

7.4. ENM and VENM Management Policy and SWP

Summary

In response to the matter of asbestos fragments being found in fill used to surround two small playgrounds in residential areas of the Lithgow local government area, the Administration has committed to improving practice in this regard.

This report details progress made toward this necessary improvement. In large part, this will occur through the development of:

1. A Council Policy direction on how such material should be utilised.
2. A Standard Working Procedure (**SWP**) which governs how fill should be used, re-used and transported for both Council and non-Council projects.
3. Flow charts for ease of reference for all staff.
4. A training program for all staff in the use and adherence to this Policy and SWP.
5. A process of audit to ensure adherence to the Policy and SWP.

Normally, a matter such as this would be considered operational and outside the requirements of a Council policy. However, noting the risks, it was considered that the Council might wish to define their objectives at the highest level and thereby make public their position on the matter.

Commentary

Each of the Policy, SWPs and flowcharts are attached for the reference of the Committee. As a summary, each document contains the following.

1. Policy

- Broad objectives surrounding the use of (Virgin) Excavated Natural Material (**VENM** and **ENM** respectively),
- Definitions of what is both VENM and ENM,
- Staff authorities and responsibilities,
- Council's policy for management of excavated natural material (ENM) for council projects.
- Council's policy for the issuing or use of excavated natural material (ENM) for non-council projects.
- Council's policy on the transferring of ENM to another person,
- Restrictions on the use of ENM, and
- What occurs in the event of a breach of the policy,

2. SWP for the management of VENM and ENM for Council projects

- A Purpose and Scope that mirrors the Council policy.
- A procedure for the use of ENM and VENM including classification and testing, internal approvals, documentation and record-keeping, compliance and enforcement, breaches of policy and how the SWP might be amended.
- Details of the required written agreement to transfer such material.

3. SWP for the management of VENM and ENM for non-Council projects

- Much the same as for the 'Council projects' SWP but including the need for submission of a written request to Council that contains relevant detail of the proposed transfer.

These attachments are provided to the Committee for review and still require formatting adjustments before internal exhibition, consultation and training.

Attachments

1. 20250417 LCC ENM Policy [7.4.1 - 6 pages]
2. External to Council Chart [7.4.2 - 1 page]
3. Internal Council Chart [7.4.3 - 1 page]
4. SWP ENM VENM Council Projects Version 1 [7.4.4 - 7 pages]
5. SWP ENM VENM Non Council Projects Version 1 [7.4.5 - 9 pages]

Recommendation

THAT Council note the progress update relating to the proposed draft ENM and VENM reuse policy and SWPs.



INFRASTRUCTURE AND ECONOMY

Excavated Natural Material

POLICY (Number)

Version 1

1. OBJECTIVES

The Excavated Natural Material (ENM) Policy statement has been prepared to outline the policy for the handling of spoil from Council projects, both internally and externally, to ensure Council's obligations for resource efficiency and environmental protection are met.

The ENM Policy has been prepared to outline the procedures for the transport and redistribution of excavated materials to Council's facilities and projects, and to the broader community or external organisations where appropriate.

The objectives of this Policy are:

- To provide a framework for the effective management of excavated natural material (ENM) to prevent the misclassification and improper distribution of contaminated material.
- To ensure compliance with relevant environmental legislation, regulations, and guidelines governing the reuse and disposal of ENM.
- To establish clear procedures for the testing, classification, and approval of ENM before its reuse or disposal.
- To prevent the introduction of contaminated material into clean fill sites or other receiving environments.
- To ensure that all ENM testing and classification align with NSW Environment Protection Authority (EPA) standards and requirements.
- To define the roles and responsibilities of Council staff, contractors, and stakeholders in the management of ENM.
- To implement record-keeping and reporting requirements to track ENM movements and ensure transparency and accountability.
- To promote environmental protection and safeguard community health by ensuring that only clean, uncontaminated material is repurposed or disposed of appropriately.
- To establish enforcement measures and penalties for non-compliance with the policy, including but not limited to improper testing, reporting, storage or disposal of ENM.

2. POLICY IMPLICATONS

To provide a framework for the effective management of excavated natural material (ENM), including procedures for testing, classification, and distribution to ensure compliance with environmental regulations and prevent the misclassification or improper disposal of contaminated material.

3. DEFINITION

This policy applies to all employees and Councillors of Lithgow City Council (LCC or Council) contractors, developers, and any other persons involved in the excavation, classification, transport, reuse, or disposal of excavated natural material (ENM) within the Council area. For the purposes of this policy, excavated natural material (ENM) refers to naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that has been excavated from the ground, and contains at least 98% (by weight) natural material, and does not meet the definition of Virgin Excavated Natural Material (VEMN) in the Protection of the Environment Operations Act 1997.

