

Imported Materials Management Plan

Lang Lang Sand Pit – WA007541

Lang Lang Sand Resources Pty Ltd

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Lang Lang Sand Resources Pty Ltd
5575 Sth Gippsland Highway
Lang Lang 3984

Kelvin Sargent
GM Strategy & Development
Ph: (03) 9408 0666 Mob: 0402 534 467
kelvins@acm.com.au

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Revision History

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1. Background

This Imported Materials Management Plan (IMPP) has been prepared to meet the requirements of the *Imported Materials Management Guidelines for Mines and Quarry Operations*, published by Earth Resources Regulation (ERR), and provides the framework to manage 'clean fill' materials (uncontaminated soil, including gravel and rock), recycled aggregates (processed solid inert waste), mulch or sand that are imported to the Lang Lang Sand Pit site.

Clean fill (or 'Fill Material' as defined by the EPA) must meet the contaminant thresholds set out in EPA Publication 1828.2 *Waste Disposal Categories – Characteristics and Thresholds*. These materials, and any other solid inert wastes, brought to the site for reuse would need to meet a classification of 'industrial waste (non-priority)', as per EPA Publication 1968.1 *Guide to Classifying Industrial Waste*. Other processed or extracted raw sand may also be brought to the site for blending with sand extracted onsite to achieve product specifications, but such imported sand is not classified as 'waste' under EPA legislation.

This IMMP documents and formalises the process of receiving any clean fill materials, as well as any recycled aggregates (solid inert waste), that are brought onto the Work Authority (the site) for the purposes of constructing hardstand areas, roadways and other works or for rehabilitation work. If necessary, there may be short-term stockpiling of material for site rehabilitation until rehabilitation opportunities arise. The site has the capacity to receive these materials, at relatively low volumes, along with the imported sand that may also be brought to the site for blending with extracted sand.

Some imported uncontaminated soil and other clean fill materials, along with mulch, may be used to supplement site rehabilitation, if necessary, by aiding the establishment of vegetation on the upper terminal batters, the screening bund or the northern waterway diversion. Such use of imported materials will always be consistent with the site's Rehabilitation Plan.

It is not intended for any unprocessed solid inert waste to be accepted onto the site for reprocessing into engineered fill / structural fill. There is also no intention to dispose of any imported waste materials within the backfill deposited in the pit.

2. Objectives

The objectives of this IMMP are to:

- Define the types of material that may be imported to the site during the extractive industry operation
- Document the procedures to be implemented for a new source of imported material to confirm the classification of the imported material prior to importation
- Document the procedures to be implemented at the site to check that only the material that the site is authorised to receive is imported to the site

3. Waste Classification

The *Environment Protection Act 2017* defines 'Industrial waste' as all "waste arising from commercial, industrial or trade activities or from laboratories" or as prescribed. Waste being defined as any "matter that is discarded, rejected, abandoned, unwanted or surplus, irrespective of any potential use or value" and includes matter "intended for, or is undergoing, resource recovery". Under this broad definition 'industrial waste' includes 'clean fill' (or 'Fill Material' as defined by the EPA) that may be brought to the site for construction of hardstands, etc. or for rehabilitation purposes. This definition does not include processed sand or extracted raw sand that may be brought to the site for blending with product produced on site.

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The *Environment Protection Act 2017* requires that any producer of industrial waste, or those in management or control of industrial waste, must classify the waste in accordance with the Act and the *Environment Protection Regulations 2021*.

The industrial waste must be classified before it is received at the site or if it is to be transported offsite. However, if it is soil from contaminated land sourced onsite (i.e. would classify as a 'priority waste'), then it must be classified as soon as practicable after sourcing the soil. Classification enables you to identify whether the waste is a 'priority waste' or 'reportable priority waste', and if additional waste duties or regulatory controls apply.

The *Environment Protection Act 2017* requires that anyone who is transporting industrial waste, must before relinquishing management or control of that waste, take all reasonable steps to ensure that it will be delivered to a site that is authorised to receive that waste. This requirement ensures that relevant information is passed on through the waste supply chain, so it can be determined where the waste can be lawfully taken for resource recovery, reuse or disposal, and those receiving the waste can manage any associated risks.

Waste classification involves:

- **determining the relevant waste code or codes** (Schedule 5 of the *Environment Protection Regulations 2021*)
- **determining the waste type** – 'industrial waste (non-priority)', 'priority waste' or 'reportable waste', and if any additional waste duties or regulatory controls apply
- for soil that is 'priority waste' or for priority waste consigned for disposal to landfill, **determining which priority waste category or disposal category applies (Category A, B, C or D).**

Materials that may typically be accepted at quarry sites, such as 'clean fill', solid inert wastes or mulches, are all classified as 'industrial waste (non-priority)'. However, the particular waste code must also be determined.

It is an offence under the *Environment Protection Act 2017* for a person who has the management or control of industrial waste to provide false or misleading information or documents in connection with the type, properties and classification of the industrial waste, or to conceal such information or documents.

Waste classified as 'priority waste' must not be blended, mixed or diluted to change the waste classification without first obtaining an EPA designation in relation to that particular blending, mixing or diluting process.

Having classified the industrial waste, the *Environment Protection Act 2017* requires that it be taken to a 'lawful place', being a place or premises 'authorised to receive industrial waste' (for that type of industrial waste). Refer to the Definitions section for a detailed explanation of 'authorised to receive industrial waste' and related terms. Further information is provided in EPA Publication 1946.1 *How to Establish Lawful Place*.

4. Receiving Waste and EPA Permissions

Transporting and receiving industrial wastes must be in accordance with the *Environment Protection Regulations 2021*. Whether a site is authorised to receive waste and whether any EPA permission is required, and the level of such permission (Registration, Permit or Licence), will depend on the type of waste materials involved and the scale of the operation.

EPA Determinations: Some waste materials (e.g. clean fill / fill material) are considered innocuous enough for a site to be automatically authorised to receive that waste, subject to an EPA Determination published in the Government Gazette, as long as they do not require an EPA permission otherwise. A 'Declaration of Use' form (see below) is not required for such waste materials when received and used in accordance with the specifications and conditions set out in the relevant EPA Determination.

