 and clause 4.21 of the order.

4.24.9. has verified the documentation of any sampling and testing results from clauses 4.9 to 4.23 of the order. Documentation of any sampling and testing results includes:

4.24.9.1. Laboratory reports

4.24.9.2. Laboratory sample receipts

4.24.9.3. Chain of custody documentation

4.24.9.4. Summary chemical analytical tables

Notification

- 4.25. On or before each transaction, the **generator** must provide the **consumer** with a written **statement of compliance**.

Record keeping and reporting

- 4.26. At the time of supplying **Gales Kingscliff ASSM**, the **generator** must record:
- 4.26.1. record the date the **Gales Kingscliff ASSM** was supplied;
 - 4.26.2. the quantity of **Gales Kingscliff ASSM** (expressed in tonnes) supplied to the premises.
 - 4.26.3. the batch identifier(s) for any **Gales Kingscliff ASSM**; and
 - 4.26.4. the sample identifier(s) for any **Gales Kingscliff ASSM**.
- 4.27. The **generator** must keep a written record of the following documents for at least six years:
- 4.27.1. all sampling test results in relation to **Gales Kingscliff ASSM** for a period of six years.
 - 4.27.2. the documents required by clause 4.26 of this order.
 - 4.27.3. all sampling plans.
 - 4.27.4. all laboratory reports including laboratory quality assurance and quality control performance records, laboratory chain of custody documentation, and laboratory sample receipts in relation **Gales Kingscliff ASSM**;
 - 4.27.5. **independent third party expert audit reports** required by clause 4.24 of this order.
 - 4.27.6. all photographs, statements of compliance and other documents required by this order.
- 4.28. The **generator** must provide, on request, any sampling results for **Gales Kingscliff ASSM** supplied to any **consumer** of **Gales Kingscliff ASSM**.
- 4.29. The **generator** must make any information available to the EPA upon request that relates to this order.

5. Definitions

In this order:

acid sulfate soils management plan means a management plan prepared in accordance with section 6 'Managing Acid Sulfate Soils' and other relevant sections of the *Acid Sulfate Soil Manual, Acid Sulfate Soils Management Advisory Committee, NSW Agriculture, 1998*.

actual acidity means readily available soluble and exchangeable acidity in the soil material, and is measured using the **chromium reducible sulfur method**.

AF/FA means asbestos fines/ fibrous asbestos as defined in Schedule B1 Guideline on Investigation Levels for Soil and Groundwater, National Environment Protection (Assessment of Site Contamination) Measure 2013 and tested in accordance with 4.23.6.

agricultural lime means a neutralising agent used to treated ASSM, contains a neutralising value of at least 95%, and has a particle size between 300 – 850 micron. Agricultural lime must not include hydrated lime, where hydrated lime means calcium hydroxide created by adding calcium oxide to water.

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.

ASSM means acid sulfate soil material.

audit report means a critical review of the information gathered by the **generator**, or processor, or **environmental practitioner** in relation to the order. The **audit report** must clearly explain and contain evidence regarding how the **generator**, or processor, or **environmental practitioner** has either met or not met the requirements of the order. It must not be a narrative summary of the work carried out by the **generator**, or processor, or **environmental practitioner**.

certified environmental practitioner means an environmental practitioner that holds certification from either of the following schemes:

- Environmental Institute of Australia and New Zealand – Certified environmental practitioner (Site Contamination) (CENVP (SC)); or
- Soil Science Australia – Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM).

chromium reducible sulfur method means a laboratory method that measures reduced inorganic sulfur content using iodometric titration after an acidic chromous chloride reduction and is referred to in clause 4.23.12.

consecutive batches means stockpiles that follow one after another without any interruption.

consecutive stockpiles means stockpiles that follow one after another without any interruption.

consumer means a person who applies, or intends to apply, **Gales Kingscliff ASSM** to land.

contaminated site means a notified contaminated site, or a site declared as significantly contaminated. The list of notified contaminated sites, or sites declared as significantly contaminated can be found on the NSW EPA website.

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

environmental practitioner means a professional environmental practitioner, with tertiary qualifications, training and proven experience in soil sampling, acid sulfate soils, and waste classification in NSW. The environmental practitioner must have comprehensive knowledge of sampling principles for soil, acid sulfate soils and waste-derived materials. The environmental practitioner must be supervised by a **certified environmental practitioner** from the same company as the environmental practitioner. The environmental practitioner must not be the **generator** or consumer, and must not prepare any documentation or make decisions that deviate from the requirements of the order. The environmental practitioner may be accredited by either:

- the Environment Institute of Australia and New Zealand's (EIANZ) Certified environmental practitioner (Site Contamination) scheme (CEnvP (SC)); or
- Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

failed validation sample result means after **validation sampling and testing**, or after **targeted validation sampling and testing**, a sample result does not comply with the absolute maximum concentration or value listed in Column 3 of Table 4 for that chemical or attribute.

generator means a person who generates **Gales Kingscliff ASSM** for supply to a **consumer**. A generator does not include waste facilities or resource recovery facilities that are licensed under the *Protection of the Environment Operations Act 1997*.

hotspot means:

- a square shaped cube with the dimensions 5 metres (width) x 5 metres (length) x 1 metre (height); and
- the centre of the square shaped cube is represented by the in situ sample location(s) that does not comply with the absolute maximum concentration or other value listed in Column 3 of Table 4; and
- has a minimum volume of 25 m³ of in situ **Gales Kingscliff ASSM**.

independent third party expert means a **certified environmental practitioner** that must not be from the same company as the **environmental practitioner**, must not be the **generator** or

consumer, and must not prepare any documentation or make decisions that deviate from the requirements of the order.

initial acid neutralising capacity ('ANC') means the ANC that represents **Gales Kingscliff ASSM** prior to lime treatment with either the excavator with **mixing bucket attachment** method, or **pugmill** method. The ANC is determined based on sampling and testing of **Gales Kingscliff ASSM** using test method 4.23.8 of this order.

mixing bucket attachment means an excavator bucket attachment that contains an internal auger within the bucket for mixing **ASSM** and lime.

non-compliant material means **Gales Kingscliff ASSM** that does not comply with the maximum average concentration or other value listed in Column 2 of Table 5 or the absolute maximum concentration or other value listed in Column 3 of Table 5.