Virgin excavated natural material (VEMN) refers to Virgin excavated natural material (VEMN) means natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, and commercial, mining or agricultural activities, and that does not contain any sulfidic ores or soils or any other waste, and includes excavated natural material that meets such criteria for virgin excavated natural material as may be approved for the time being pursuant to an EPA Gazettal notice.

The classification, testing, and management procedures outlined in this policy apply to all ENM generated from Council projects, where excavated material may be reused or disposed of within the Council jurisdiction.

4. MANAGEMENT OF CONFLICTS

The Protection of the Environment Operations Act 1997 and its subsequent regulations, orders, codes and guidelines in force at the time shall prevail if an inconsistency arises between the application of this Policy and the law to the extent of that inconsistency.

5. STAFF AUTHORITY AND RESPONSIBILITIES

The authority to determine whether it is beneficial to reuse ENM or dispose of it at a suitably licensed waste facility is the responsibility of the General Manager or those officers subsequently delegated.

The following authorities and responsibilities apply:

Review of this policy and recommend changes	Director of Infrastructure and Economy
Recommend changes to this policy	Director Infrastructure and Economy
Approve minor changes to this policy	General Manager
Approve major changes to this policy	Council
Confirm insurance arrangements are up to date	WHS Coordinator

6. POLICY FOR MANAGEMENT OF EXCAVATED NATURAL MATERIAL (ENM) FOR COUNCIL PROJECTS

All excavated natural material (ENM) generated from Council projects must be classified, tested, and managed in accordance with relevant environmental legislation, including the NSW Environment Protection Authority (EPA) guidelines.

Prior to the reuse or disposal of ENM within Council-managed projects, appropriate testing must be conducted to confirm that the material meets the required standards and is free

from contamination. Testing results must be documented and approved by a qualified environmental professional before any ENM is reused or relocated. Council staff and contractors engaged in Council projects must ensure compliance with this policy and obtain all necessary internal approvals before repurposing or disposing of ENM. Records of ENM classification, testing, and movement must be maintained as corporate records and registered in accordance with Council's document management requirements. Non-compliance with this policy, including the misclassification, improper disposal, or failure to conduct appropriate testing of ENM, may result in internal review, corrective actions, and, where necessary, regulatory reporting.

7. POLICY FOR THE ISSUING OR USE OF EXCAVATED NATURAL MATERIAL (ENM) FOR NON-COUNCIL PROJECTS

All requests for the use of excavated natural material (ENM) from Council projects by external parties, including developers, contractors, and other entities, must adhere to the policy outlined below to ensure compliance with environmental regulations and safeguard community health and environmental integrity.

7.1 Request and Approval

External parties seeking access to ENM must make a formal written request to Council outlining the proposed use, quantity required, and reuse location.

Council reserves the right to approve or reject such requests at its discretion, based on environmental suitability, material availability, and compliance with relevant legislation and internal policies.

All approvals must be provided in writing by an authorised Council officer, with conditions of use clearly stated.

7.2 Environmental Compliance

ENM will only be issued where it meets the standards set out in the NSW Environment Protection Authority's Excavated Natural Material Order and Exemption.

Council will not supply ENM that may pose a risk to human health or the environment.

7.3 Testing and Classification

All ENM intended for reuse by external parties must be tested and classified by an appropriately accredited laboratory to confirm its suitability.

Testing must be arranged or endorsed by Council, and reviewed by a qualified environmental professional prior to material release.

Recipients must acknowledge and accept only material that has been formally classified as meeting relevant EPA requirements.

7.4 Record Management

Council will maintain records of ENM assessments, approvals, testing results, and details of recipients.

External parties must retain records of ENM usage and provide them to Council upon request.

7.5 Transport and Reuse Responsibilities

The recipient is responsible for the lawful transport and reuse of ENM, whether delivery is arranged by Council or the material is collected.

Any costs associated with transport and handling are to be borne by the recipient, in line with Council's Fees and Charges.

Should ENM be found to be unsuitable or contaminated post-distribution, the recipient is responsible for its lawful disposal at an approved waste facility.

7.6 Compliance

Council reserves the right to take enforcement action in cases of non-compliance with this policy. This may include the refusal of future requests, notification to regulatory authorities, and other actions permitted under applicable legislation.

8. TRANSFERRING OF ENM TO ANOTHER PERSON

Once ENM has been tested and deemed suitable for delivery by Council (as per Council's Fees and Charges) or collection by the recipient, and the material has been transported to the new location, further use, storage or distribution of this material by any external party is no longer the concern or responsibility of Council.

