ENVIRONMENTAL PROCEDURE

MANAGEMENT OF WASTES ON ROADS AND MARITIME SERVICES LAND

August 2014

CONTENTS

1. Introduction

The construction of road projects often requires contractors to occupy land in Roads and Maritime Services (RMS) owned or leased land for ancillary construction activities such as the temporary stockpiling of soils, concrete batching and locating of site sheds. RMS land adjacent to road corridors may also be used to construct permanent structures such as visual and noise mounds.

This document contains RMS' procedures for:

- Using RMS owned or leased land sites for ancillary road construction purposes and
- Permanently locating wastes onto RMS owned or leased sites for the creation of permanent structures such as noise and visual mounds.

For the purposes of this procedure, an RMS land site is defined as land that is either:

- Residual to RMS road proposals
- Land that may be required for future infrastructure proposals
- Land that RMS has leased for ancillary construction or maintenance purposes.

1.1. Purpose

The purpose of this document is to set out the RMS approval and waste management procedures for utilising RMS land sites for road construction activities.

This procedure has been developed to minimise the risks of unauthorised waste materials remaining on RMS land after the completion of road construction activities.

The procedure details:

- Environmental planning and internal RMS approval processes.
- Pre-construction land condition assessments.
- Post-construction land condition assessments and site hand back processes.

A summary flowchart outlining the key steps in this procedure is shown in Figure 1.

1.2. Scope

This procedure applies to all RMS land sites outside the road corridor that are used for temporary ancillary construction activities or for permanently placing materials on these sites for beneficial re-use. The procedure applies to RMS and its construction and maintenance contractors.

Temporary ancillary construction activities include but are not limited to:

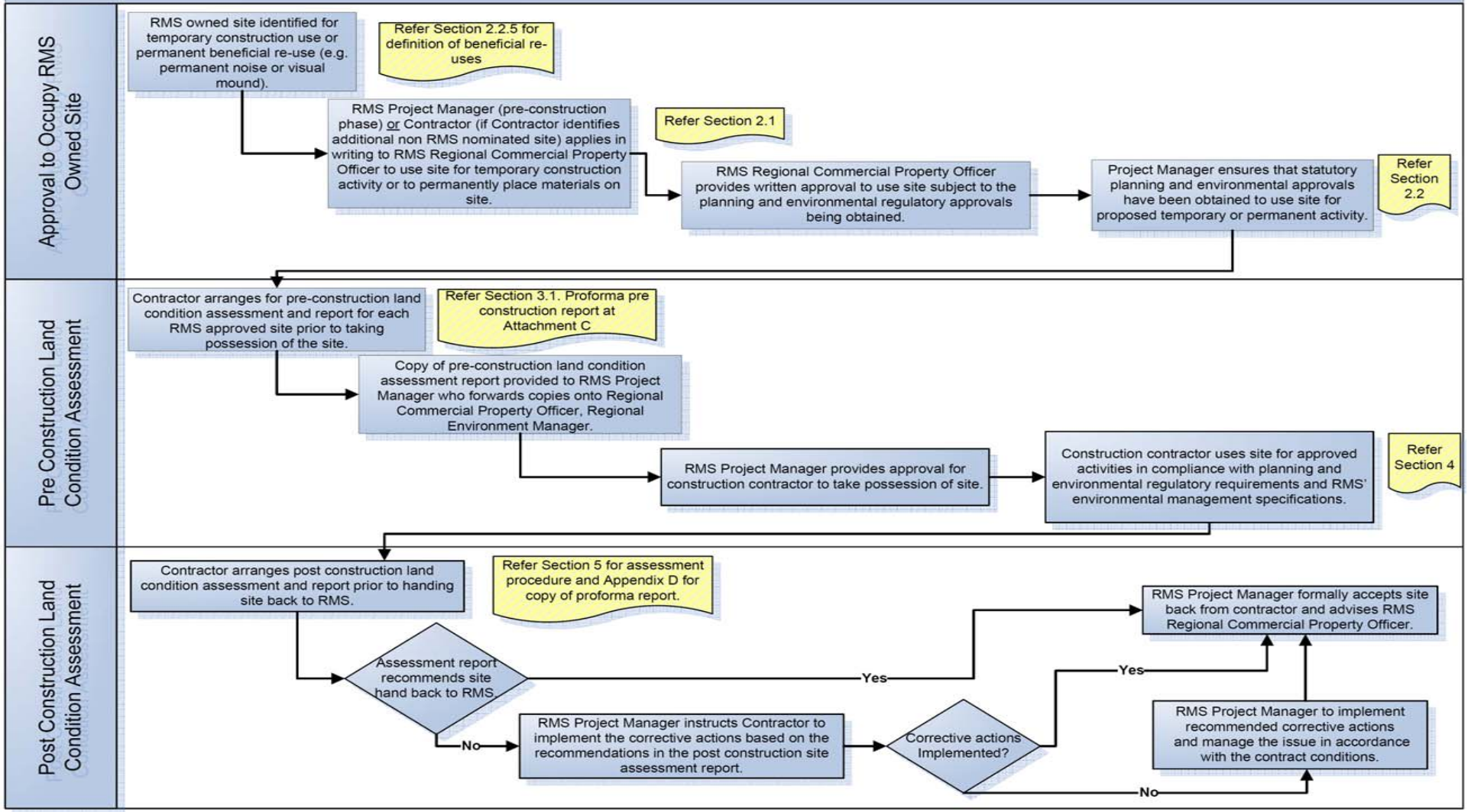
- Soil and rock stockpiling
- Storage of construction materials
- Locating site sheds, storage sheds and maintenance yards
- Concrete crushing
- Temporary concrete or asphalt batching plants
- Location of temporary sediment basins
- Vegetation storage
- Construction staging areas (e.g. assembling bridge structures)