Declaration of Use: If waste materials received at the site meet certain criteria then a self-assessed declaration may be all that is required to be 'authorised to receive industrial waste'. This declaration is prepared by the producer/supplier of the waste materials and co-signed by the site operator/receiver. The Definitions section provides the full set of requirements for a declaration of use but can be summarised as follows:

- the waste materials must be for immediate use on the site, e.g. in backfill, site rehabilitation, or blending with quarry products.
- a declaration of use can apply if an EPA permission is not otherwise required, e.g. imported engineered fill that is not being stockpiled and processed on site.
- the declaration of use must be in the form approved by the EPA, but does not need to be formally approved by the EPA, however the EPA can impose conditions or cancel the declaration of use
- a declaration of use may have effect for a specific consignment or for a period of up to 12 months
- both the producer/supplier and site operator/receiver must retain copies for 2 years.

Importation of clean fill: the importation of clean fill (i.e. 'fill material') for use in site rehabilitation or blending with quarry product does not require a Declaration of Use to be completed. Clean fill is not a 'priority waste', the importation of clean fill for use on site does not require an EPA permission (as it does not meet the definition of resource recovery – see below) and there is an EPA Determination in place automatically authorising sites to receive such waste.

A Declaration of Use form is attached, partially completed for a case of importing excavated material or engineered fill for use in site rehabilitation. This form is available from the EPA website (www.epa.vic.gov.au/about-epa/publications/f1022) and includes detailed explanatory notes.

Waste and Resource Recovery Permissions: Receiving, storing or processing waste generated at another site for the purposes of resource recovery, or off-site transfer or disposal, may be a 'prescribed permission activity' under Schedule 1 of the *Environment Protection Regulations 2021*, and therefore require an EPA permission (Registration, Permit or Licence). However, the Regulations do authorise a site to receive, store and process waste of not more than 5m³ at any one time without an EPA permission, as long as it does not classify as 'priority waste'.

Note: the importation of clean fill (i.e. 'fill material') for use in site rehabilitation or blending with quarry product does not meet the definition of 'resource recovery' under the *Environment Protection Act 2017*, and is not for off-site transfer or disposal, therefore the following would not apply.

Additionally, receiving, storing and processing of greater volumes of materials for waste and resource recovery may also require separate planning permission. The EPA permission requirements for 'waste and resource recovery' activities, excluding 'reportable priority waste (transport)' that requires transport permission, are summarised in Figure 1.

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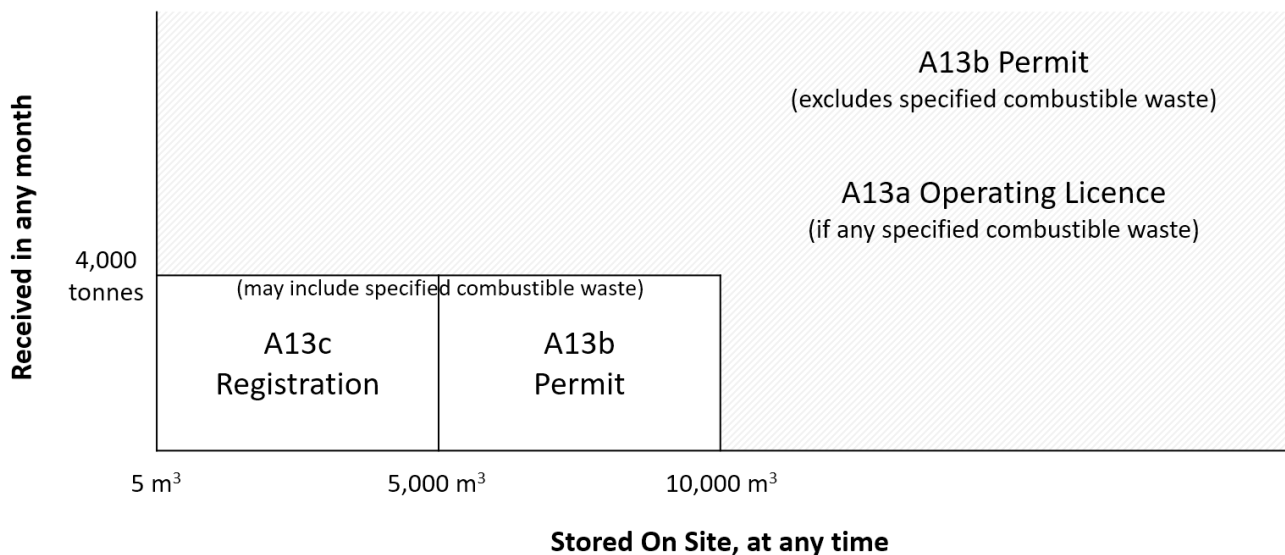


Figure 1: Required A13 permissions for waste and resource recovery activities.

Registrations: Smaller scale resource recovery activities at a quarry site may require an A13c Registration (see Figure 1). Registrations are automatically granted upon application but may include standard conditions or a requirement to notify or report to EPA in certain circumstances. A Registration may be revoked if EPA is not satisfied with the site operator’s compliance. Registrations must be renewed after 5 years.

Having an A13c Registration means the site is unambiguously ‘authorised to receive industrial waste’, which means that producers and transporters of waste can easily meet their duty to take waste to a ‘lawful place’.

5. Types of Imported Material

Types of imported material that could potentially be accepted by the quarry include the following categories.

5.1. Clean Fill Material

Consists of uncontaminated waste soil, being any combination of clay, silt, sand, gravel and/or rock of naturally occurring materials (except asbestos). The waste soil material is classified as ‘Fill Material’ where it is free from other industrial wastes, such as masonry materials (e.g. bricks), and has contaminant levels below those specified in the EPA Publication 1828.2 *Waste Disposal Categories – Characteristics and Thresholds*.

Classification: ‘waste code’ – N122, being “Excavated material or engineered fill including fill material” under Schedule 5 (Waste Classification) of the *Environment Protection Regulations 2021*, but this excludes any such material that exceeds the specified contaminant levels or qualifies as actual or potential acid sulfate soil.

Excavated material or engineered fill including fill material are pre-classified as ‘industrial waste (non-priority)’.