PFAS means per- and polyfluoroalkyl substances specifically related to perfluorooctane sulfonate ('PFOS'), perfluorooctanoic acid ('PFOA'), and perfluorohexane sulfonate ('PFHxS') where the sum of the concentrations of PFOS + PFHxS, and PFOA are more than the laboratory limit of reporting of 5 µg/kg.

post treatment acid neutralising capacity means the ANC that represents **Gales Kingscliff ASSM** after lime treatment with either the excavator with **mixing bucket attachment** method, or **pugmill** method.

potential sulfidic acidity means the latent acidity in **Gales Kingscliff ASSM** that will be released if the reduced inorganic sulfur they contain are oxidised, and is measured using the chromium reducible sulfur test method.

pugmill means a soil mechanical mixer with paddle mixers.

retained acidity means the less available fraction of the existing acidity (not measured by the **TAA**) that may be released slowly into the environment by hydrolysis of relatively insoluble sulfate salts. Retained acidity is measured using the chromium reducible sulfur test method. Retained acidity must be measured after lime treatment if retained acidity was originally found in **Gales Kingscliff ASSM** prior to lime treatment.

statement of compliance means a report that certifies all the requirements set out in this order have been met. It includes a copy of the **independent third party expert's audit report** from clause 4.24 of the order. It also includes site layout figures showing sampling locations of any stockpile and in situ sampling.

TAA means Titratable **Actual Acidity** and is measured by titration with dilute sodium hydroxide following extraction with potassium chloride solution.

treated stockpile means **Gales Kingscliff ASSM** that have been mixed homogeneously and consistently with agricultural lime.

treatment pad means an area within the generation site that is designated for **Gales Kingscliff ASSM** treatment with an excavator with **mixing bucket attachment** and:

- is constructed with either concrete, or compacted clay, or compacted ground as the base layer of the **treatment pad**
- is bunded and contains a leachate collection system; and
- is set up to allow a maximum treatment batch size of 1,000 m³.

validation means ensuring that test results comply with the conditions of this order prior to supply to the **consumer**.

validation report means a report that is prepared by an **environmental practitioner** that must:

- document **validation sampling and testing**;
- document **targeted validation sampling and testing**;
- document any failed **validation** sampling result(s);
- contain tabulated summary chemical results, laboratory reports, laboratory chain-of-custody documentation, and laboratory sample receipts as a result of **validation sampling and testing**, and **targeted validation sampling and testing**;
- assess test results from **validation sampling and testing** and **targeted validation**

sampling and testing as set out in clause 4.7.1 of the order and confirms if clause 4.7.1 applies to those test results.

- contain digital photographs of segregated **hotspots**;
- confirm a minimum segregated volume of 25m³ per **hotspot** has been segregated.
- contain digital photographs of the locations of the excavated **hotspots**.

validation sampling and testing means:

- Collecting a representative sample from each excavation wall after the removal of the **hotspot**;
- Collecting a sample that represents the excavation floor after the removal of the **hotspot**;
- Submitting those samples for testing in accordance with clause 4.22 and 4.23 of the order, and test each sample for the chemical or attribute in Column 1 of Table 4 that the **hotspot** did not comply with in relation to the absolute maximum concentration or value listed in Column 3 of Table 4 for that chemical or attribute.

targeted validation sampling and testing means:

- collecting a representative sample from the wall of the excavation where the **failed validation sample result** was previously located; or
- collecting a representative sample from excavation floor where the **failed validation sample result** was previously located; and
- Submitting those samples for testing in accordance with clause 4.22 and clause 4.23 of the order, and test each sample for the chemical or attribute in Column 1 of Table 4 that the **failed validation sample result** did not comply with in relation to the absolute maximum concentration or value listed in Column 3 of Table 4 for that chemical or attribute.



27/11/24

KATHY GIUNTA

Director Technical (Chemicals, Land and Radiation)

Regulatory Practice and Services Division

Notes

The EPA may amend or revoke this order at any time. It is the responsibility of the **generator** 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.

Any person or entity which supplies **Gales Kingscliff ASSM** 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 **Gales Kingscliff ASSM** 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 requirements for asbestos waste (s. 144AAB), 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 section 286A of the Protection of the Environment Operations Act 1997.



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

The Demast recovered treated clay fines exemption 2023

Introduction

This exemption:

- is issued by the NSW 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 the Demast recovered treated clay fines 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 Demast recovered treated clay fines order 2023'.

1. Waste to which this exemption applies

1.1. This exemption applies to the Demast recovered treated clay fines that is, or is intended to be, used:

- 1.1.1. as an alternative raw material in the manufacture of bricks and blocks, and
- 1.1.2. for **land application** for use as engineering fill, in earthworks, or applied to land within the road corridor for public road related activities including road construction.

1.2. In this exemption, the Demast recovered treated clay fines means generally the less than 75 µm particle size fraction of material sourced from liquid waste derived from drilling mud, non-destructive digging waste, hydro-excavation waste, concrete washout from concrete batch plants, residual batch concrete from agitator trucks, stormwater contaminated with gross pollutants and street sweeping waste streams (as detailed in Section 2.1.5 of **ADE, 2022**). The Demast recovered treated clay fines are processed by Demast Pty Ltd, ACN 168 661 514 (**Demast**), at 7 Long Street, Smithfield NSW 2164, EPL 20875, as detailed in Section 2.2 of ADE (2022).

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who uses, or intends to use, the Demast recovered treated clay fines as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 25 September 2023 and is valid until 25 September 2025 unless revoked by the EPA by notice in writing at an earlier date.