Permanent beneficial re-uses include:

- Noise mounds
- Visual mounds
- Engineered fill
- Flood relief mounds

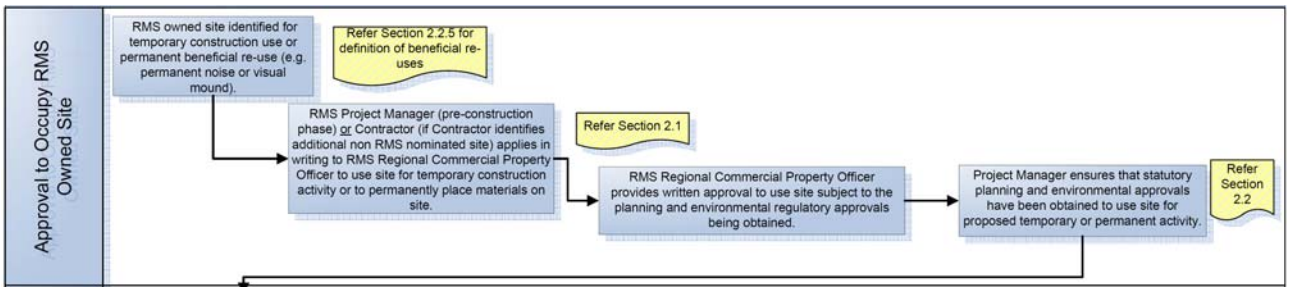
Figure 1: Environmental Procedure - Management of Wastes on RMS Land

Summary Flow Chart



2. Obtaining Approval to Use RMS Land Sites

Summary of Approvals Process



2.1 Internal RMS Approval to Occupy Sites

Each RMS regional office has a regional property team, with some teams having a Commercial Property Officer. For the purposes of this procedure, it is assumed, subject to any clarification of organisational roles, that Commercial Property Officers are responsible for providing approval for the use of RMS sites for construction purposes.

RMS' Project Managers are required to obtain the prior approval of the relevant regional property team prior to nominating any RMS sites for use by the contractor.

In some cases, construction contractors may request the use of additional RMS land not nominated by the RMS Project Manager for temporary or permanent construction use. In these cases, it will be the responsibility of the contractor to seek all RMS and statutory approvals (such as planning approvals) for the use of these sites.

Project Managers or contractors should seek approval via email specifying:

- The site location (Lot and DP)
- Portion of the site required
- Intended use of the site
- Type and estimated quantities of any wastes or materials to be placed on site
- Period of time the site will be required

RMS Regional Commercial Property Officers are to provide written approval for the temporary or permanent use of the site and include any approval conditions. Examples of approval conditions include:

- Requiring that all necessary statutory environmental and planning approvals are obtained to use the proposed site for the proposed construction activities (see Section 2.2).
- Any post construction requirements, such as post construction engineered fill compaction requirements to prepare the site for future land use (such as residential building).

The RMS Project Manager is to ensure that the Contractor is made aware of the approval conditions provided by RMS Commercial Property Officers throughout the contract.

Prior to a contractor taking possession of the site, the contractor is to arrange for a pre-construction land condition assessment to be undertaken as per Section 3 of this procedure.

Important Note: RMS should not make any sites available to a contractor where the site is known or suspected to be contaminated by previous land uses and that contamination poses a known risk to human health and/or the environment. The environmental assessment for the road project should have identified any known or potential contaminated sites.

2.2 Statutory Approvals

This section provides a summary of key statutory environment and planning obligations that relate to waste management and the temporary or permanent use of sites. Detailed advice on environment and planning compliance requirements can be obtained from RMS Environment Branch or RMS Legal Branch.

2.2.1 Environmental Planning and Assessment Act, 1979 (EP&A Act)

RMS has a statutory responsibility under the EP&A Act to consider the impacts of its activities on the environment. This extends to the use of sites for any temporary or permanent road construction related use.

RMS fulfils its statutory planning responsibility through the environmental impact assessment (EIA) process. The likely environmental impacts of a proposed activity are assessed to inform the decision to proceed.

Key Approval Requirements: All RMS land sites proposed for temporary or permanent road construction activities must be assessed and approved for use under the EP&A Act prior to the commencement of any proposed activities.

The proposed activities and specific sites to be used must be described and assessed in the project environmental assessment report, Environmental Impact Assessment (EIS) or Review of Environmental Factors (REF). If the proposed site and activities are not described in the original project EIS or REF then a supplementary assessment must be undertaken and approval obtained. RMS Environment Branch can advise on the correct planning approval pathway to take and the level of documentation required.

Where planning approval has been issued by the Department of Planning it is important to comply with all conditions attached to the approval including those related to the temporary storage of materials or construction and operation of ancillary facilities.

A Best Practice Note for addressing waste contingency planning in environmental assessment documents is provided at Section 2.2.5 of this procedure. The practice note aims to cover the range of possible waste activities that may occur during the construction phase so as to reduce the need to obtain supplementary approvals during the construction stage.