Clean fill is accepted at this site.

Note: In accordance with *EPA Determination – Specifications acceptable to the Authority for receiving fill material* (gazetted 18 June 2021), **sites are automatically authorised to receive ‘Fill Material’ (as defined by the EPA)**. Provided that it is not contaminated, every consignment is inspected and recorded, and if the material is from a contaminated land site then it is accompanied by evidence for the classification.

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As clarified in section 4, a Declaration of Use or an EPA permission is not required to import clean fill when received and used in accordance with the specifications and conditions set out in the EPA Determination for 'Fill Material', being uncontaminated waste soil.

In addition to uncontaminated waste soil, imported clean fill may include engineered fill (or structural fill), which is material that has been processed to a particular engineering specification, e.g. those produced by VicRoads, or to a specification that is performance-based and can be assessed against an engineering standard. This activity may require a Declaration of Use form to be completed by the producer/supplier of the material and the site operator – see partially completed form attached for importing excavated material or engineered fill for use in site rehabilitation.

5.2. Solid Inert Waste

Solid inert waste includes, but is not limited to, concrete, bricks, asphalt or ceramics. For this type of material to be accepted on to the site, it must meet the classification as 'industrial waste (non-priority)', refer to EPA Publication 1968.1 *Guide to Classifying Industrial Waste*. The solid inert waste must be fit for purpose and either suitable for reprocessing and recycling into engineered fill / structural fill for use on the site, or suitable for recycling into saleable products where it can be demonstrated that a market exists for those products.

Classification: "Masonry materials" brought to the site are subdivided (with 'waste codes') into bricks (Y100), concrete (Y110), rubble (Y120), plaster board & cement sheeting (Y130), and asphalt (Y140), in Schedule 5 (Waste Classification) of the *Environment Protection Regulations 2021*.

Masonry materials are all pre-classified as 'industrial waste (non-priority)'.

Notes: Additionally, in accordance with *EPA Determination – Specifications acceptable to the Authority for receiving recycled aggregates* (gazetted 18 June 2021), **sites are automatically authorised to receive recycled aggregates, being a mix of industrial wastes that comprise of concrete, brick, glass, asphalt, natural rock or ceramics.** Under the *Environment Protection Regulations 2021* a site can also have up to 5m³ of industrial waste on the site at any time that has been brought to the site for processing and disposal offsite, as long as it does not classify as priority waste.

Recycled aggregates of solid inert waste are accepted at this site.

Recycled aggregates imported to the site, without requiring further processing, can be used directly for construction of hardstands, etc. or in site rehabilitation. This activity may require a Declaration of Use form to be completed by the producer/supplier of the material and the site operator.

Solid inert waste that has not been recycled into aggregates is NOT accepted at this site.

Receiving, storing and processing solid inert wastes at quarry sites, for use in site rehabilitation, will likely be considered a waste and resource recovery activity by the EPA. As such, this activity may require an EPA permission (refer to Figure 1).

5.3. Organic Waste

Organic waste (putrescible/green waste or mulches) consists of organic material derived from domestic or commercial gardens (not containing any food waste), landscaping works, timber (including sawdust), forestry residuals, or other natural organic fibrous wastes. Organic waste brought to the site must be fit for purpose and free from contamination, and either suitable for use on the site (e.g. as mulch or processed organic waste) or suitable for recycling into a saleable product, where it can be demonstrated that a market exists for that product. If the recycling of organic waste were to be undertaken onsite for resale then separate planning permission will likely be required.

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Classification: Uncontaminated organic wastes brought to the site would be either 'waste code' K300, being "Commercial garden & landscaping organics that does not contain any physical or chemical contamination", or 'waste code' K310-NH, being "Untreated timber, including sawdust", under Schedule 5 (Waste Classification) of the *Environment Protection Regulations 2021*.

Such materials are pre-classified as 'industrial waste (non-priority)'.

Uncontaminated organic waste for mulch, or processed organic waste (i.e. pasteurised material), may be accepted at this site.

Notes: There is no restriction on processing organic waste that is generated onsite and retained onsite. Under the *Environment Protection Regulations 2021* a site can also have up to 5m³ of organic waste stored on the site at any time that has been brought to the site for processing and disposal offsite. In accordance with *EPA Determination – Specifications acceptable to the Authority for receiving processed organics* (gazetted 16 December 2021), **sites are automatically authorised to receive processed organics (pasteurised material).**

While processed organic waste (i.e. pasteurised material) can be imported to the site and used directly in site rehabilitation, importing organic waste for mulches to the site would require a Declaration of Use form to be completed by the producer/supplier of the material and the site operator.

Organic waste is NOT accepted at this site for aerobic or anaerobic biological conversion and offsite disposal.

Processing of greater volumes of organic waste brought to the site for aerobic or anaerobic biological conversion and to be disposed of offsite, in addition to likely requiring separate planning permission, may be a 'prescribed permission activity'.

5.4. Excess Wet Concrete

Returned concrete, plastic concrete free from excessive liquid.

Classification: Excess wet concrete brought to the site will set and qualify under "Masonry materials", which includes concrete (waste code: Y110), in Schedule 5 (Waste Classification) of the *Environment Protection Regulations 2021*.

Such materials are pre-classified as 'industrial waste (non-priority)'.

Note: Under the *Environment Protection Regulations 2021* a site can have up to 5m³ of industrial waste on the site at any time that has been brought to the site for processing and disposal offsite, as long as it does not classify as priority waste.

Excess wet concrete and concrete truck washout is NOT accepted at this site.

Receiving, storing and processing excess wet concrete at quarry sites for processing will likely be considered a waste and resource recovery activity by the EPA. As such, this activity may require an EPA permission (refer to Figure 1).

5.5. Other

Processed sand or extracted raw sand brought to the site for blending with sand extracted onsite to achieve product specifications.

Classification: Processed or extracted raw sand brought to the site does not meet the definition of 'waste' under *Environment Protection Act 2017* and is therefore not an industrial waste.

Processed sand and extracted raw sand is accepted at this site.

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6. Markets and End Use

Imported materials required for rehabilitation works, if any is required at all, will likely be limited to soil material for topdressing and possibly mulch material (or processed organics). The imported material for rehabilitation may be placed directly into rehabilitation areas or in short-term stockpiles while awaiting use in rehabilitation.