Any person or organisation holding ENM must do so in a lawful manner in accordance with the relevant guidelines and legislation (refer Blue Book, POEO Act).

9. RESTRICTIONS

Excavated natural material (ENM) shall only be used for approved purposes in accordance with this policy and relevant environmental regulations. ENM must not be distributed, reused, or disposed of in a manner that could pose a risk to human health or the environment.

Additional restrictions / conditions may be placed on the use of ENM at the time of approval or subsequently, with written notice provided to the recipient. Such restrictions / conditions may include:

- Specifying the approved location where the ENM may be reused or placed.
- Limiting the volume of ENM that may be issued to an external party.
- Requiring additional testing before transport or placement.
- Restricting the reuse of ENM in environmentally sensitive areas or locations subject to land use constraints.
- Prohibiting the mixing of ENM with other materials without prior approval.

The recipient of the ENM remains responsible for ensuring compliance with all conditions of use and any additional restrictions imposed by Council. Any non-compliance with these restrictions may result in enforcement action, including revocation of approval, penalties, or reporting to regulatory authorities.

10. BREACHES OF THIS POLICY

The obligation to comply with this policy rests with each, employee, person and/or organisation that handles, transports or distributes ENM. Sanctions may be applied if this Policy is breached.

Any person may report an alleged breach of this policy. Staff reporting a serious breach are encouraged to utilise Council's Public Interest Disclosures Policy.

Environmental protection and public health are of utmost importance to Lithgow City Council. If this Policy has been breached, further action against the individuals or organisations responsible may be considered, depending on the severity of the breach. This may include counselling disciplinary action (including termination of employment) and legal proceedings.

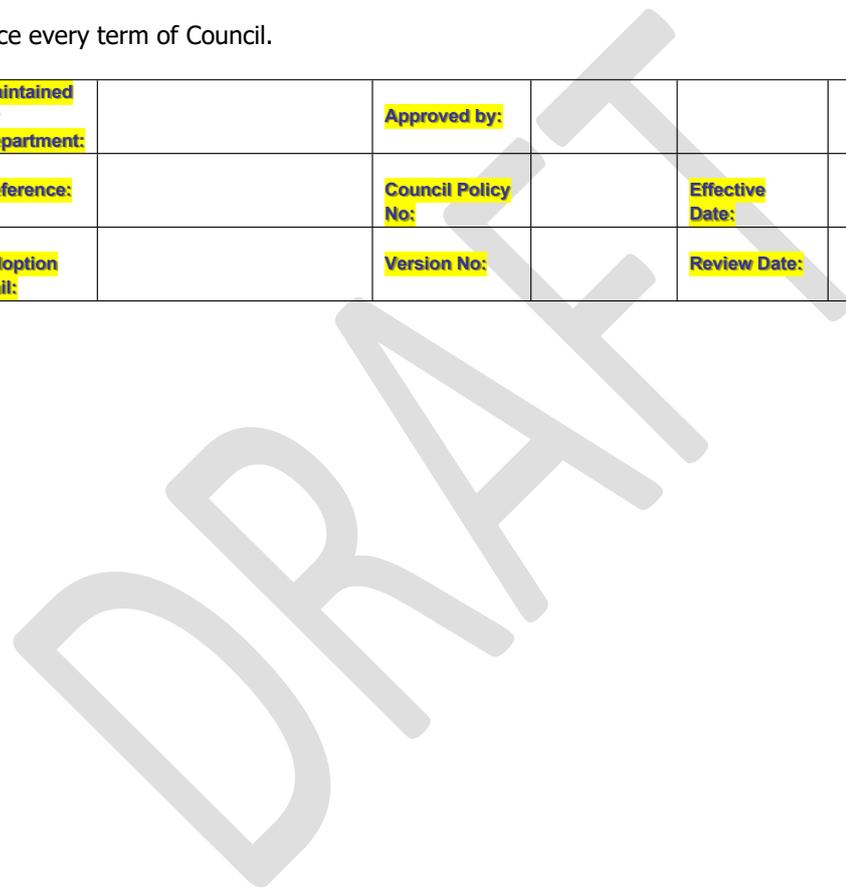
11. DISCLOSURES

This policy does not remove any other obligations under the *Local Government Act* and any other legislation, or relevant codes and policies regarding the disclosure of any interests.