2.2.2 Protection of the Environment Operations Act 1997 (POEO Act)

The Protection of the Environment Operations Act:

- Specifies requirements for licences and the regulation of various activities that have the potential to pollute or harm the environment.
- Integrates EPA licensing with the development approval procedures under the Environmental Planning and Assessment Act 1979.
- Provides for the issuing of clean-up notices, prevention notices and environment protection notices.
- Classifies environment protection offences and penalties.
- Allows for mandatory audits and provides authorised officers' with the power to undertake investigations.

Key Compliance Requirements: Refer to Attachment A to determine if the proposed waste activity at the site requires an Environment Protection Licence (EPL) noting that the proposed activity may already be covered by an existing EPL for the road construction project. If this is the case, an additional EPL may not be required.

2.2.3 Protection of the Environment Operations (Waste) Regulation 2005

This Regulation sets out the provisions related to the storage and transportation of waste as well as reporting and record keeping requirements for waste facilities. It also provides for:

- Setting special requirements for the management of certain special wastes including asbestos.
- Payment of waste contributions (also referred to as a waste and environment levy) by the occupiers of licensed waste facilities for each tonne of waste received at the facility or generated in a particular area.
- Exemption of certain occupiers or types of waste from paying waste contributions and from requiring an Environment Protection Licence.

Key Compliance Requirements: RMS and its contractors must comply with the waste tracking and reporting requirements that apply to wastes. The regulation also specifies the waste and environment levy fees that apply to the disposal of wastes at licensed waste facilities.

"Resource recovery exemptions" for certain road related wastes are issued by the EPA under this regulation where it can be shown that the wastes are being beneficially re-used. Beneficial re-use is described as where the land application of a waste material is a genuine, fit for purpose, reuse of the waste rather than another path to waste disposal. An exemption facilitates the use of these waste materials outside of certain regulatory requirements such as the need to obtain an environment protection licence or the payment of waste levies.

The following resource recovery exemptions are of most relevance to road construction activities:

- Excavated natural material
- Excavated public road material
- Raw mulch
- Reclaimed asphalt pavement
- Recovered aggregate

Summary fact sheets on these wastes and the use of resource recovery exemptions, including any sampling and testing requirements, can be found on RMS' Intranet site- Waste Fact Sheets.

2.2.4 Contaminated Land Management Act, 1997 (CLM Act)

The CLM Act allows the EPA to respond to contamination of soil, groundwater and surface water and specifies the level of responsibilities for managing contamination. It also provides the regime for the accreditation of site auditors.

Section 60 of the Act introduces a mandatory obligation for a person whose activities have contaminated land or owns land that is contaminated (whether before or during the owner's ownership) to report contamination in writing to the EPA, known as 'Duty to Report'.

Key Compliance Requirements: There is a duty for landowners and people who have responsibility for contamination to report it to the NSW Environment Protection Authority (NSW EPA).

It should be noted that the RMS protocol is to pro-actively communicate with relevant agencies when contamination is identified. This will ensure that the needs of all relevant stakeholders can be incorporated into the management of contamination.

Reporting triggers, and guidance on how they should be applied, are provided within the NSW EPA (2009) 'Guidelines on the Duty to Report Contamination under the CLM Act 1997'. RMS' Guideline for the Management of Contamination outlines RMS' reporting requirements.

2.2.5 Best Practice Note: Environmental Assessment Reports and Waste Contingency Planning

Road project environmental assessment (EA) reports include information on the management of excavated soils and other materials.

EA reports should identify options for managing road construction materials in accordance with the waste hierarchy principles of:

- ***Waste avoidance:*** Minimising the amount of material that needs to be excavated and managed in the first place.
- ***Re-use on site:*** Where possible, the re-use of excavated materials within the project site is to be maximised. This reduces the need to import materials onto the site, reduces the need to find off site re-use or disposal locations and the associated materials handling and transport issues, reduces fuel use and minimises the project footprint.
- **Re-use off site:** Where all attempts to re-use excavated materials on site have been exhausted, re-use opportunities must be found off site. This includes finding sites that are approved by the relevant planning consent authority (e.g. local council) to accept the specific type of material that has been excavated from the road construction project. For example, transporting virgin excavated natural material (VENM) to a building development site that has Development Consent from the local council to accept VENM for use as engineered fill.
- ***Disposal:*** *Disposal* is the last and least preferable management option to be considered. If excavated materials must be disposed of, it must be transported to a facility that is licensed by the EPA to accept the specific material that requires disposal.

The EA report should include estimates of the total volume of surplus material to be generated by the project and identify how this material is to be managed in accordance with the waste hierarchy.

For materials that are to be re-located off-site, specific details are required for each permanent re-use and disposal site as well as all temporary material storage sites. The EA report should include the following:

- Site locations
- Type of waste to be deposited on the site (e.g. virgin excavated natural material, concrete waste)
- Volume of waste to be deposited on the site
- Whether the material will be placed on the site permanently or temporarily
- If the material is to remain on site permanently, what is the beneficial re-use of the material? (e.g. noise mound, visual barrier, engineered fill) - Note that it is illegal to leave waste on a site permanently unless it is being beneficially re-used as per a relevant EPA resource recovery exemption (see Section 2.2.3) or the site is licensed as a waste facility to accept the waste.