Imported clean fill materials, as well as any recycled aggregates (solid inert waste), that are brought onto the site for the purposes of constructing hardstand areas, roadways and other works will be used directly in the constructed works or placed in short-term stockpiles while awaiting use.

If unsuitable imported materials are delivered to the site or an authorisation is not in place to accept the materials, then the materials must be removed and instead deposited at a site that is authorised to accept those materials.

Depositing, dumping, discarding or abandoning industrial waste or permitting industrial waste to be dumped, deposited, discarded or abandoned at a site that is not a 'lawful place', or at a 'lawful place' without the knowledge or consent of the person in management or control of that place or premises, is an offence under the *Environment Protection Act 2017*. Where non-compliance is detected, the EPA can issue a clean-up notice requiring the removal of the material or undertake further enforcement action as necessary.

7. Quantities of Imported Material

Imported materials will be used directly in construction of hardstand areas, etc., and in site rehabilitation works where possible, but if short-term stockpiling is required then the stockpiles will be located within the approved disturbance area for the quarry. Any such imported material stockpiles may also be graded (sorted, blended, etc.). The quantity of imported material required for construction of hardstand areas, etc., and rehabilitation works on this site will be relatively low.

The maximum volume of imported materials classifying as 'waste' that may be stockpiled by the site is set at maximum 5,000 cubic metres at any point in time. Less than 4,000 tonnes of waste is received in any given month and there will be no 'specified combustible recyclable and waste material' included in the stockpiled material. The designated stockpile areas could adequately handle approximately 5,000 cubic metres of imported waste material (i.e. there is no need to increase the disturbance area).

Acceptance of imported clean fill, recycled aggregates or organic waste materials will be continually monitored to ensure that the quantity required for construction works and effective rehabilitation is not exceeded.

Processed sand or extracted raw sand brought to the site for blending with sand extracted onsite will be stockpiled, if necessary, within the approved disturbance areas of the site, but will be quickly utilised in the ongoing production of quarry products.

8. Validation of Imported Materials

The validation of imported materials includes:

- 1) Classification of the imported materials at the Source Site, see EPA *Declaration of Use form or Clean Fill Declaration* form attached (as relevant).

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- 2) Tracking of the imported materials from the Source Site to this Site, see *Delivery Driver Checklist* form attached
- 3) Checking of imported materials as they enter this Site to ensure it is consistent with the stated classification for the imported materials, see *Acceptance Checklist for Site Personnel* form attached

These steps are described in further detail below.

8.1. Classification of Imported Materials at the Proposed Source Site

Any location/company that will potentially produce/supply waste materials (clean fill, recycled aggregates or uncontaminated organic waste) for importation to this site will be assessed for its suitability. The producer/supplier of the materials is responsible for classifying the waste in accordance with EPA Publication 1968.1 *Guide to Classifying Industrial Waste* and the *Environment Protection Regulations 2021*. Classification requires a determination of both the EPA 'waste code' and the waste type (i.e. 'industrial waste (non-priority)').

Where an EPA *Declaration of Use* form is required, this document will formally capture the declaration of the producer/supplier regarding the nature of the waste and the site operator's acceptance of that class of waste. The attached copy of this form is partially completed for a typical case of importing excavated material or engineered fill for use in site rehabilitation. An EPA *Declaration of Use* form can only be valid for either one consignment or for a period of up to 12 months.

For longer term arrangements with producers/suppliers of imported materials, or where the EPA *Declaration of Use* form is not required, the attached *Clean Fill Declaration* form can be used. A new declaration is required for each source site.

Ideally the information in the following sections will be collected on a checklist, but given the low frequency of deliveries, it may be just a diary note / work book.

8.2. Materials Tracking from the Proposed Source Site

All clean fill, recycled aggregates or organic wastes imported to this site must be accompanied by a *Delivery Driver Checklist*, or similar docket, that contains at least the following information:

- Date of delivery
- Truck/vehicle registration
- Driver's name
- Transport company name (if different to the sourcing company)
- Company they are making the delivery for
- Type of material
- EPA waste classification (as per EPA guidelines and regulations)
- Quantity in current load
- Total estimated quantity or number of additional loads expected
- Source of material

8.3. Checking of Imported Materials as they Enter the Site

All imported materials must be checked upon arrival at the site to ensure it is consistent with the stated classification for the materials, and the attached *Acceptance Checklist for Site Personnel* can be used for this purpose.

8.3.1. Primary Check

All imported materials are inspected on site and prior to tipping. Additionally, on arrival at the site, the following information is collected by the site personnel.

- Type of material

- EPA waste classification (as per EPA guidelines and regulations)
(not applicable to processed or extracted raw sand)
- Authorisation for site to receive the materials
(not applicable to processed or extracted raw sand)
- Delivery driver checklist filled out adequately
(not applicable to processed or extracted raw sand)
- Are records available to confirm origin of material and contamination status (if required)?
- Visual inspection of the imported material conducted
- Confirm details provided by the driver
- Check for any contamination in load (e.g. plastic, metal, ceramics)
- Check for any priority or reportable waste visible (e.g. asbestos) or other unacceptable waste (e.g. putrescible waste)
- Based on assessment, are materials in load suitable to accept on site?

Any load observed to contain materials that do not fall within the scope of this Imported Materials Management Plan will be rejected. Rejected loads are refused access to the tipping area and the driver/truck instructed to leave.

8.3.2. Secondary Check

A secondary check is conducted by site personnel at the tip point to ensure no unauthorised materials potentially hidden in the load are left on the site. This inspection is conducted as the load is tipped and when the tipped material is pushed up.

If any unauthorised materials are suspected or observed the entire load will be removed from the stockpile and spread out on the ground surface to a thickness of approximately 300mm, through the use of a front-end loader or excavator, to enable thorough inspection of the load contents. If any unauthorised materials are observed, they will be removed and stockpiled separately, and the delivery truck driver/company contacted to organise removal.

8.3.3. Incidental Waste

Incidental waste (steel, wood, ceramic, plastic, etc) that might be contained in the imported materials is separated at the processing stage, sorted into common classes, and the delivery truck driver/company contacted to organise removal, or if suitable, incorporated into the site's general waste strategy.