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 the Demast recovered treated clay fines 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 reuse of the Demast recovered treated clay fines as set out in 1.1:
 - 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 the Demast recovered treated clay fines 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:

- 6.1. At the time the Demast recovered treated clay fines is received at the premises, the material must meet all chemical and other material requirements for Demast recovered treated clay fines which are required on or before the supply of Demast recovered treated clay fines under 'the Demast recovered treated clay fines order 2023'.
- 6.2. The Demast recovered treated clay fines can only be used for the purposes as set out in 1.1.
- 6.3. The consumer can only apply the Demast recovered treated clay fines to land consistent with section 6.2 where it:
 - 6.3.1. is not applied in or beneath water, including groundwater.
- 6.4. The consumer must keep a written record of the following for a period of six years:
 - the quantity of the Demast recovered treated clay fines received; and

- the name and address of the supplier of the Demast recovered treated clay fines received.
- 6.5. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.6. The consumer must ensure that any reuse of the Demast recovered treated clay fines must occur within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

ADE (2022) means the 'Separated Liquid Waste (Aggregate, Sand, and Clay Fines) Resource Recovery Application' prepared for Demast Pty Ltd by ADE Consulting Group (ADE), Report number 21.1537.RRA-1.v2f and dated 17 November 2022 as Attachment 1 to 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 uses, or intends to use, the Demast recovered treated clay fines:

- manufacturing of bricks and blocks, and
- for land application for use as engineering fill, in earthworks, or applied to land within the road corridor for public road related activities including road construction.

environmental practitioner means an independent professional environmental practitioner with appropriate qualifications, training and proven experience in soil sampling and waste classification in NSW. The environmental practitioner must have comprehensive knowledge of sampling principles for soil and waste-derived materials. The environmental practitioner must not be the processor or consumer.

EPL means Environment Protection Licence.

processor means Demast Pty Ltd (Demast), ACN 168 661 514 who processes, mixes, blends, or otherwise incorporates the Demast recovered treated clay fines into a material in its final form for supply to a consumer.



25/09/2023

KAREN MARLER

Director Technical (Chemicals, Land and Radiation)

Regulatory Practice and Services 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.

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 Demast recovered treated clay fines 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 the Demast recovered treated clay fines 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.



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

The Demast recovered washed aggregate exemption 2023

Introduction

This exemption:

- is issued by the NSW 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 Demast recovered washed 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 'Demast recovered washed aggregate order 2023'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to Demast recovered washed aggregate that is, or is intended to be, applied to land for road making activities, building, landscaping and construction works.
- 1.2. In this exemption, Demast recovered washed aggregate means the 6 mm to 60 mm particle size fraction of material sourced from liquid waste derived from drilling mud, non-destructive digging waste, hydro-excavation waste, concrete washout from concrete batch plants, residual batch concrete from agitator trucks, stormwater contaminated with gross pollutants and street sweeping waste streams (as detailed in Section 2.1.5 of **ADE, 2022**). The Demast recovered washed aggregate is processed by Demast Pty Ltd, ACN 168 661 514 (Demast), at 7 Long Street, Smithfield NSW 2164, EPL 20875, as detailed in Section 2.2 of ADE (2022).
- 1.3. Demast recovered washed aggregate consists mainly of natural gravel and rock with traces of concrete, brick, and ceramics. Demast recovered washed aggregate does not include heavier products such as metals and glass fragments, and lighter material such as plastics and organics (grass, leaves).

2. Persons to whom this exemption applies

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

3. Duration

- 3.1. This exemption commences on 25 September 2023 and is valid until 25 September 2025 unless revoked by the EPA by notice in writing at an earlier date.

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 the Demast recovered washed aggregate 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 the Demast recovered washed 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.
- 5.2. The exemption does not apply in circumstances where the Demast recovered washed 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.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time the Demast recovered washed aggregate is received at the premises, the material must meet all chemical and other material requirements for Demast recovered washed aggregate which are required on or before the supply of Demast recovered washed aggregate under 'the Demast recovered washed aggregate order 2023'.
- 6.2. The Demast recovered washed aggregate can only be applied to land in road making activities, building, landscaping and construction works.
- 6.3. The consumer must keep a written record of the following for a period of six years:
 - the quantity of the Demast recovered washed aggregate received; and
 - the name and address of the supplier of the Demast recovered washed aggregate received.

- 6.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.5. The consumer must ensure that any application of Demast recovered washed aggregate to land must occur within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

ADE (2022) means the ‘Separated Liquid Waste (Aggregate, Sand, and Clay Fines) Resource Recovery Application’ prepared for Demast Pty Ltd by ADE Consulting Group (ADE), Report number 21.1537.RRA-1.v2f and dated 17 November 2022 as Attachment 1 to 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, the Demast recovered washed aggregate to land for road making activities, building, landscaping and construction works.

environmental practitioner means an independent professional environmental practitioner with appropriate qualifications, training and proven experience in soil sampling and waste classification in NSW. The environmental practitioner must have comprehensive knowledge of sampling principles for soil and waste-derived materials. The environmental practitioner must not be the processor or consumer.

EPL means Environment Protection Licence.

processor means Demast Pty Ltd (Demast), ACN 168 661 514 who processes, mixes, blends, or otherwise incorporates the Demast recovered washed aggregate into a material in its final form for supply to a consumer.



25/09/2023

KAREN MARLER

Director Technical (Chemicals, Land and Radiation)

Regulatory Practice and Services 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.

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 Demast recovered washed 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 for road making activities, building, landscaping and construction works 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 the Demast recovered washed 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.



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

The Demast recovered washed sand exemption 2023

Introduction

This exemption:

- is issued by the NSW 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 Demast recovered washed sand 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 'Demast recovered washed sand order 2023'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to Demast recovered washed sand and Demast recovered washed sand blended with other materials (blended Demast washed sand).
- 1.2. In this exemption, Demast recovered washed sand means the 75 µm to 6 mm particle size fraction of material sourced from liquid waste derived from drilling mud, non-destructive digging waste, hydro-excavation waste, concrete washout from concrete batch plants, residual batch concrete from agitator trucks, stormwater contaminated with gross pollutants and street sweeping waste streams (as detailed in Section 2.1.5 of ADE, 2022). Demast recovered washed sand is processed by Demast Pty Ltd, ACN 168 661 514 (Demast), at 7 Long Street, Smithfield NSW 2164, **EPL 20875**, as detailed in Section 2.2 of ADE (2022).
- 1.3. Demast recovered washed sand can be blended with any of the following:
 - virgin excavated natural material ('VENM') as defined in the *Protection of the Environment Operations Act 1997* (POEO Act);
 - compost as defined in *The compost order 2016* and *The compost exemption 2016*;

- pasteurised garden organics as defined in *The pasteurised garden organics order 2016* and *The pasteurised organics exemption 2016*;
- mulch as defined in *The mulch order 2016* and *The mulch exemption 2016*.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who use, or intends to use, the Demast recovered washed sand as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 25 September 2023 and is valid until 25 September 2025 unless revoked by the EPA by notice in writing at an earlier date.

