

**APPENDIX C –  
SUMMARY OF COMMON RESOURCE RECOVERY  
EXEMPTIONS AND POTENTIAL OFFSITE RE-USES**

WASTE MATERIAL	POTENTIAL OFFSITE RE-USE	CAN BE APPLIED TO PRIVATE LAND?	TESTING REQUIRED?
<p><b>Virgin excavated natural material</b></p>	<p><b>Can be applied to land by:</b></p> <ul style="list-style-type: none"> <li>• spraying, spreading or depositing on the land</li> <li>• ploughing, injecting or mixing into the land</li> <li>• filling, raising, reclaiming or contouring the land.</li> </ul> <p>Can be applied to private or public land. No limit on quantity re-used offsite.</p>	<p>Yes</p>	<p>No (but evidence or certificate of origin may be required)</p>
<p><b>Excavated natural material</b></p>	<p>Can be applied to land as engineering fill or for use in earthworks. Can be applied to private or public land. No limit on quantity re-used offsite for approved activities.</p>	<p>Yes</p>	<p>Yes</p>
<p><b>Recovered aggregate</b></p>	<p>Can only be applied to land in road-making activities, building, landscaping and construction works.</p> <p><b>Cannot be re-used for:</b></p> <ul style="list-style-type: none"> <li>• the construction of dams or related water storage infrastructure</li> <li>• mine site rehabilitation</li> <li>• quarry rehabilitation</li> <li>• sand dredge pond rehabilitation</li> <li>• backfilling quarry voids</li> <li>• raising or reshaping land used for agriculture</li> <li>• the construction of roads on private land unless:                             <ul style="list-style-type: none"> <li>• the recovered aggregate is applied only to the minimum extent necessary for the construction of the road, and</li> <li>• development consent has been granted under the relevant environmental planning instrument, or</li> <li>• it is to provide access (temporary or permanent) to a development approved by a Council, or</li> <li>• the works are either exempt or complying development.</li> </ul> </li> </ul> <p>No limit on quantity re-used offsite for approved activities.</p>	<p>Yes  (but not to construct roads on private land unless specific conditions are met as per previous column)</p>	<p>Yes</p>

## SUPPLEMENTARY INFORMATION (APPENDICES)

WASTE MATERIAL	POTENTIAL OFFSITE RE-USE	CAN BE APPLIED TO PRIVATE LAND?	TESTING REQUIRED?
<b>Mulch</b>	<p>Can only be applied to land as a soil amendment. Can be applied to private or public land. Must not be further processed at the receiving site. Leachate must not be generated or permitted to migrate from the application site. There is no limit on quantity re-used <a href="#">offsite for approved activities</a>.<sup>1</sup></p>	Yes	No
<b>Biosolids</b>	<p>Biosolids are widely applied to land with additional conditions regarding how they are applied and when stock are permitted to graze on the land. Biosolids must be processed in accordance with the testing, record-keeping and reporting requirements of the EPA's <i>Environmental Guidelines: Use and Disposal of Biosolids Products</i>.</p>	Yes	Yes
<b>Building and demolition waste</b>	<p><b>Waste generated within the regulated area</b> Up to 200 tonnes of the following waste (and no other waste) can be taken to a site for an identified beneficial re-use:</p> <ul style="list-style-type: none"> <li>• building and demolition waste only</li> <li>• building and demolition waste mixed with virgin excavated natural material</li> </ul> <p>Re-use site may be located inside or outside the regulated area, on private or public land. Tonnage limit applies over any period of time – that is, not for each re-use application.</p> <p><b>Waste generated outside the regulated area</b> Up to 20,000 tonnes of the following waste (and no other waste) can be taken to a site for an identified beneficial re-use:</p> <ul style="list-style-type: none"> <li>• building and demolition waste only</li> <li>• building and demolition waste mixed with virgin excavated natural material</li> </ul> <p>Re-use site located outside the regulated area, on private or public land. Tonnage limit applies over any period of time – that is, not for each re-use application.</p>	Yes	No
<b>Is material the subject of another EPA general resource recovery order or exemption?</b>	<p>Can be re-used in accordance with the conditions of the general resource recovery order and exemption. Resource recovery orders and re-source recovery exemptions currently in force in NSW are listed on the EPA website.</p>	See specific conditions of order or exemption	<a href="http://www.epa.nsw.gov.au/wasteregulation/orders-exemptions.htm">http://www.epa.nsw.gov.au/wasteregulation/orders-exemptions.htm</a>

<sup>1</sup> Refer to the Mulch Order 2016: <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/wastegrants/rrro16-mulch.pdf>