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9. Definitions

The following definitions are included to avoid confusion as to the type of material accepted at the site and the type of operation conducted.

‘Authorised to Receive Industrial Waste’, in relation to a person or a place or premises, as defined in the *Environment Protection Act 2017*, means any of the following—

- (a) authorised by a permission to receive that type of industrial waste;
- (b) exempt from a requirement to obtain a permission to receive that type of industrial waste;
- (c) emergency authorisation for storage / use by EPA to receive that type of industrial waste;
- (d) specified by a determination published in the Government Gazette as not required to obtain a permission to receive that type of industrial waste;
- (e) authorised by the regulations, or in accordance with a process prescribed by the regulations, to receive that type of industrial waste;

Further, the *Environment Protection Regulations 2021* prescribe the following (amongst others) for the purposes of (e) above—

- (a) if there is a ‘declaration of use’ in effect for that type of waste that applies to the place or premises (see definition below); or
- (b) if the industrial waste is received and used in accordance with specifications acceptable to the EPA set out in a determination (published in the Government Gazette) made in relation to receiving industrial waste; or
- (c) in relation to not more than 5m³ of industrial waste that is not priority waste, where receipt of that waste at the place or premises is not a permission activity and not for application of the waste to land; or
- (d) in relation to not more than 5m³ of the following types of priority waste, where receipt of that waste at the place or premises is not a permission activity—
 - (i) timber treated with hazardous substances, including sawdust;
 - (ii) tyres, including tyre pieces greater than 250mm in size measured in any dimension;
 - (iii) e-waste, excluding batteries; or
- (e) in relation to waste tyres, for use in accordance with specifications acceptable to the EPA set out in a determination (published in the Government Gazette) in relation to the use of waste tyres; or
- (f) for receipt at a laboratory for the purposes of analysis.

‘Clean Fill’ means waste material that consists of soil (being clay, silt and/or sand), gravel and rock of naturally occurring materials (except asbestos), which must not exceed EPA specified contaminant levels. This is an industry term that is equivalent to the EPA term ‘Fill Material’ (see below).

‘Composting’ means the process whereby organic materials are microbiologically transformed under controlled aerobic conditions to achieve pasteurisation and a specified level of maturity.

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‘Declaration of Use’ means a self-assessed declaration made, in relation to a place or premises at which industrial waste is to be received, by both a person in management or control of industrial waste and a person in management or control of that place or premises to receive the waste, for any of the following purposes—

- (a) the immediate use of—
 - (i) the waste for resource recovery, other than application of the waste to land; or
 - (ii) the waste (other than soil) for use as a substitute for an input or raw material in a commercial, industrial, trade or laboratory activity, other than for application of the waste to land;
- (b) the application of waste to land—
 - (i) commercial garden and landscaping organics that does not contain any physical or chemical contamination;
 - (ii) untreated timber, including sawdust;
 - (iii) natural organic fibrous waste.

A ‘declaration of use’ is not necessary to receive Fill Material, or any other industrial waste that is in accordance with the specifications acceptable to the EPA set out in a determination (published in the Government Gazette) in relation to receiving industrial waste.

A ‘declaration of use’ must not be made in relation to the receipt of ‘reportable priority waste (transport)’ at the place or premises, or if receipt of the waste at the place or premises would require an EPA permission.

A ‘declaration of use’ must be in the form approved by the EPA and include the specified information (forms available on the EPA website). The EPA does not need to approve the ‘declaration of use’ but may at any time impose conditions on a ‘declaration of use’ or cancel the ‘declaration of use’.

A ‘declaration of use’ may have effect for a specific consignment of industrial waste, or for a period of time specified in the declaration up to a maximum of 12 months. A copy of any ‘declaration of use’ must be retained for 2 years from the date it was made.

‘Fill Material’, as defined in the *Environment Protection Regulations 2021*, is industrial waste that is soil —

- (a) with contaminant concentrations not exceeding the upper limit for fill material contaminant concentrations specified in the *Waste Disposal Categories – Characteristics and Thresholds* (EPA Publication 1828.2); and
- (b) that does not contain asbestos.

‘Industrial Waste’ as defined in the *Environment Protection Act 2017*, means—

- (a) waste arising from commercial, industrial or trade activities or from laboratories; or
- (b) waste prescribed to be industrial waste for the purposes of this definition;

Further, the *Environment Protection Regulations 2021* prescribe the following for the purposes of (b) above—

- (a) waste from any source received at a place or premises which stores or handles waste generated at another site for the purpose of resource recovery or off-site transfer or disposal;
- (b) waste transported for fee or reward, other than the collection of kerbside waste by or on behalf of a council or a Waste and Resource Recovery Group.

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‘Material’ is anything that serves as crude or raw matter to be used or developed

‘Materials Recycling Facility’ means land used to collect, dismantle, treat, process, store, recycle, or sell used or surplus materials

‘Priority Waste’ is any waste, including municipal waste and industrial waste, that is prescribed to be priority waste by the Regulations for the purposes of eliminating or reducing risks of harm to human health or the environment, ensuring the priority waste is managed in accordance with the Regulations, and facilitating waste reduction, resource recovery and resource efficiency. Materials typically accepted at quarry sites, such as ‘clean fill’, solid inert wastes or mulches, are not priority wastes.

‘Recycling’ is a term used to cover a range of activities, including collection, sorting, reprocessing and manufacturing into new products

‘Reportable Priority Waste (Transport)’ is priority waste (see above) transported for fee or reward that is prescribed in Schedule 5 of the Regulations as ‘reportable priority waste (transport)’, which requires transport permission. This does not generally apply to materials received at, or transported from, quarry sites.

‘Resource’ means a material or waste that can be reprocessed or remanufactured into a new product

‘Resource Recovery’, in relation to waste, as defined in the *Environment Protection Act 2017*, means—

- (a) preparation for reuse of the waste;
- (b) recycling the waste;
- (c) reprocessing the waste;
- (d) recovering energy or other resources from the waste;
- (e) anything prescribed to be resource recovery in relation to waste—
but does not include anything prescribed not to be resource recovery in relation to waste.