Planning for Waste Contingencies

Pre-construction estimates of the volume of surplus material to be generated by a project are often exceeded. One of the main reasons that this occurs is that the quality of the sub-surface ground conditions are only well understood once construction earthworks commence. As a result, materials that were expected to be re-used for engineering purposes can be found to be unsuitable (e.g. soils are found to be too wet to be compacted for use in embankment construction).

Similarly, extended wet weather periods during the construction phase can saturate soils making them no longer suitable for compaction. These types of scenarios can sometimes result in the pre-construction estimates of the volume of surplus material to be significantly exceeded, requiring additional re-use or disposal sites to be identified.

EA reports should cover the possibility of additional surplus material being excavated and identify contingency sites where additional volumes of surplus material can be managed. If the EA report does not identify all potential sites where surplus material may be permanently placed or temporarily stored, there is the potential for significant project delays during the construction stage while supplementary planning approval is sought to use these additional sites.

Ideally, contingency planning should:

- Where possible, estimate the additional volume of surplus material that may need to be managed.
- Build in contingency by considering as many options as possible to beneficially re-use materials so as to allow for flexibility at construction stage (see below for examples of acceptable beneficial re-use options).
- Identify a range of potential sites both within the project boundary and off-site that could be used for the permanent re-use or temporary storage of additional volumes of material.
- Identify possible detailed road design changes that could be made that will allow for the beneficial re-use of additional surplus material (for example, changes to road batters).
- RMS' Stockpile Management Guidelines (RMS 2011) provides the basic principles for the temporary storage of materials.

Acceptable beneficial re-uses

In assessing permanent re-use options the concept of beneficial re-use is to be applied. Beneficial re-use is where the land application of the material is a genuine, fit for purpose re-use of the waste rather than another path to waste disposal.

Acceptable beneficial re-uses on road projects include:

- Construction of acoustic and visual mounds where there is a benefit to residents and other sensitive receivers
- Flattening of road batters
- Rehabilitation of borrow pits
- Engineered fill (e.g. establishment of house pads on RMS land)
- Approved improvements to flood prone land

Urban Design Best Practice

It is RMS urban design policy that earthworks are designed so the project fits into the natural and built landscape. This includes cuttings, embankments, fills, noise mounds and any mounds created out of surplus material either on site or off site.

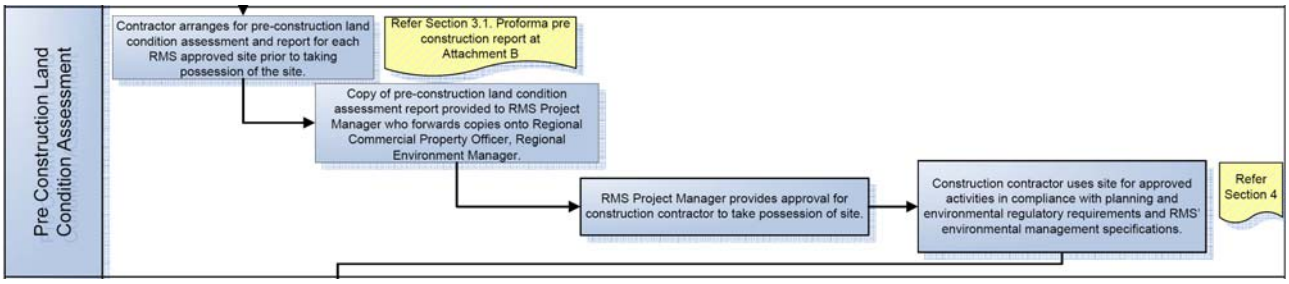
This means that earthworks must be sensitive to the shape of the natural landform in which the project is situated, unless more formal sculptural forms are created with RMS approval. Slopes should be compatible with stable vegetated slopes of the area. Large unnatural flat horizontal areas should be avoided. Changes in gradients and orientations of slopes should be rounded smooth transitions. Ridges and mounds should be asymmetric and avoid horizontal lines and formal shapes.

3. Pre-Construction Land Condition Assessments

When RMS land is used for ancillary construction purposes, there is the potential for unapproved wastes to remain on the site, or for the site to become contaminated from construction activities.

Prior to an RMS site being handed over to a construction contractor, the contractor must arrange for a pre-construction land condition assessment of the site. The purpose of the pre-construction land assessment is to identify any pre-existing wastes on the site before the contractor takes possession of the site. The pre-construction land condition assessment will be used to compare against the post construction condition of the site.

Summary Pre-Construction Land Condition Assessment



3.1 Pre-Construction Land Condition Assessment Reports

Pre-Construction Land Condition Assessments Reports are not site contamination reports, rather they seek to establish and document whether there are any pre-existing wastes on the site prior to the site being occupied by a construction contractor.

Pre-Construction Land Condition Assessment reports are to be undertaken by a qualified independent environmental consultant approved by RMS. The environmental consultant is to have experience in site environmental inspections and construction waste management. RMS is to be nominated as the primary recipient of the report.

Pre-Construction Land Condition Assessment Reports are to include text, photographs and maps to describe the land condition, focussing on any pre existing wastes on the site.