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 the Demast recovered washed sand 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 use of the Demast recovered washed sand as set out in 1.1:

- 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 the Demast recovered washed sand are 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:

- 6.1. At the time the Demast recovered washed sand is received at the premises, the material must meet all chemical and other material requirements for the Demast recovered washed sand which are required on or before the supply of the Demast recovered washed sand under the 'Demast recovered washed sand order 2023'.
- 6.2. The Demast recovered washed sand can only be used for the purposes of pipe bedding, drainage, in earthworks, or applied to land within the road corridor for public road related activities including road construction.
- 6.3. The consumer can only apply the Demast recovered washed sand to land consistent with section 6.2 where it:

- is not applied in or beneath water, including groundwater.
- 6.4. Blended Demast recovered washed sand can be applied to land as a soil amendment.
- 6.5. The consumer must keep a written record of the following for a period of six years:
- the quantity of the Demast recovered washed sand received; and
 - the name and address of the supplier of the Demast recovered washed sand received.
- 6.6. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
7. The consumer must ensure that any use of the Demast recovered washed sand must occur within a reasonable period of time after its receipt.

8. Definitions

In this exemption:

ADE (2022) means the 'Separated Liquid Waste (Aggregate, Sand, and Clay Fines) Resource Recovery Application' prepared for Demast Pty Ltd by ADE Consulting Group (ADE), Report number 21.1537.RRA-1.v2f and dated 17 November 2022 as Attachment 1 to 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, the Demast recovered washed sand:

- for land applications for use as pipe bedding, drainage, in earthworks, or applied to land within the road corridor for public road related activities including road construction, and
- as alternative raw material in soil blends and pre-filled sandbags. Pre-filled sandbags may be used as temporary flood control, water diversion, and retaining walls.

environmental practitioner means an independent professional environmental practitioner with appropriate qualifications, training and proven experience in soil sampling and waste classification in NSW. The environmental practitioner must have comprehensive knowledge of sampling principles for soil and waste-derived materials. The environmental practitioner must not be the processor or consumer.

EPL means Environment Protection Licence.

processor means Demast Pty Ltd (Demast), ACN 168 661 514 who processes, mixes, blends, or otherwise incorporates the Demast recovered washed sand into a material in its final form for supply to a consumer.



25/09/2023

KAREN MARLER
Director Technical (Chemicals, Land and Radiation)
Regulatory Practice and Services 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.

In gazetting or otherwise issuing this exemption, 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.

The consumer should assess whether or not the Demast recovered washed sand 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 the Demast recovered washed sand 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.



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

Patons Lane Processed Soils exemption 2024

Introduction

This exemption, issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), exempts a consumer of the Patons Lane Processed Soils from certain requirements 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 'Patons Lane Processed Soils order 2024'. This exemption applies to Patons Lane Processed Soils that is, or is intended to be, **applied to land** for use as **earthworks** or **engineering fill**.

1. Waste to which this exemption applies

- 1.1. This exemption applies to Patons Lane Processed Soils.
- 1.2. In this exemption, Patons Lane Processed Soils means excavated soil (including but not limited to natural materials such as silts, sands, gravels, and clays), that:
 - 1.2.1. is in a particle size generally ranging from clays to gravel;
 - 1.2.2. has been generated from excavations from construction projects (such as railway and metro line construction, tunnelling projects, residential and community building developments) within the Sydney area and transported to the SRC Operations Pty Limited facility (the **premises**), located at 123-179 Patons Lane, Orchards Hills, NSW 2748 (ACN 612 974 366, ABN 36 612 974 366), **EPL 21259**.
 - 1.2.3. has been sourced from soils which meet:
 - 1.2.3.1. the CT1 thresholds for general solid waste (non-putrescible) in the **waste classification guidelines**;
 - 1.2.3.2. the 'other limits' criteria as in Condition L2.1 of **EPL 21259**;
 - 1.2.4. has been processed at the premises by mechanical sorting and screening to remove **physical contaminants** and **construction and demolition waste**, as outlined in Appendix 1 of the 'Patons Lane Processed Soils order 2024';
 - 1.2.5. does not contain **acid sulfate soils**; and
 - 1.2.6. does not contain **asbestos**.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies or intends to apply Patons Lane Processed Soils as set out in clause 6.2.

3. Duration

- 3.1. This exemption commences on 30 August 2024 and is valid until 30 August 2026 unless revoked by the EPA by notice in writing at an earlier date.

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 Patons Lane Processed Soils 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 Patons Lane Processed Soils to land for use as **earthworks** or engineering fill:
- 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 Patons Lane Processed Soils 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:

- 6.1. At the time Patons Lane Processed Soils is received at the **premises**, it must meet all material requirements for Patons Lane Processed Soils which are required under the 'Patons Lane Processed Soils order 2024'.
- 6.2. Patons Lane Processed Soils can only be:
- 6.2.1. **applied to land as engineering fill**;
 - 6.2.2. used in **earthworks**;
- 6.3. The **consumer** must keep a written record of the following for a period of six years:
- 6.3.1. the quantity of Patons Lane Processed Soils received; and
 - 6.3.2. the name and address of the supplier of Patons Lane Processed Soils received.
- 6.4. The **consumer** must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.5. The **consumer** must ensure that any application of Patons Lane Processed Soils to land must occur within a reasonable period of time after receipt.

7. Definitions

In this exemption:

acid sulfate soil includes potential acid sulfate soil and means naturally occurring sediments and soil which contain sulfides such as iron sulfide and iron disulfide or their precursors, as evidenced by:

- (a) if sampling and testing is undertaken for **acid sulfate soil** using a **NATA** accredited chromium reducible sulfur test method – a net acidity greater than 18 mol H⁺/tonne; or
- (b) if sampling and testing is not undertaken for **acid sulfate soil** – a low or high probability of presence of acid sulfate soil at the **premises** based on the applicable Acid Sulfate Soil Risk Maps (published by the former Department of Land and Water Conservation and available at: <https://www.environment.nsw.gov.au/topics/land-and-soil/soil-degradation/acid-sulfate-soil>).

asbestos has the same meaning as in Schedule 1 to the **POEO Act**.

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.

construction and demolition waste means waste that is generated from construction and demolition works.

consumer means a person who uses, or intends to use, Patons Lane Processed Soils for **land application** for use as **earthworks**, or engineering fill.

earthworks means filling to achieve the required topography.

engineering fill means material that is required to support structures or associated pavements, or for which engineering properties are to be controlled.