‘Solid inert waste’ is classified as hard waste that has a negligible activity or effect on the environment, such as concrete, brick, glass, asphalt, natural rock or ceramics.

‘Specified combustible recyclable and waste material’ is paper, cardboard, wood, plastic, rubber, tyres, tyre-derived waste, textiles, e-waste, metal and other materials with combustible contaminants, combustible by-products of metal processing activities and refuse-derived fuel.

‘Transfer station’ is land used to collect, consolidate, temporarily store, sort or recover, refuse or used materials from offsite before transfer for disposal or use elsewhere. It does not include processing or recycling.

‘Waste’, as defined in the *Environment Protection Act 2017*, includes any of the following—

- (a) matter, including solid, liquid, gaseous or radioactive matter, that is deposited, discharged, emitted or disposed of into the environment in a manner that alters the environment;
- (b) a greenhouse gas substance emitted or discharged into the environment;
- (c) matter that is discarded, rejected, abandoned, unwanted or surplus, irrespective of any potential use or value;
- (d) matter prescribed to be waste;
- (e) matter or a greenhouse gas substance referred to in paragraph (a), (b), (c) or (d) that is intended for, or is undergoing, resource recovery.

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WA007541 – CLEAN FILL DECLARATION

To ensure compliance with our obligations under the *Environment Protection Act 2017* and the *Environment Protection Regulations 2021*, in relation to the acceptance of clean fill material to our site, could you please complete and sign this declaration before delivery to acknowledge that the material you are delivering complies with current EPA requirements and guidelines. A new form is required for each source site of clean fill.

The declarations can be returned to: Kelvin Sargent
Lang Lang Sands Pty Ltd
kelvins@acm.com.au

I _____
(Insert name)
of

(Insert company or address)

declare that the site from which this material originates is

(Insert address of site)

and meets the following criteria:

- a) the originating site has not been previously used for any of the activities listed on page 2, and is not known, or could not be reasonably expected to be known, to be contaminated;
- b) the material is soil, being any combination of clay, silt, sand, gravel and/or rock of naturally occurring materials (except asbestos);
- c) the material has a waste classification of 'industrial waste (non-priority)', as per EPA guidelines;

OR

Clean fill certification has been forwarded to:

I declare that the clean fill material is not contaminated, in accordance with EPA guidelines

Signature: . _____

Date: . _____

High Risk Sites

Abattoirs
 Abrasive blasting
 Airports
 Asbestos production / disposal
 Asphalt manufacturing
 Automotive repair / engine works
 Battery manufacturing / recycling
 Bitumen manufacturing
 Boatbuilding / distilleries
 Brickworks
 Chemical manufacturing / storage / blending
 Cement manufacturing
 Ceramic works
 Coke works
 Compost manufacturing
 Concrete batching
 Council works depot
 Defence works
 Drum reconditioning facility
 Dry cleaning
 Electrical component manufacturing
 Electricity generation / power station
 Electroplating
 Explosive industry
 Fibreglass-reinforced plastic manufacturing
 Foundry
 Fuel storage depot
 Gasworks
 Glass manufacture
 Iron and steelworks
 Landfill sites / waste disposal
 Lime works
 Metal coating
 Metal finishing and treatment
 Mining and extractive industries
 Oil or gas production / refining
 Pest control depots
 Printing shops
 Pulp or paper works
 Railway Yards
 Shooting or gun clubs
 Scrap metal recovery
 Service station / fuel storage
 Sewage treatment plants
 Shipbuilding / breaking yards
 Stock dipping sites
 Spray painting
 Tanneries (and associated trades)
 Textile operations
 Timber preserving / treatment
 Tyre manufacturing
 Underground storage tanks
 Utility depots
 Waste treatment / incineration / disposal
 Woollscouring

Medium Risk Site

Land used for the following purposes, some of which may be incidental to the site's primary activity, has a medium potential for contamination.

Chemical storage
 Fuel storage
 Underground storage tank (if recently installed and no evidence of leaks)
 Market gardens
 Waste disposal
 Filling (imported soil)
 Other industrial activities (such as warehousing of chemicals that may be split during loading or unloading)

Low Risk Sites

Land not used for the purposes listed above is likely to have low potential for contamination.

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WA007541 – IMPORTED MATERIALS

Delivery Driver Checklist

#	Requirement	Details	Information supplied Y/N/NA
1	Date of Delivery		
2	Truck / vehicle registration number		
3	Driver's name		
4	Transport company name <i>(if different to the sourcing company)</i>		
5	Company they are making the delivery for		
6	Is the delivered material Clean Fill? <i>(any uncontaminated combination of clay, silt, sand, gravel and/or rock of naturally occurring materials; not including asbestos)</i>		
7	Description of material being delivered (including EPA Waste Code)		
8	EPA waste classification <i>(e.g. 'industrial waste (non-priority)')</i>		
9	Quantity in current load		
10	Number of additional loads expected		
11	Source site description including address		
12	Any sampling / analysis results attached		

Note: it is an offence under the *Environment Protection Act 2017* for a person who has the management or control of industrial waste, including those transporting the waste, to provide false or misleading information or documents in connection with the type, properties and classification of the industrial waste, or to conceal such information or documents.

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WA007541 – IMPORTED MATERIALS Acceptance Checklist for Site Personnel

Checklist Aspect	Details
Delivery / Docket No.:	Date: Company:
Type of material <i>Clean Fill being any uncontaminated combination of clay, silt, sand, gravel and/or rock of naturally occurring materials (not including asbestos).</i>	<input type="checkbox"/> Clean Fill <input type="checkbox"/> Mulch organics or Processed organic waste <input type="checkbox"/> Recycled aggregates (solid inert wastes) <input type="checkbox"/> Concrete <input type="checkbox"/> Bricks or Ceramics <input type="checkbox"/> Other (please specify)
EPA waste classification	<input type="checkbox"/> Industrial waste (non-priority) <input type="checkbox"/> Other (priority waste)
Is the site authorised to receive this type of material?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the delivery driver checklist filled out adequately?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are the records available to confirm origin of material and contaminated status (if required)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has a visual inspection of the imported material been conducted?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Confirm details provided by the driver	Material Type: EPA Waste Code: Quantity: Sample result (if required):
Can you observe any contamination in the load (e.g. plastic, metal, ceramics, etc.)?	<input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, what type is the contamination: Estimated % of contamination:
Any prescribed waste visible (e.g. asbestos) or other unacceptable waste (e.g. putrescible waste)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Based on assessment, is the load suitable to accept on site?	<input type="checkbox"/> Yes <input type="checkbox"/> No