A proforma Pre-Construction Land Condition Assessment Report is included in Attachment B

As a minimum include the following information:

- Name of RMS project
- Name of construction company and construction site manager
- Description of site being acquired by construction company (Lot and DP)
- Estimated period of site occupation
- Current site use
- Proposed construction activities on the site
- Date of site inspection
- Evidence of RMS approval to use the site for the proposed activities (required where the contractor is seeking approval to use additional sites not already nominated by the Principal)
- Evidence of planning consent to use the site for the proposed activities - confirmation that the environmental assessment report has identified the use of the sites for the proposed activities. (required where the contractor is seeking approval to use additional sites not nominated by the Principal)

- Site observations (include descriptions, photographs and annotated site maps) showing:
  - Pre-existing wastes on site (stockpiles, type of waste, where on the site is the waste located, estimated quantity)
  - Materials stored on site
  - Existing excavated areas
  - Waterways running through the sites (comments and photographs of any dumped materials in waterways)
  - Any other features that help establish the pre construction condition of the site

3.2 Who arranges for the Pre-Construction Land Condition Assessment?

The site contractor is to arrange a Pre-Construction Land condition Assessment and report. It is important that it be made clear to any consultant engaged to prepare a Pre-Construction Land Condition Assessment Report that the primary recipient of the report is RMS.

3.3 Who performs the Pre-Construction Land Condition Assessment ?

Pre-Construction Land Condition Assessment inspections and reports are to be prepared by an independent environmental consultant approved by RMS with experience in areas such as site environmental inspections and construction waste management.

3.4 How long will it take to prepare a Pre-Construction Land Condition Assessment Report?

As a guide, Pre-Construction Land Condition Assessment inspections and reports should take approximately one to two weeks to complete.

3.5 Who receives copies of Pre-Construction Land Condition Assessment Report?

The contractor is to provide final copies of Pre-Condition Site Assessment Report to the RMS Project Manager. The RMS Project Manger is to forward copies of the reports to:

- RMS Regional Property Team (Commercial Property Officer)
- RMS Regional or RMS Project Environment Manager

4. Construction Phase Site Management

Construction Phase Management

During the construction phase contractors must comply with all relevant environmental regulatory requirements related to the testing, record keeping, transport and storage of materials onto RMS' site. RMS' environmental management specifications G36: Environmental Protection and G38: Soils and Water Management must also be complied with.

The ability to supply records showing compliance with environmental regulations and RMS' environmental management specifications will facilitate the Post-construction Site Assessment (see Section 5) and approval for the site to be returned to RMS.

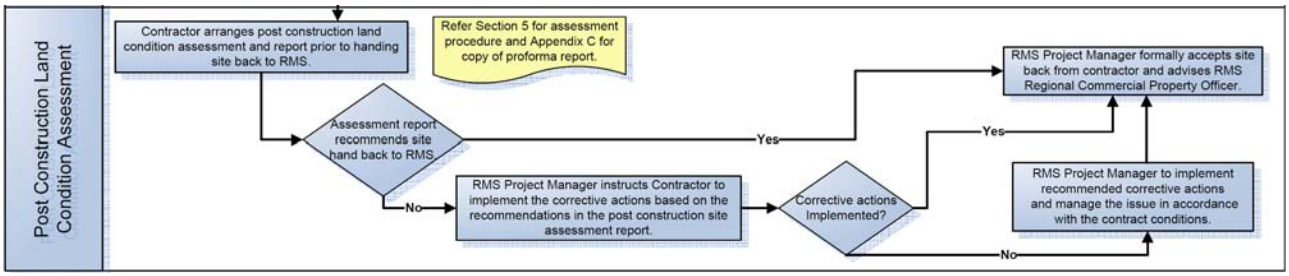
These records include:

- ☐ Copies of any written approvals from RMS Property to use the site for the construction activities undertaken at the site (where the contractor has sought permission to use sites addition to those nominated by RMS in the contract).
- ☐ Copies of planning consents to use the site for the construction activities (where the contractor has sought permission to use sites addition to those nominated by RMS in the contract).
- ☐ Evidence of compliance with any planning consent conditions or EPA licence requirements related to the activities on the site.
- ☐ Site maps showing location of temporary construction activities including location of temporary stockpiles.
- ☐ Site maps showing location and type of waste that permanently remaining on site.
- ☐ Evidence of RMS approval to leave materials permanently on the site.
- ☐ Register of materials transported to the site in accordance with the requirements of RMS G36 Specification clause 4.11.2 - Waste Management Register.
- ☐ Copies of any test results to show compliance with any relevant resource recovery exemptions.
- ☐ Evidence of compliance with any additional conditions specified by RMS Property or the Project Manager (e.g. soil engineering compaction rates, retain clean topsoil on the site).

5. Post-Construction Land Condition Assessments

Prior to a site being handed back to RMS, a post-construction land condition assessment is required to verify that no unauthorised construction wastes remain the site.

Summary Post-Construction Land Condition Assessment



5.1 Post-Construction Land Condition Assessment Reports

RMS has developed a pro-forma Post-Construction Land Condition Assessment report which is to be used to determine whether a site is suitable to be handed back to RMS. The report includes a series of waste management and environmental planning compliance questions that are to be answered and the citing of documentary evidence to support the answers to some questions. The report is also to be used to record any observations of significant staining of the ground which needs to be managed. A copy of the Post-Construction Land Condition Assessment Report proforma is included as Attachment C.