EPL means Environment Protection Licence.

NATA means the National Association of Testing Authorities, Australia.

physical contaminants means an attribute listed in Column 1, Row 23 to 27 of Table 3 of the 'Patons Lane Processed Soils 2024 order'.

premises has the same meaning as in the **POEO Act**.

POEO Act means the **Protection of the Environment Operations Act 1997**.

waste classification guidelines means the *Waste Classification Guidelines Part 1: Classifying waste*, NSW Environment Protection Authority, November 2014.



30/08/24

Helen Prifti

A/Director Technical (Chemicals, Land and Radiation)

Regulatory Practice & Services 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.

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 Patons Lane Processed Soils 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 Patons Lane Processed Soils 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 requirements for asbestos waste (s. 144AAB), 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.



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

The Patons Lane Washed Sands exemption December 2024

Record Number: SRROE-247

Version Number: 1

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 Patons Lane Washed Sands 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 Patons Lane Washed Sands December 2024.

1. Waste to which this exemption applies

1.1 This exemption applies to the supply of Patons Lane Washed Sands, which is excavated soil (including but not limited to natural materials such as silts and sands), that:

- 1.1.1. has a particle size less than 2 mm;
- 1.1.2. has been generated from excavations from construction projects (such as railway and metro line construction, tunnelling projects, and residential and community building developments) within the Sydney area and transported to the SRC Operations Pty Limited facility (the **premises**), located at 123-179 Patons Lane, Orchard Hills, NSW 2748 (ACN 612974366, ABN 36 612 974 366), **EPL 21259**;
- 1.1.3. has been sourced from soils which meet:
 - (a) the SCC1 and TCLP1 thresholds for general solid waste (non-putrescible) in the **waste classification guidelines**; or

- (b) the CT1 thresholds for general solid waste (non-putrescible) in the **waste classification guidelines**;
- 1.1.4. has been processed at the premises by mechanical sorting, screening and washing to remove **contaminants**, as outlined in **Appendix 1**;
- 1.1.5. does not contain **acid sulfate soils**; and
- 1.1.6. does not contain **asbestos**.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, processed Patons Lane Washed Sands to land as set out in 6.2.

3. Duration

- 3.1. This exemption commences on the date of issue of this exemption and is valid until 06 December 2026 unless revoked by the EPA at an earlier date.

4. Premises to which this exemption applies

- 4.1 This exemption only applies to the premises at which the consumer's actual or intended application of Patons Lane Washed Sands 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 Patons Lane Washed Sands to land for use in asphalt and concrete manufacturing, for **earthworks or engineering fill**:
 - (a) 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;
 - (b) Part 4 of the Waste Regulation;
 - (c) section 88 of the POEO Act; and
 - (d) clause 109 and 110 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where Patons Lane Washed Sands 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:

- 6.1. At the time the Patons Lane Washed Sands is received at the premises, the material must meet all chemical and other material requirements for Patons Lane Washed Sands which are required on or before supply of Patons Lane Washed Sands under 'Patons Lane Washed Sands order February 2023'.
- 6.2. The processed Patons Lane Washed Sands can only be:
 - 6.2.1. **applied to land as engineering fill**;
 - 6.2.2. used in **earthworks**; and
 - 6.2.3. used in asphalt and concrete manufacturing.

- 6.3. The consumer must keep a written record of the following for a period of six years:
- the quantity of processed Patons Lane Washed Sands received; and
 - the name and address of the supplier of processed Patons Lane Washed Sands received.
- 6.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.5. The consumer must apply processed Patons Lane Washed Sands to land within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

acid sulfate soil includes potential acid sulfate soil and means naturally occurring sediments and soil which contain sulfides such as iron sulfide and iron disulfide or their precursors, as evidenced by:

- (a) if sampling and testing is undertaken for **acid sulfate soil** using a **NATA** accredited chromium reducible sulfur test method – a net acidity greater than 18 mol H⁺/tonne; or
- (b) if sampling and testing is not undertaken for acid sulfate soil – a low or high probability of presence of acid sulfate soil at the premises based on the applicable Acid Sulfate Soil Risk Maps (published by the former Department of Land and Water Conservation and available at: <https://www.environment.nsw.gov.au/topics/land-and-soil/soil-degradation/acid-sulfate-soils>).

asbestos has the same meaning as in Schedule 1 to the **POEO Act**.

application 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 Patons Lane Washed Sands to land.

earthworks means filling to achieve the required topography.

engineering fill means material that is required to support structures or associated pavements, or for which engineering properties are to be controlled.

EPL means Environment Protection Licence.

NATA means the National Association of Testing Authorities, Australia.

premises has the same meaning as in the **POEO Act**.

POEO Act means the Protection of the Environment Operations Act 1997.

waste classification guidelines means the *Waste Classification Guidelines Part 1: Classifying waste*, NSW Environment Protection Authority, November 2014.



Kathy Giunta

www.epa.nsw.gov.au

Director, Technical CLR
Environment Protection Authority
(by delegation)

Issue date: **06 December 2024** ~~06 December 2024~~

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.

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 Patons Lane Washed Sands 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.

The receipt of Patons Lane Washed Sands 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 (s. 144AAB), 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.



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

The reDirect washed aggregate exemption December 2024

Introduction

This exemption:

- is issued by the NSW 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 reDirect washed 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 reDirect washed aggregate order December 2024'.

1. Waste to which this exemption applies

1.1. This exemption applies to reDirect washed aggregate that is, or is intended to be, used:

- 1.1.1. **For land application** for use as **engineering fill**, asphalt manufacturing, road sealing applications, concrete, road construction material, or in building, landscaping or construction works.