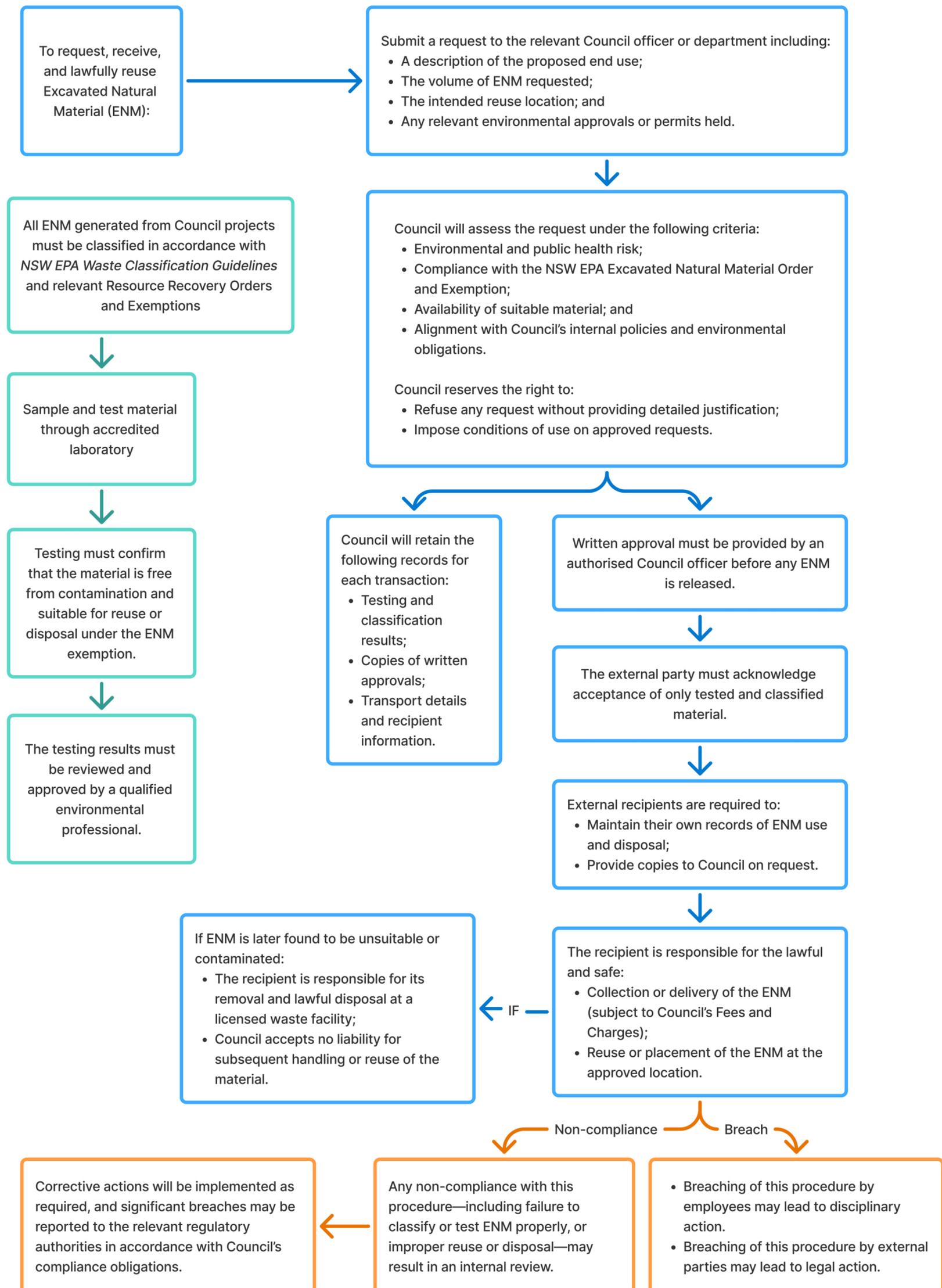
Review Date:

Once every term of Council.

Maintained by Department:		Approved by:			
Reference:		Council Policy No:		Effective Date:	
Adoption trail:		Version No:		Review Date:	