Prior to a site being occupied by a construction contractor, a Pre Construction Land Condition Assessment Report (see Section 3) should have been prepared. This report is to be used as the benchmark to compare against the post construction land condition of the site.

In summary, the Post-Construction Land Condition Assessment Report includes the following information.

- Name of RMS project
- Name of construction company and construction site manager
- Description of site being acquired by construction company (Lot and DP)
- Whether the site was used for temporary materials storage.
- Whether materials have permanently been left on site.
- Record of any observations of significant staining of the ground.
- Evidence of compliance with any relevant resource recovery exemptions.
- Evidence of compliance with any EPA licence conditions and Department of Planning consent conditions.
- Evidence of internal and statutory approvals to use the site.
- Recommends whether the site is in a condition to be handed back to RMS.
- Any recommended corrective actions that should be completed before the site is handed back to RMS.

5.2 What if the site is not in a condition to be handed back to RMS?

If the report concludes that unapproved wastes attributable to the activities of the construction contractor remain on site and that RMS should not accept hand back of the site, the construction contractor should be given an opportunity to complete any corrective actions.

If the contractor fails to complete the corrective actions, the RMS Project Manager must make alternative arrangements to implement the corrective actions before handing the site back to the RMS Property. RMS' Project Manager will manage the issue in accordance with the provisions of the construction contract.

5.3 Who arranges for the Post-Construction Land Condition Assessment?

The contractor is to ensure that the post construction site assessment is undertaken. It must be made clear to any consultant engaged to prepare a Post-Construction Land Condition assessment report that the primary recipient of the report is RMS.

5.4 Who performs the Post-Construction Land Condition Assessment?

The Post-Construction Land Condition Assessment is to be completed by an independent environmental consultant approved by RMS with experience in areas such as site environmental inspections, construction waste management.

5.5 Who receives copies of Post-Construction Land Condition Assessment Report?

The contractor is to provide final copies of Post-Construction Land Condition Assessment Reports to the RMS Project Manager. The RMS Project manager is to forward copies of the report to:

- RMS Regional Property Team (Commercial Property Officer)
- RMS Regional or RMS Project Environment Manager

ATTACHMENT A: WASTE AND MATERIALS MANAGEMENT ACTIVITIES REQUIRING AN ENVIRONMENT PROTECTION LICENCE

Activity	Licence Trigger
Chemical storage - hazardous waste, restricted solid waste or liquid waste (or combination of these)	- Having on site at any time more than 5 tonnes of hazardous waste, restricted solid waste or liquid waste, or combination of them).
Contaminated soil treatment	- Capacity to treat more than 1,000m^3 per year of contaminated soil received from off-site; or - Treatment of contaminated soil originating exclusively on-site with capacity: o Greater than 1000m^3 per year for incineration o Storage and treatment of greater than 30,000m^3 per year where treatment is other than incineration o To disturb more than an aggregate area of 3 hectares of contaminated soil
Contaminated groundwater treatment	- Capacity to treat more than 100 megalitres per year of contaminated groundwater.
Waste disposal (application to land) Includes application of waste for the filling, reclaiming or contouring of land. **(eg. re-using excavated road materials)**	Waste disposal by application to land, meaning the application to land of waste received from off site, including (but not limited to) application by any of the following methods: (a) spraying, spreading or depositing on the land, (b) ploughing, injecting or mixing into the land, (c) filling, raising, reclaiming or contouring the land. **No licence is required if:** o The material is virgin excavated natural material (VENM) o Covered by a "resource recovery exemption' such as ▪ Excavated public road materials – if applied within road corridors ▪ Excavated natural material - applied off-site ▪ Recovered asphalt pavement – if re-applied for road making activities
Waste processing (non thermal treatment) **(eg. concrete crushing)**	Receiving and processing of waste from off-site that involves having on site at any time: - more than 2,500 m^3 or tonnes of general solid waste or involves the processing of more than 120 tonnes per day, or 30,000 tonnes per year. - more than 200 kilograms of hazardous waste - more than 200 kilograms of liquid waste - more than 2,000 litres of waste oil or involves processing of more than 20 tonnes per year - more than 50 tonnes of waste tyres or processing more than 20 tonnes per day or, 5,000 tonnes per year. **Note:** Crushing, grinding or separating non waste materials such as sand, gravel, rock or minerals, requires a licence if the plant or equipment has a capacity to process more than 150 tonnes of materials per day or 30,000 tonnes of materials per year.
Waste storage (storage of waste received from off-site, including storage for transfer of waste) **(eg. Stockpiles)**	(a) Greater than 5 tonnes of hazardous waste, restricted solid waste, liquid waste, clinical or related waste or asbestos waste is stored on the premises at any time, or (b) Greater than 50 tonnes of waste tyres or 5,000 waste tyres is stored on the premises at any time, or (c) Greater than 2,500 tonnes or 2,500 cubic metres of waste (other than waste referred to in a and b above) is stored on the premises at any time, or (d) Greater than 30,000 tonnes of waste (other than waste referred to in a and b above) is received per year from off-site. **No licence is required for stockpiling of excavated road materials if it is done in accordance with the RMS Stockpile Exemption (2011).**

ATTACHMENT B: PRE-CONSTRUCTION LAND CONDITION ASSESSMENT REPORT

PRE-CONSTRUCTION LAND CONDITION ASSESSMENT REPORT

Instructions

This report is to be completed by a qualified independent environmental consultant approved by RMS. RMS is the primary recipient of the report.