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Declaration of Use form

Environment Protection Act 2017
Environment Protection Regulations 2021, regulation 64(4)

Publication F1022 June 2021

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This is a declaration by a waste producer and waste receiver for [lawful receipt](http://epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/lawful-place) (epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/lawful-place) of a specific industrial waste. The waste producer completes this form and both producer and receiver must sign it. You cannot use this form if your waste is a [reportable priority waste \(transport\)](http://epa.vic.gov.au/about-epa/publications/1967) (publication 1967) (epa.vic.gov.au/about-epa/publications/1967) or the activity is a [permitted activity](http://epa.vic.gov.au/determinations) (epa.vic.gov.au/determinations). Please refer to explanatory notes from page 4.

Part A – Applicability to make a DoU					
1.	Is your waste a reportable priority waste that requires a transport permission?	Yes <input type="checkbox"/>	You cannot use a DoU. How to establish lawful place.	No <input checked="" type="checkbox"/>	Go to step 2
2.	Is your receiving activity a permitted activity ?	Yes <input type="checkbox"/>		No <input checked="" type="checkbox"/>	Go to step 3
3.	Does your waste and activity meet the specifications of a determination ?	Yes <input type="checkbox"/>	You don't need a DoU.	No <input checked="" type="checkbox"/>	Go to step 4
4.	What is the intended use of the waste?	<input checked="" type="checkbox"/> immediate use for: <input type="checkbox"/> application to land for: <input type="checkbox"/> other	<input type="checkbox"/> resource recovery	Excavated material or engineered fill imported for use in construction of hardstands, roadways, etc., or in site rehabilitation	You cannot use a DoU
			<input checked="" type="checkbox"/> use as a substitute for an input or raw material in a commercial, industrial, trade or laboratory activity, other than soil		
			<input type="checkbox"/> commercial garden and landscaping organics that does not contain any physical or chemical contamination		
			<input type="checkbox"/> untreated timber, including sawdust		
			<input type="checkbox"/> natural organic fibrous waste		
5.	Have you completed a Commodity Vendor Declaration for the waste and activity?	Yes <input type="checkbox"/>	Complete Part C, and Parts E - H of this form only.		
		No <input checked="" type="checkbox"/>	Complete all parts of this form		

Part B – Producer details			
Business name		ABN	
Contact name		Business address	
Telephone		Email	

Part C – Receiver details			
Business name		ABN	
Contact name		Business address	
Telephone		Email	

Declaration of Use form

Part D – Waste details			
Waste description	Excavated material or engineered fill	Waste code	N122
Detailed description	Uncontaminated inert materials that have been excavated and/or processed to a specification (a performance-based specification and/or assessable against an engineering standard)		
Producing address	Address where waste was generated/produced		
Receiving address	Address where waste will be received/deposited		

Part E – Consignment details (i.e. movement and volume of the waste)			
Consignment period?	<input type="checkbox"/> One-off consignment		<input type="checkbox"/> From dd/mm/yyyy to dd/mm/yyyy <up to a maximum of 12 months
Volume, when known?	Estimated amount	Units	Choose an item. <input type="checkbox"/> Per load <input type="checkbox"/> Total

Part F: Potential risks of harm		Where relevant, please include details in attachment e.g. safety data sheet
Any risks to human health from using the waste?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Any risks to the environment from using the waste?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Low risk of undetected contaminants in imported fill materials impacting on the environment

Part G: Risk mitigation		Details
Are there any control measures required for addressing any risks of harm?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	- Producer/supplier of imported material vetted for reputability - All deliveries of imported materials accompanied by a delivery driver checklist, docket or similar - Confirm the EPA waste classification on delivery of the imported materials - Visual inspection of inbound deliveries prior to accepting on site, and again at point of dumping - Incidental waste that may later be discovered in imported materials are separated, sorted and removed from site
Are there any supporting documents for managing any risks of harm?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Imported Materials Management Plan Delivery driver checklists, dockets or similar

Part H: Signed declaration	
The DoU is not valid until both the waste producer and receiver have signed the form	
Waste producer	Waste receiver
I [insert name] declare that...	I [insert name] declare that...
<ul style="list-style-type: none"> I am the person in management or control of the industrial waste. All information related to the risks of harm to human health and the environment from the industrial waste and how to minimise those risks, so far as reasonably practicable, has been provided. The waste is not reportable priority waste (transport). The receipt of the waste at the place or premises is not a permissioned activity. 	<ul style="list-style-type: none"> I am the person in management or control of the place or premises at which the industrial waste is to be received. The place or premises at which the waste is to be received is suitable to use the waste, as specified in this form. The waste is not reportable priority waste (transport). The receipt of the waste at the place or premises is not a permissioned activity.
Signed	Signed
Date	Date

Explanatory notes

What a Declaration of Use is

A [Declaration of Use](http://epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/declaration-of-use) (epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/declaration-of-use) (DoU) is a tool to allow a producer to lawfully transfer or sell on specific types of industrial waste to a receiver, in accordance with the *Environment Protection Act 2017* (the Act) and regulation 64(4) of the Environment Protection Regulations 2021 (the Regulations). It supports the safe use, storage and recovery of materials from low-risk waste.

How to make a DoU

There are two options for making a DoU:

1. Complete this form.
2. Develop your own DoU form that includes all the mandatory manner and form criteria, which is set out on the [DoU webpage](http://epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/declaration-of-use) (epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/declaration-of-use).

What this form is for

This form is used to make a DoU. It is a self-assessed declaration by a producer and receiver. It requires no tracking, notification, assessment or approval from EPA.

When to use this form

You must comply with the Act and Regulations, including the [general environmental duty \(GED\)](http://epa.vic.gov.au/for-business/new-laws-and-your-business/general-environmental-duty) (epa.vic.gov.au/for-business/new-laws-and-your-business/general-environmental-duty).