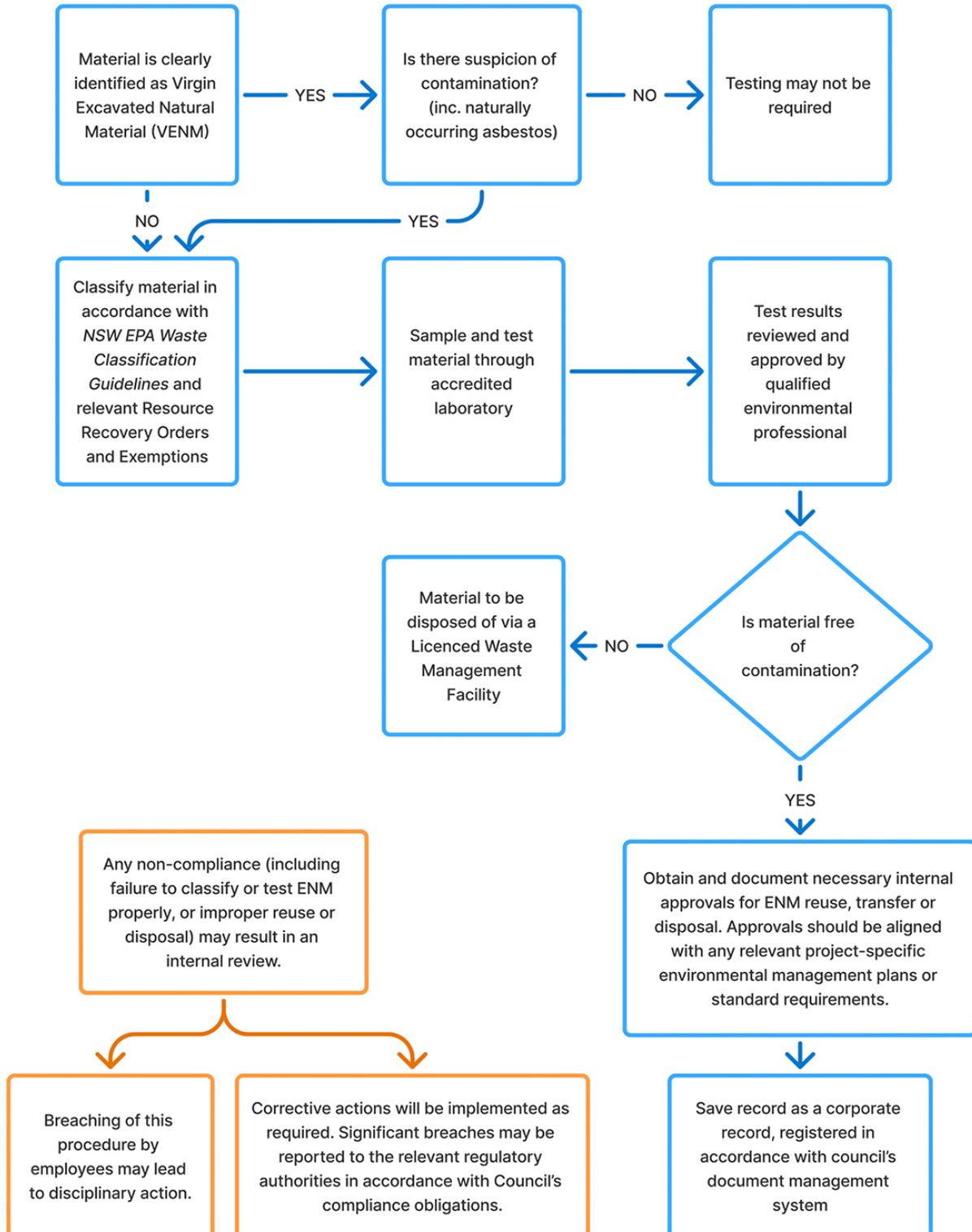


Management of Excavated Natural Material (ENM) for External (non-Council) Projects



The conditions of this procedure may be varied by Council from time to time with one months' notice or as otherwise stated in the procedure.

Management of Excavated Natural Material (ENM) for Council Projects



The conditions of this procedure may be varied by Council from time to time with one months' notice or as otherwise stated in the procedure.



Infrastructure and Economy

Management of Excavated Natural Material (ENM) for Council Projects

STANDARD WORKING PROCEDURE

###

Version 1

INTRODUCTION

Council recognises that the excavation of natural material during infrastructure and maintenance works is a routine part of service delivery. This Standard Working Procedure (SWP) outlines the requirements for the classification, handling, assessment, and potential reuse of Excavated Natural Material (ENM) in accordance with NSW environmental legislation and the EPA's Resource Recovery Orders and Exemptions.

The purpose of this SWP is to ensure that all ENM generated through Council activities is managed in a safe, lawful, and environmentally responsible manner. It also provides guidance for processing external requests for ENM, ensuring transparency, compliance, and protection of community and environmental values.

This procedure applies to all Council staff and contractors involved in the generation, assessment, distribution, or reuse of ENM on Council projects.

PURPOSE

The aim of this procedure is to:

- Ensure that all Excavated Natural Material (ENM) generated through Council operations is managed in accordance with relevant NSW environmental legislation and the NSW EPA's Resource Recovery Orders and Exemptions;
- Promote the safe, lawful, and environmentally responsible handling, testing, and potential reuse of ENM;
- Provide a consistent framework for assessing and responding to external requests for ENM reuse on non-Council projects; and
- Support Council's broader sustainability objectives by encouraging responsible resource recovery and minimising waste to landfill.