This report and attached supporting information is to be used to establish and document any pre-existing wastes on an RMS site that is to be used for temporary site facilities or sites where material is to be permanently located for beneficial re-use.

Temporary site facilities include but are not limited sites where the following activities take place:

- Soil and rock stockpiling
- Storage of construction materials
- Locating site sheds, storage sheds and maintenance yards
- Concrete crushing
- Temporary concrete or asphalt batching plants
- Location of temporary sediment basins
- Vegetation storage
- Construction staging areas (e.g. assembling bridge structures)

Permanent beneficial re-use includes:

- Noise mounds
- Visual mounds
- Engineered fill
- Flood relief mounds

This Pre-construction Land Condition Assessment Report is to be completed prior to a contractor taking possession of an RMS site and will be used as the benchmark to compare against the post construction condition of the site.

Copies of the final report and any supporting information are to be provided to the RMS Project Manager. The RMS Project Manager is to provide copies to:

- RMS Regional Commercial Property Officer
- RMS Regional or RMS Project Environment Manager

If multiple RMS sites are to be occupied by a construction contractor, a separate Pre Construction Land condition Assessment report is to be prepared for each site.

Section A: Project Information	
Project Name:	
RMS Project Manager:	
Construction Contractor:	
Construction Manager:	
Proposed period of site occupation:	dd/mm/yy to dd/mm/yy
Section B: Site Location	
Location and current land use of the site	Information attached □ Map showing site location □ Lot and DP_____ □ Current land use_____ □ Other information attached (specify) _____
Section C: Proposed Construction Activities for the Site	
Describe the construction activities that are proposed for the site.	

Section D: Planning Consent and Internal RMS Consent for Use of Site	
What planning permission has been obtained for the proposed construction activities? (E.g. EIS, REF, local council consent. Attach evidence of approval, consistency assessment)	Information attached □ EIA (Part 5 or 5.1 EP&A Act) □ Statement of Environmental Effects (Local council approval under Part 4 EP&A Act) □ Written evidence showing that consent is not required □ Other (specify) _____
Did the Regional RMS Property section provide written consent for the site to be used for the proposed construction activities?	Information attached □ Yes. Written consent provided □ No. Written consent not provided

Section E: Pre-Construction Site Inspection	
Date of site inspection:	
Name of consultant undertaking inspection:	
Position title:	
Name of consulting company:	

Attach to this section of the report text descriptions, photographs and annotated site maps to describe the wastes and materials that exist on the site at the time of inspection. Site observations include the following:

- Pre-existing wastes on site (stockpiles, type of waste, where on the site is the waste located, estimated quantity)
- Existing materials stored on site
- Existing excavated areas
- Waterways running through the sites (comments and photographs of any dumped materials in waterways)
- Any other features that help establish the pre-construction land condition (e.g. obvious staining on the ground.

ATTACHMENT C: POST-CONSTRUCTION LAND CONDITION ASSESSMENT REPORT

POST-CONSTRUCTION LAND CONDITION ASSESSMENT REPORT
Instructions This report and attached supporting information is to be used to verify that no unauthorised wastes remain on RMS sites that have been occupied by contractors for road construction activities. Prior to an RMS site being occupied by a construction contractor, a Pre-Construction Land Condition Assessment Report should have been prepared. The Pre-Construction Land Condition Assessment Report is to be used as the benchmark to compare against the post construction condition of the site. This report is to be completed by a qualified independent environmental consultant approved by RMS. RMS is the primary recipient of the report. Copies of the final report and any supporting information are to be provided to the RMS Project Manager. The RMS Project Manager is to provide copies to: ▪ RMS Regional Commercial Property Officer ▪ RMS Regional or RMS Project Environment Manager If multiple sites have been occupied by a construction contractor, use a separate Post-Construction Site Condition Assessment report for each site.

Section A: Project Information	
Project Name:	
RMS Project Manager:	
Construction Contractor:	
Construction Manager:	
Construction commencement date:	
Construction completion date:	
Section B: Site Location	
Location of the site	Information attached □ Map showing site location □ Lot and DP_____ □ Other information attached (specify) _____

Section C: Waste Information – Temporary Storage	
Was any part of the site used to temporarily store project materials or create temporary structures? (e.g. temporary hardstand areas for site sheds or concrete batching facilities)	□ Yes □ No (If no, proceed to Section D)
Provide information on the location and type of materials temporarily stored or used on the site?	Information attached □ Map showing exact locations of temporary storage facilities or temporary structures □ Description of types of material temporarily stored or used on the site.
Have all temporary materials been removed from the site?	□ Yes □ No

Section D: Waste Information – Materials Permanently Remaining on Site

Describe the types and quantity of wastes left on the site.

Type of waste	Quantity (m^3)	Dates material was deposited (dd/mm/yyy to dd/mm/yyyy)
☐ Virgin excavated natural material (VENM)		
☐ Excavated natural material (ENM)		
☐ Recovered aggregates		
☐ Reclaimed asphalt pavement (RAP)		
☐ Crushed concrete		
☐ Mixed building and demolition waste	Not permitted to be permanently left on RMS land	
☐ Mulch		
☐ Unmulched vegetation		
☐ Other wastes (specify)		
☐ Obvious staining indicating a possible fuel or chemical spill	Estimate size of stained area, photograph stained area, make enquiries re. type of liquid spilled and attach information to this pro-forma. Include any recommendations in Attachment A.	