1.2. In this exemption, reDirect washed aggregate means aggregate that:

- 1.2.1. is between 5mm and 80mm in particle size;
- 1.2.2. has been processed at the reDirect Recycling Pty Ltd facility (premises), located at 24 Davis Road, Wetherill Park, NSW 2164 (ACN 635 826 256), Environment Protection Licence (EPL) 21092;
- 1.2.3. has been sourced from the processing of any of the following waste streams:
- 1.2.3.1. waste collected by or on behalf of local councils from street sweepings;
- 1.2.3.2. drilling mud and/or muddy waters from drilling and pot holing operations;

- 1.2.3.3. concrete slurry;
 - 1.2.3.4. stormwater that is contaminated with gross pollutants and only collected from council stormwater infrastructure or construction sites;
 - 1.2.3.5. recovered aggregate that meets the requirements of *The recovered aggregate order 2014* when received at the premises;
 - 1.2.3.6. soils which meet the CT1 thresholds for general solid waste in the Waste Classification Guidelines – as described in Condition L2.1 of EPL 21092;
 - 1.2.3.7. excavated natural material that meets the requirements of *The excavated natural material order 2014* when received at the premises; and
 - 1.2.3.8. virgin excavated natural material – as defined in the POEO Act.
- 1.2.4. Does not contain asbestos, acid sulfate soils (ASS), potential acid sulfate soils (PASS), or per- and polyfluoroalkyl substances (PFAS).

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who uses, or intends to use, reDirect washed aggregate as set out in clause 1.1.

3. Duration

- 3.1. This exemption commences on 9 December 2024 and is valid until 1 July 2026 unless revoked by the EPA by notice in writing at an earlier date.

4. Revocation

- 4.1. 'The reDirect washed aggregate exemption July 2024' which commenced on 1 July 2024 is revoked from 9 December 2024.

5. Premises to which this exemption applies

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

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 reuse of the reDirect washed aggregate as set out in clause 1.1:
 - 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 reDirect washed 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 reDirect washed aggregate is received at the premises, the material must meet all chemical and other material requirements for reDirect washed aggregate which are required on or before the supply of reDirect washed aggregate under 'the reDirect washed aggregate order December 2024'.
- 7.2. The reDirect washed aggregate can only be used for the purposes as set out in clause 1.1. The 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 reDirect washed 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** can only apply the reDirect washed aggregate to land consistent with clause 7.2 where it:
 - 7.3.1. is not applied in or beneath water, including groundwater.
- 7.4. The **consumer** must keep a written record of the following for a period of six years:
 - the quantity of the reDirect washed aggregate received; and
 - the name and address of the supplier of the reDirect washed aggregate received.
- 7.5. The **consumer** must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 7.6. The **consumer** must ensure that any reuse of the reDirect washed aggregate must occur within a reasonable period of time after its receipt.

8. Definitions

In this exemption:

application or apply to land or land application 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 uses, or intends to use, the reDirect washed aggregate:

- **Land application** for use as **engineering fill**, asphalt manufacturing, road sealing applications, concrete, road construction material, or in building, landscaping or construction works;

engineering fill means material that is required to support structures or associated pavements, or for which engineering properties are to be controlled.

EPL means Environment Protection Licence.

PFAS means per- and polyfluoroalkyl substances specifically related to Perfluorooctane sulfonate ('PFOS'), perfluorooctanoic acid ('PFOA'), and perfluorohexane sulfonate ('PFHxS') where the sum of the concentrations of PFOS + PFHxS, and PFOA are more than the laboratory limit of reporting of 5 µg/kg.



KATHY GIUNTA

Director Technical (Chemicals, Land & Radiation)

Regulatory Practice and Services 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.

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 reDirect washed 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 reDirect washed 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.



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

The Sydney Metro West (Parramatta Metro Station) box excavation spoil exemption February 2024

Introduction

This exemption, issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), exempts a **consumer** of Sydney Metro West (Parramatta Metro Station) box excavation spoil from certain requirements 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 Sydney Metro West (Parramatta Metro Station) box excavation spoil order February 2024'. This exemption applies to Sydney Metro West (Parramatta Metro Station) box excavation spoil that is, or is intended to be, **applied to land as engineering fill**.

1. Waste to which this exemption applies

1.1. This exemption applies to The Sydney Metro West (Parramatta Metro Station) box excavation spoil. In this order, The Sydney Metro West (Parramatta Metro Station) box excavation spoil means up to 55,000 m³ of natural clay and alluvial soils that:

- (a) has been generated from the Parramatta Station Box excavation that is part of the Sydney Metro West Western Tunnelling Package (SMW WTP) project (Environment Protection Licence 21676). The SMW WTP project includes twin nine-kilometre tunnels between Sydney Olympic Park and Westmead, excavation of two new metro stations and a stabling and maintenance facility at Clyde;
- (b) has been excavated up to approximately 14 m below ground level using a combination of 25 to 50 tonnes excavators with buckets, 50 tonnes long reach excavator, crane and kibble (for deeper locations);
- (c) does not meet the definition of virgin excavated natural material (VENM) in the *Protection of the Environment Operations Act 1997* (POEO Act) due to presence of sulfidic ores;
- (d) has not been contaminated with manufactured chemicals, or process residues as a result of industrial, commercial, mining or agricultural activities;
- (e) does not contain asbestos, physical contaminants, and pesticides; and
- (f) contains **acid sulfide soils** of **net acidity** less than 18 mol H⁺/t.

2. Persons to whom this exemption applies

2.1. This exemption applies to any person who applies or intends to apply Sydney Metro West (Parramatta Metro Station) box excavation spoil as set out in clauses 6.1 to 6.5.

3. Duration

- 3.1. This exemption commences on 17 February 2024 and is valid until 17 February 2026 unless revoked by the EPA by notice in writing at an earlier date.

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 Sydney Metro West (Parramatta Metro Station) box excavation spoil 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 Sydney Metro West (Parramatta Metro Station) box excavation spoil to land as engineering fill both onsite within the Parramatta Metro Station project boundaries, and offsite within the Western Tunnelling Project, to a range of land uses, including parks, open space, commercial, and industrial land outside of the Western Tunnelling Package project, including, but not limited, to the range of site owners/developers described in the RRO/E application:
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39, 40 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 Sydney Metro West (Parramatta Metro Station) box excavation spoil 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:

- 6.1. At the time Sydney Metro West (Parramatta Metro Station) box excavation spoil is received at the premises, it must meet all material requirements for Sydney Metro West (Parramatta Metro Station) box excavation spoil which are required under 'the Sydney Metro West (Parramatta Metro Station) box excavation spoil order February 2024'.
- 6.2. Sydney Metro West (Parramatta Metro Station) box excavation spoil can only be:
- 6.2.1. applied to land as engineering fill;
- 6.3. The consumer must keep a written record of the following for a period of six years:
- 6.3.1. the quantity of Sydney Metro West (Parramatta Metro Station) box excavation spoil received; and
- 6.3.2. the name and address of the supplier of Sydney Metro West (Parramatta Metro Station) box excavation spoil received.
- 6.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.