SCOPE

This procedure applies to all employees where a leaseback vehicle is provided.

REFERENCE

The Protection of the Environment Operations Act 1997 (POEO Act);
<https://www.epa.nsw.gov.au/Your-environment/Waste/classifying-waste/virgin-excavated-natural-material>

PROCEDURE

1 ¹Classification and Testing

1.1 All ENM generated from Council projects must be classified in accordance with the *NSW EPA Waste Classification Guidelines* and relevant Resource

¹ Where material is clearly identified as *Virgin Excavated Natural Material (VENM)*, and there is no reasonable suspicion of contamination (including naturally occurring asbestos), classification and testing may not be required under NSW EPA guidelines. However, where there is any uncertainty regarding the material's origin, quality, or contamination risk, testing must be carried out in accordance with the *Excavated Natural Material Order and Exemption*. The precautionary principle should apply.

Recovery Orders and Exemptions.

1.2 Prior to any reuse or disposal of ENM, appropriate sampling and testing must be arranged through an accredited laboratory.

1.3 Testing must confirm that the material is free from contamination and suitable for reuse or disposal under the ENM exemption.

1.4 The testing results must be reviewed and approved by a qualified environmental professional.

2 Internal Approvals

2.1 Council staff and contractors must seek and obtain all necessary internal approvals before ENM is reused, transferred, or disposed of.

2.2 Approvals should be documented and aligned with any relevant project-specific environmental management plans or standard requirements.

3 Documentation and Record-Keeping

3.1 All records related to ENM classification, testing results, approvals, and movements must be maintained as corporate records.

3.2 These records must be registered in accordance with Council's document management system and retained in line with applicable recordkeeping standards.

4 Compliance and Enforcement

4.1 Any non-compliance with this procedure—including failure to classify or test ENM properly, or improper reuse or disposal—may result in an internal review.

4.2 Corrective actions will be implemented as required, and significant breaches may be reported to the relevant regulatory authorities in accordance with Council's compliance obligations.

5 Breaches of Council Procedure and Disciplinary Action

5.1 Breaching of this procedure by employees may lead to disciplinary action.

6 Variation and Termination

6.1 The conditions of this procedure may be varied by Council from time to time with one month's notice or as otherwise stated in the procedure.

15. REVIEW

This SWP is to be reviewed every four (4) years, or as required, by the Director Infrastructure and Economy

Maintained by Department:		Approved by:	GM		
Reference:	SWP Register	Council SWP No:		Effective Date:	
Adoption trail:		Version No:		Review Date:	Every four years or as required by the Director Infrastructure and Economy



Schedule A

Lithgow City Council

**AGREEMENT FOR
TRANSFER OF ENM /
VENM TO INTERNAL
COUNCIL PROJECTS**

AGREEMENT FOR TRANSFER OF ENM/VENM BETWEEN COUNCIL PROJECTS
An Agreement made on the ____ day of _____ 202_

Between
Lithgow City Council ("the Council") – Project Name: _____
and
Lithgow City Council – Project Name: _____

(Each hereinafter referred to individually as a "Project" and collectively as "the Projects").
The Council, acting through the respective project teams, has mutually agreed upon the transfer of material (ENM or VENM) between Council projects in accordance with the conditions outlined in this Agreement.

1. Purpose

This Agreement documents the internal transfer of [select: Excavated Natural Material (ENM) / Virgin Excavated Natural Material (VENM)] from one Council project (the Donor Project) to another (the Receiving Project) for reuse in accordance with the NSW EPA Resource Recovery Orders and Exemptions and relevant environmental legislation.

2. Description of Material

Type of Material: [ENM / VENM]

Volume: Approximately _____ m³

Source Location (Donor Project): _____

Destination Location (Receiving Project): _____

Intended Use at Receiving Project: _____

3. Conditions of Transfer

(1) The material being transferred has been assessed and complies with the requirements of the Resource Recovery Exemption for [ENM/VENM] issued by the NSW Environment Protection Authority (EPA), and a copy of any test results (where applicable) is attached.

- (2) The Donor Project confirms that the material:
- Is not contaminated and meets all relevant classification requirements,
 - Has not been mixed with any other waste or materials,
 - Has been appropriately stockpiled and/or stored to prevent degradation of quality.

(3) The Receiving Project agrees to:

- Use the material for lawful purposes consistent with the exemption (e.g. as fill material),
- Keep records of the volume, date of receipt, and use of the material as required by the Resource Recovery Order,
- Not further on-sell or dispose of the material to third parties outside of Council operations without appropriate approvals.