If no project wastes remain on the site go to Section F of this report.
If you have entered information into the above table you must complete Sections D, E and F of this report.

If more than one type of waste has been left on site, is it mixed together or separated and located in different locations?	□ Mixed □ Separated in different locations □ Not applicable
Section D: Location of waste	
Describe the exact location(s) of the waste (Attach maps, map co-ordinates (map grid of Australia (mga)), depth of waste below surface, area of waste, lot and DP of site, chainage)	Information attached □ Map showing waste deposition area □ Map co-ordinates □ Depth of waste below surface □ Lot and DP of waste deposition site □ Road Chainage □ Other information attached (specify) _____

Section E: Compliance with EPA Resource Recovery Exemptions (RRE) or Report Indicating Material is Suitable for Future Land Use	
Is the material ENM, recovered aggregates or RAP If any of the materials are ENM, recovered aggregates or RAP, the conditions attached to the corresponding EPA resource recovery exemptions (RRE) must be complied with. Have all conditions attached to the relevant RRE been complied with?	□ Yes □ No □ Not applicable Information attached □ Test reports □ RRE records □ Other information attached (specify) _____
The use of resource recovery exemptions requires that the material has been "beneficially re-used". What is the beneficial re-use of permanently leaving the material on the site (e.g. noise mound, visual mound, engineered fill or earthworks to improve the property)	□ Noise mound □ Visual mound □ Landscape mound □ Engineered fill or earthworks (specify how this improves the property) _____ _____ □ Other beneficial re-use (specify) _____ _____
In some instances, compliance with a relevant RRE is not legally required (e.g. the material was excavated and placed within the site boundary or the material was VENM). Are there any other records or reports indicating that the material is suitable for the intended post construction land use? (Attach copies of any relevant records or reports).	□ Yes □ No □ Not applicable Information attached □ Test reports □ Other information attached (specify) _____
Section E: Consents: RMS Property/Planning Consent/EPA Compliance	
Did RMS provide written consent for the specified waste materials to be permanently left on the site?	Information attached □ Yes. Written consent provided □ No. Written consent not provided
Did RMS Property require any additional technical requirements to be complied with? For example, RMS property may have required that material placed on the site be compacted to meet engineering standards for residential sites.	Information attached □ Yes □ No □ Not applicable

What planning permission was obtained for the material to permanently remain on the site? (E.g. EIS, REF, local council consent. Attach evidence of approval, consistency assessment)	Information attached □ EIA (Part 5 or 5.1 EP&A Act) □ Statement of Environmental Effects (SEE) (Local council approval under Part 4 EP&A Act) □ Written evidence showing that consent is not required □ Other (specify) _____
Were the conditions of the planning consent related to waste storage and use of ancillary facilities complied with?	Information attached □ Yes. □ No.

Section F: Recommendation

Based on the above information and the attached evidence it is recommended that:

□ The site be handed back to RMS as no residual wastes attributable to the activities of the contractor remain on the site.

□ The site be handed back to RMS as any wastes that remain on the site attributable to the activities of the contractor have been placed on site with the approval of RMS' regional infrastructure property team and in accordance with all necessary environmental statutory requirements.

□ The site should not be handed back to RMS as unapproved wastes and/or contamination attributable to the activities of the contractor currently remain on the site. It is recommended that the corrective actions listed in Attachment A to this report be completed before the site is handed back to the landholder.

Name of Site Assessor:
Position:
Company:

Signed:
Date:

ATTACHMENT A: POST-CONSTRUCTION LAND ASSESSMENT REPORT

CORRECTIVE ACTIONS It is recommended that the following corrective action be implemented before the site is handed back to the landholder.	
Reference	**Recommendation**

Definitions	
Excavated natural material (ENM)	ENM is naturally occurring rock and soil (including materials such as sandstone, shale, clay and soil) that has: a) been excavated from the ground, and b) contains at least 98% (by weight) natural material, and c) does not meet the definition of Virgin Excavated Natural Material (VENM). Excavated Natural Material does not include material that has been processed or contains acid sulphate soils or potential acid sulphate soils.
Reclaimed asphalt pavement (RAP)	Means and asphalt matrix which was previously used as an engineering material and which must not contain a detectable quantity of coal tar or asphalt.
Recovered aggregates	Means material comprising of concrete, brick, ceramics, natural rock and asphalt processed into an engineered material. This does not include refractory bricks or associated refractory materials, or asphalt that contains coal tar.
Resource Recovery Exemptions (RRE)	RREs are granted by the EPA where the land application or use as fuel of a waste material is a genuine, fit for purpose, reuse of the waste rather than another path to waste disposal. An exemption facilitates the use of these waste materials outside of certain requirements of the waste regulatory framework.
Virgin Excavated Natural Material (VENM)	VENM is natural material: • that has been excavated or quarried from areas that are not contaminated with manufactured chemicals or process residues, as a result of industrial, commercial, mining or agricultural activities, and • that does not contain sulphidic ores or soils.
Waste	Waste is as defined in the Protection of the Environment Operations Act 1997 and is classified in accordance with the NSW EPA's *Waste Classification Guidelines*. Wastes can include excess soil, rock, concrete, aggregates, general construction and demolition waste, waste vegetation.