- 6.5. The consumer must ensure that any application of Sydney Metro West (Parramatta Metro Station) box excavation spoil to land must occur within a reasonable period of time after receipt.

7. Definitions

In this exemption:

acid sulfate soils includes potential acid sulfate soil and sulfidic ores and means naturally occurring sediments and soils which contain sulfides such as iron sulfide and iron disulfide or their precursors.

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, The Sydney Metro West (Parramatta Metro Station) box excavation spoil to land.

engineering fill means material that is required to support structures or associated pavements, or for which engineering properties are to be controlled.

net acidity means a measurement for the potential presence of acid sulfate soils and must be tested for using a NATA accredited chromium reducible sulfur test method.



16/02/24

Helen Prifti

Manager - Technical Assessments & Advice

Regulatory Practice and Services

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.

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 Sydney Metro West (Parramatta Metro Station) box excavation spoil 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 Sydney Metro West (Parramatta Metro Station) box excavation spoil 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 (s. 144AAB), 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.



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

The Sydney Metro West (Stage 2) tunnel spoil exemption April 2024

Introduction

This exemption, issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), exempts a consumer of Sydney Metro West (Stage 2) tunnel spoil from certain requirements 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 Sydney Metro West (Stage 2) tunnel spoil order April 2024. This exemption applies to Sydney Metro West (Stage 2) tunnel spoil that is, or is intended to be, applied to land as engineering fill, for use in earthworks, or applied to land within the road corridor for public road related activities including road construction, maintenance and installation of road infrastructure facilities.

1. Waste to which this exemption applies

- 1.1. This exemption applies to processed and unprocessed Sydney Metro West (Stage 2) tunnel spoil. In this order, Sydney Metro West (Stage 2) tunnel spoil means up to 999,293 m³ of naturally occurring rock that:
 - (a) has been generated from the Sydney Metro West (Stage 2) project, extending from Sydney Olympic Park to Westmead – Environment Protection Licence 21676;
 - (b) has been excavated using machinery including excavators, roadheaders and by tunnel boring machines from the excavation of the twin tunnels, the dive and spur lines, Westmead Station box, Parramatta Station box, or Clyde shaft;
 - (c) contains no more than 0.72% w/w (total) shotcrete, steel fibres and grout; and
 - (d) has not been contaminated with manufactured chemicals or process residues (except for trace amounts of shotcrete, steel fibres and grout).

Sydney Metro West (Stage 2) tunnel spoil does not include material that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS), sulfidic ores or Per- and Polyfluoroalkyl Substances (PFAS).

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies or intends to apply Sydney Metro West (Stage 2) tunnel spoil as set out in clauses 6.1 to 6.5.

3. Duration

- 3.1. This exemption commences on 20 April 2024 and is valid until 16 November 2025 unless revoked by the EPA by notice in writing at an earlier date. The 'Sydney Metro West (Stage 2) tunnel spoil exemption November 2022' is revoked from 20 April 2024.

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 Sydney Metro West (Stage 2) tunnel spoil 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 *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the consumer's actual or intended application of Sydney Metro West (Stage 2) tunnel spoil to land as engineering fill, or use in earthworks, or for use as an alternative input into thermal processes for non-energy recovery purposes in the manufacture of bricks at the premises:
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39, 40 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 Sydney Metro West (Stage 2) tunnel spoil 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:

- 6.1. At the time Sydney Metro West (Stage 2) tunnel spoil is received at the premises, it must meet all material requirements for Sydney Metro West (Stage 2) tunnel spoil which are required under 'the Sydney Metro West (Stage 2) tunnel spoil order April 2024.
- 6.2. Sydney Metro West (Stage 2) tunnel spoil can only be:
- 6.2.1. applied to land as engineering fill;
 - 6.2.2. used in earthworks;
 - 6.2.3. applied to land within the road corridor for public road related activities including road construction, maintenance and installation of road infrastructure facilities.
- 6.3. The consumer must keep a written record of the following for a period of six years:
- 6.3.1. the quantity of Sydney Metro West (Stage 2) tunnel spoil received; and
 - 6.3.2. the name and address of the supplier of Sydney Metro West (Stage 2) tunnel spoil received.
- 6.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.

- 6.5. The consumer must ensure that any application of Sydney Metro West (Stage 2) tunnel spoil to land must occur within a reasonable period of time after receipt.

7. Definitions

In this exemption:

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, Sydney Metro West (Stage 2) tunnel spoil to land; and
- a person who uses, or intends to use, Sydney Metro West (Stage 2) tunnel spoil in connection with a process involving thermal treatment.

generator means a person who generates Sydney Metro West (Stage 2) tunnel spoil for supply to a consumer. The generator in this order is Gamuda Engineering PTY LTD (ABN 36 636 433 522, ACN 636 433 522).

grout means ordinary and ultrafine Portland cement used to fill primary, secondary, tertiary, quaternary and quinary holes within the initial 110m of tunnel boring machine excavation.

PFAS means per- and polyfluoroalkyl substances specifically related to perfluorooctane sulfonate ('PFOS'), perfluorooctanoic acid ('PFOA'), and perfluorohexane sulfonate ('PFHxS').

shotcrete means a form of concrete/cement slurry which is pneumatically sprayed onto a surface through a hose as a construction technique used to stabilise the cuttings.

steel fibres means long thin steel pins approximately 35mm in length, used as abrasive on the cutting tools attached to the cutting heads.



19/04/24

Helen Prifti
A/Director, Technical - Chemicals, Land, and Radiation

Regulatory Practice & Services 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.

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 processed or unprocessed Sydney Metro West (Stage 2) tunnel spoil 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 processed or unprocessed Sydney Metro West (Stage 2) tunnel spoil 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 requirements for asbestos waste (s. 144AAB), 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.