4. Record Keeping

Both parties agree to retain all documentation related to the source, transfer, and use of the material for a minimum of seven (7) years, including:

- Test results (if any),
- Transport logs or transfer dockets,
- EPA Order and Exemption documents,
- Internal project correspondence approving the use.

5. Termination

This Agreement may be terminated:

- By mutual agreement in writing between the two Projects,
- Immediately, if the material is later determined not to meet the relevant environmental or legal requirements,
- If either Project is cancelled or substantially altered such that the material is no longer required or appropriate.

6. General Provisions

This Agreement is not intended to override any statutory obligations under the *Protection of the Environment Operations Act 1997 (NSW)* or other applicable environmental legislation. This is an internal agreement within Council and does not establish any new legal entity, joint venture, or financial obligation beyond what is authorised within project scopes and budgets.

SIGNED for and on behalf of Lithgow City Council – Donor Project

Name: _____

Title: _____

Date: _____

Signature: _____

SIGNED for and on behalf of Lithgow City Council – Receiving Project

Name: _____

Title: _____

Date: _____

Signature: _____

Schedule B

Commented [TEF - EC1]: Flow chart



Infrastructure and Economy

Management of Excavated Natural Material (ENM) for External (non-Council) Projects

STANDARD WORKING PROCEDURE

###

Version 1

INTRODUCTION

Council recognises that the excavation of natural material during infrastructure and maintenance works is a routine part of service delivery. This Standard Working Procedure (SWP) outlines the requirements for the classification, handling, assessment, and potential reuse of Excavated Natural Material (ENM) in accordance with NSW environmental legislation and the EPA's Resource Recovery Orders and Exemptions.

The purpose of this SWP is to ensure that all ENM generated through Council activities is managed in a safe, lawful, and environmentally responsible manner. It also provides guidance for processing external requests for ENM, ensuring transparency, compliance, and protection of community and environmental values.

This procedure applies to all Council staff and contractors involved in the generation, assessment, distribution, or reuse of ENM on Council projects.

PURPOSE

This procedure outlines the process for external parties (including developers, contractors, and other non-Council entities) to request, receive, and lawfully reuse Excavated Natural Material (ENM) generated from Council-managed works. It ensures compliance with relevant environmental legislation and safeguards community and environmental health.

SCOPE

This procedure applies to all non-Council requests for ENM originating from Council projects. It covers request submission, approval, testing, compliance, transport, and recordkeeping responsibilities.

REFERENCE

The Protection of the Environment Operations Act 1997 (POEO Act);
<https://www.epa.nsw.gov.au/Your-environment/Waste/classifying-waste/virgin-excavated-natural-material>

PROCEDURE

1 Request Submission

1.1 External parties must submit a formal written request to Council, which must include:

- A description of the proposed end use;
- The volume of ENM requested;
- The intended reuse location; and
- Any relevant environmental approvals or permits held.

1.2 Requests must be sent to the relevant Council officer or department, as specified on Council's website or public notice.

2 Assessment and Approval

2.1 Council will assess the request against the following criteria:

- Environmental and public health risk;
- Compliance with the NSW EPA *Excavated Natural Material Order and Exemption*;
- Availability of suitable material; and
- Alignment with Council's internal policies and environmental obligations.

2.2 Council reserves the right to:

- Refuse any request without providing detailed justification;
- Impose conditions of use on approved requests.

2.3 Written approval must be provided by an authorised Council officer before any ENM is released.

2.4 The external party must acknowledge acceptance of only tested and classified material.

3 Classification and Testing

3.1 All ENM generated from Council projects must be classified in accordance with the *NSW EPA Waste Classification Guidelines* and relevant Resource Recovery Orders and Exemptions.

3.2 Prior to any reuse or disposal of ENM, appropriate sampling and testing must be arranged through an accredited laboratory.

3.3 Testing must confirm that the material is free from contamination and suitable for reuse or disposal under the ENM exemption.

3.4 The testing results must be reviewed and approved by a qualified environmental professional.

3.5 The external party must acknowledge acceptance of only tested and classified material.

4 Recordkeeping

4.1 Council will retain the following records for each transaction:

- Testing and classification results;
- Copies of written approvals;

¹ Where material is clearly identified as *Virgin Excavated Natural Material (VENM)*, and there is no reasonable suspicion of contamination (including naturally occurring asbestos), classification and testing may not be required under NSW EPA guidelines. However, where there is any uncertainty regarding the material's origin, quality, or contamination risk, testing must be carried out in accordance with the *Excavated Natural Material Order and Exemption*. The precautionary principle should apply.

- Transport details and recipient information.