All industrial waste must go to a [lawful place](http://epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/lawful-place) (epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/lawful-place). One pathway to [establish lawful place](http://epa.vic.gov.au/about-epa/publications/1946-1) (epa.vic.gov.au/about-epa/publications/1946-1) is by making a DoU. You can use this form in specific scenarios, for (regulation 64(1)):

- immediate use of:
 - waste for resource recovery
 - waste other than soil to substitute for raw material; a commercial, industrial, trade or laboratory activity.
- application to land for:
 - commercial garden and landscaping organics that do not contain any physical or chemical contamination
 - untreated timber, including sawdust
 - natural organic fibrous waste.

When not to use this form

You **MUST NOT** complete this form if your receiving activity is a [permissioned activity](http://epa.vic.gov.au/for-business/new-laws-and-your-business/permissions) (epa.vic.gov.au/for-business/new-laws-and-your-business/permissions). You must instead apply for the appropriate permission. You also **MUST NOT** complete this form if the waste is a [reportable priority waste](http://epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/reportable-priority-waste) (epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/reportable-priority-waste) that requires a transport permission.

If a [determination](http://epa.vic.gov.au/determinations) (epa.vic.gov.au/determinations) applies, then a DoU is not required. A DoU may be used where a determination is not applicable if the intention of use is within the confines listed in regulation 64(1).

Who needs to fill in this form

You should only complete this form if you are the person in the management or control of the waste (i.e. a producer or [accredited consigner](http://epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/accredited-consigners) (epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/accredited-consigners). Ensure that you answer all questions accurately and that you understand all elements of the declaration and these explanatory notes.

Who needs to sign this form

The producer (or accredited consigner) and the receiver must sign this form.

Record keeping requirements

Both the producer and receiver must retain a copy of the completed and signed form for 2 years from the date on which it was made. Penalties apply for non-compliance.

When circumstances change

If after signing the form you become aware of any change in circumstance that makes the DoU inaccurate, then you must as soon as practicable notify the other signed party of the change. You will need to complete a new DoU form. Penalties apply for non-compliance.

Declaration of Use form

If EPA provides written notice

EPA may cancel a DoU or impose conditions on it by providing written notice to each person who made the declaration. A DoU has no effect from the time EPA provides written notice of the cancellation in accordance with regulation 64(9).

Part A - Applicability to make a DoU

Follow the checklist to determine if you are able to use a DoU for your circumstance. If you tick 'Yes' for questions 1-3, or 'other' for question 4 than you cannot use this form. Please refer to [How to establish lawful place](#) (publication 1946.1) (epa.vic.gov.au/about-epa/publications/1946-1) for options on meeting your lawful place requirements.

Tick what the intended use of the waste material is, as per the regulation 64(1). If your intended use is not listed, you cannot use this form. Please refer to [How to establish lawful place](#) (publication 1946.1) (epa.vic.gov.au/about-epa/publications/1946-1) for options on how to establish lawful place. Provide further information on the details of the use. For example, untreated timber being processed into bark chips. Where relevant, explain what the waste material cannot be used for.

If you have a [Commodity Vendor Declaration](#) (www.mla.com.au/globalassets/mla-corporate/meat-safety-and-traceability/documents/commodity-vendor-declaration.pdf) for your waste and activity then you only need to complete Part C, and Parts E - H of this form.

Part B – Producer details

Provide the producer's business name, ABN, contact details and address.

Part C – Receiver details

Provide the receiver's business name, ABN, contact details and address (if different to receiving location).

Part D – Waste details

Provide the Waste Description and Waste Code as per [Waste code transition to Environment Protection Regulations 2021](#) (publication 1967.2) (epa.vic.gov.au/about-epa/publications/1967-2). Provide the addresses of where the waste is being produced and received.

Provide a detailed description of the waste, which includes information on (where relevant):

- waste type (e.g. sawdust, grass, leaves, coffee grounds etc.)
- physical form (i.e. liquid, solid, sludge or powder etc.) and appearance (e.g. colour, viscosity etc.)
- any odour characteristics
- solubility and chemical stability
- mobility
- burning characteristics.

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Part E – Consignment details

Specify whether the consignment of the waste is a one-off consignment or over a period of time. Specify the estimated amount of waste being consigned. If it is for a period of time, specify the date range. The maximum consignment period is 12 months. After 12 months, you will need to review and sign a new form.

Part F: Risks of harm

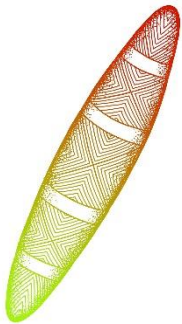
List any risks of harm to human health and the environment associated with the use of the waste material. Refer to [Assessing and controlling risk: A guide for business](#) (publication 1695.1) (epa.vic.gov.au/about-epa/publications/1695-1) for guidance on identifying and assessing risks.

Part G: Risk mitigation

Tick where appropriate, any control measures for mitigating the risks of harm. Refer to [Assessing and controlling risk: A guide for business](#) (publication 1695.1) (epa.vic.gov.au/about-epa/publications/1695-1) for guidance on implementing control measures. Also tick and provide details on any supporting documentation.

Part H: Signed Declaration

Both the waste producer (or accredited consigner) and the waste receiver must sign this form. Signing this declaration has legal significance. Penalties apply for non-compliance and the other signed party may seek damages if information is incorrect. Before signing you must be absolutely satisfied you understand all elements of the document and these explanatory notes.



EPA acknowledges Aboriginal people as the first peoples and Traditional custodians of the land and water on which we live, work and depend.

We pay respect to Aboriginal Elders, past and present.

As Victoria's environmental regulator, we pay respect to how Country has been protected and cared for by Aboriginal people over many tens of thousands of years.

We acknowledge the unique spiritual and cultural significance of land, water and all that is in the environment to Traditional Owners, and recognise their continuing connection to, and aspirations for Country.



For languages other than English, please call **131 450**.

Visit epa.vic.gov.au/language-help for next steps.

If you need assistance because of a hearing or speech impairment, please visit relayservice.gov.au

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