Protection of the Environment Operations Act 1997

Order granting exemption under section 284

Background

- A. The NSW Environment Protection Authority (**EPA**) may exempt any person or class of persons from any specified provision or provisions of the *Protection of the Environment Operations Act 1997* (**POEO Act**) or the regulations, in the circumstances referred to in section 284.
- B. Snowy Hydro Limited (ACN 090 574 431) (**SHL**) holds Environment Protection Licence 21627 (**Licence**), issued under the POEO Act in respect of scheduled activities carried on at Hunter Power Station (**HPS**) (also known as the Hunter Power Project) located off Hart Road, Loxford NSW 2326 (**Premises**). The HPS is in the construction and commissioning phase of the project and is progressing to its operational phase.
- C. HPS is occupied by SHL for the purpose of operating as a 'peaking power station' that comprises an open cycle gas fired power station consisting of two gas turbine units with a nominal combined output of 660 megawatts. The gas turbines are intended to be operated on natural gas as the primary fuel and diesel as the back-up fuel.
- D. On 14 October 2024, SHL emailed the EPA a letter requesting an exemption under section 284 of the POEO Act (**Application**), in the circumstances detailed under section 284(2)(b), in respect of the commissioning of two turbine units at the HPS to facilitate operation on both natural gas and diesel (**the commissioning work**). The commissioning work is essential for the generation of electricity for supply to the National Energy Market and is a requirement set by the Australian Electricity Market Operator. The commissioning work is likely to exceed the maximum stack emission standards of concentration for resulting oxides of nitrogen (**NO_x**) and carbon monoxide (**CO**) as set out in the *Protection of the Environment Operation (Clean Air) Regulation 2022* (**Clean Air Regulation**) and Licence.
- E. The Application was accompanied by air dispersion modelling undertaken to assess the potential for public health impacts during planned commissioning of the HPS, for the purpose of addressing section 284(2)(b)(ii) of the POEO Act. The modelling predicted that during commissioning operations, resulting NO_x and CO pollutant ground level concentrations would remain below the EPA's impact assessment criterion at surrounding sensitive receptors.
- F. SHL requested an exemption for the commissioning work from the following provisions:
 - i. Section 128 of the POEO Act – SHL commits an offence if the applicable standards of air impurities contained in the Clean Air Regulation are exceeded;
 - ii. Section 52 and Schedule 2 of the Clean Air Regulation – requires SHL to comply with emission limits for NO_x¹ applicable for the duration of the commissioning work, of:
 - a. 70 mg/m³, while operating a turbine on gas, or
 - b. 90 mg/m³, while operating a turbine on diesel.
 - iii. Section 64 of the POEO Act – SHL commits an offence if *any* condition of the Licence is contravened, including Licence conditions L3.2 and L3.4 which requires SHL to comply with emissions limits for NO_x and CO when units are being fired on either natural gas or diesel, which would otherwise apply for the duration of the commissioning work.
- G. On 17 October 2024, the EPA wrote to SHL requesting further information in respect of the Application for the purpose of addressing section 284(2)(b)(i) of the POEO Act.

¹ Nitrogen dioxide (NO₂) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO₂ equivalent.

- H. On 25 October 2024, SHL wrote to the EPA providing further information in support of the Application addressing the requirements under section 284(2)(b)(i) of the POEO Act. Of note, the further information detailed:
- i. the pollution controls to be employed at the HPS
 - ii. information to justify that there are no operational changes to plant or practices that can practically be implemented to reduce air emissions
 - iii. confirmed NO_x and CO continuous emissions monitoring systems would be employed during commissioning work
 - iv. the Australian Electricity Market Operator requirements for the commissioning
 - v. further information on the likely phasing of commissioning work.
- I. Concurrently with granting this exemption, the EPA will vary the Licence to insert revised temporary NO_x emissions limits, require a NO_x and CO trigger action response plan and reporting requirements that will apply only to, and for the duration of, the commissioning work. Therefore, this exemption does not relate to Section 64 of the POEO Act (paragraph F.iii above).
- J. On 22 November 2024, the EPA Executive Director Operations, by delegation, decided that he was satisfied that:
- i. It is not practicable for SHL to comply with the provisions outlined in paragraphs F.i and F.ii. above in relation to NO_x emissions, by implementing operational changes to plant or practices in accordance with section 284(2)(b)(i) of the POEO Act; and
 - ii. Non-compliance with the provisions outlined in paragraphs F.i and F.ii. above in relation to NO_x emissions, will not have any significant adverse effect on public health, property or the environment in accordance with section 284(2)(b)(ii) of the POEO Act.
- K. On 5 December 2024, the Board of the EPA approved the granting of an exemption to SHL from section 128 of the POEO Act, and the emissions limits referenced in Section 52 of the Clean Air Regulation, in relation to NO_x emissions in accordance with section 284(2)(b)(iii) of the POEO Act, to enable SHL to carry out the commissioning work.

Order

By this Order, in circumstances where the EPA is satisfied that:

- (i) it is not practicable to comply with the relevant provision or provisions, by implementing operational changes to plant or practices, and
- (ii) non-compliance with the provision or provisions will not have any significant adverse effect on public health, property or the environment, and
- (iii) the Board of the EPA has approved the granting of the exemption,

the EPA grants Snowy Hydro Limited (ACN 090 574 431) an exemption under section 284 of the POEO Act from complying with the provisions of section 128 of the POEO Act and section 52 of the Clean Air Regulation in relation only to the activity and air impurities listed in Table 1 of this Order.

This exemption applies only in relation to the commissioning work on two turbines operating on either natural gas or diesel at the Hunter Power Station under Environment Protection Licence No. 21627.

Table 1.

Legislation	Provision	Requirements			
Clean Air Regulation	Schedule 2, Part 2, Division 2	Electricity generation			
		Air impurity	Activity or plant	Standard of concentration	
		Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO ₂ equivalent	A turbine operating on gas, being a turbine used in connection with an electricity generating system with a capacity of 30MW or more	Group 6	70mg/m ³
A turbine operating on a fuel other than gas, being a turbine used in connection with an electricity generating system with a capacity of 30MW or more	Group 6		90mg/m ³		

Duration of exemption

This Order takes effect from 12:00 am on 1 January 2025 and has effect until 11:59 pm on 31 December 2025 unless otherwise revoked, varied or renewed. The Order may be revoked, varied or renewed by further order under section 284(7) of the POEO Act.

Note: Under section 284(8) of the POEO Act an exemption may not be granted or renewed so as to have effect for a total period exceeding 5 years. A further exemption granted within 5 years after the expiry of an earlier exemption (being a further exemption that is the same in substance as the earlier exemption) is to be treated as a renewed exemption for the purposes of section 284(8).



STEVE ORR

Acting Executive Director Operations (by delegation)

Date: 11 December 2024