4.2 External recipients are required to:

- Maintain their own records of ENM use and disposal;
- Provide copies to Council on request.

5 Transport and Reuse Responsibilities

5.1 The recipient is responsible for the lawful and safe:

- Collection or delivery of the ENM (subject to Council's Fees and Charges);
- Reuse or placement of the ENM at the approved location.

5.2 If ENM is later found to be unsuitable or contaminated:

- The recipient is responsible for its removal and lawful disposal at a licensed waste facility;
- Council accepts no liability for subsequent handling or reuse of the material.

6 Compliance and Enforcement

4.1 Any non-compliance with this procedure—including failure to classify or test ENM properly, or improper reuse or disposal—may result in an internal review.

4.2 Corrective actions will be implemented as required, and significant breaches may be reported to the relevant regulatory authorities in accordance with Council's compliance obligations.

7 Breaches of Council Procedure and Disciplinary Action

5.1 Breaching of this procedure by employees may lead to disciplinary action.

5.2 Breaching of this procedure by external parties may lead to legal action.

8 Variation and Termination

6.1 The conditions of this procedure may be varied by Council from time to time with one months' notice or as otherwise stated in the procedure.

15. REVIEW

This SWP is to be reviewed every four (4) years, or as required, by the **Director Infrastructure and Economy**.

Maintained by Department:		Approved by:	GM		
Reference:	SWP Register	Council SWP No:		Effective Date:	
Adoption trail:		Version No:		Review Date:	Every four years or as required by the Director Infrastructure and Economy



Schedule A

Lithgow City Council

**AGREEMENT FOR
TRANSFER OF ENM /
VENM TO EXTERNAL
PARTIES**

Date: _____ day of _____ 202_

Council (Supplier): Lithgow City Council – Project Name: _____

External Party (Recipient): _____
(Each a "Party" and together "the Parties")

This Agreement sets out the terms and conditions under which Lithgow City Council agrees to supply [select: Excavated Natural Material (ENM) / Virgin Excavated Natural Material (VENM)] to an external party for lawful reuse in accordance with environmental legislation and the NSW EPA's Resource Recovery Orders and Exemptions.

1. Purpose

This Agreement documents the supply of [ENM / VENM] generated from a Council project ("the Donor Project") to an external party ("the Receiving Party") for reuse in accordance with the NSW Environment Protection Authority (EPA) *Resource Recovery Orders and Exemptions* and other applicable environmental regulations.

2. Description of Material

- **Type of Material:** [ENM / VENM]
- **Estimated Volume:** _____ m³
- **Source Location:** _____
- **Destination Location:** _____
- **Intended Use:** _____

3. Conditions of Supply

1. Council Responsibilities:

- Confirms that the material meets the relevant EPA *Resource Recovery Exemption* for ENM/VENM.
- Confirms that testing has been completed where applicable and results are attached.
- Warrants that the material:
 - Is not contaminated and complies with EPA classification requirements,
 - Has not been mixed with other materials or waste,

- Has been stockpiled or stored in a way that prevents contamination or degradation.

2. Recipient Responsibilities:

- Agrees to use the material for lawful and compliant purposes (e.g. as fill material) in line with the applicable Resource Recovery Order.
- Will maintain records of the volume received, date of receipt, and end use.
- Will not resell, redistribute, or otherwise dispose of the material without appropriate approval.
- Will ensure that reuse does not pose an environmental or human health risk.
- Accepts full responsibility for the material upon receipt, including any future disposal requirements if the material is later deemed unsuitable.

4. Record Keeping

Both Parties agree to retain relevant documentation for a minimum of **seven (7) years**, including:

- Laboratory test results (if required)
- Copies of the EPA Order and Exemption
- Records of approval, transport, and material use
- Any correspondence confirming agreement terms

5. Termination

This Agreement may be terminated:

- By written mutual agreement between the Parties;
- If the material is subsequently found to be non-compliant with legal or environmental requirements;
- If the receiving site is no longer approved for the intended reuse or the use becomes otherwise unlawful or impractical.

6. Disclaimer and Acknowledgement

- The Recipient acknowledges that Council provides the material in good faith and based on the best available information.
- The Recipient assumes full responsibility for ensuring their intended use is lawful and suitable under all relevant approvals.
- This Agreement does not create a joint venture, partnership, or impose any ongoing financial obligations beyond what is documented herein.
- Nothing in this Agreement overrides any obligation under the *Protection of the Environment Operations Act 1997 (NSW)* or other applicable laws.

7. Execution

SIGNED for and on behalf of Lithgow City Council (Donor Project)

Name: _____
Position: _____
Signature: _____
Date: _____

SIGNED for and on behalf of the External Party (Recipient)

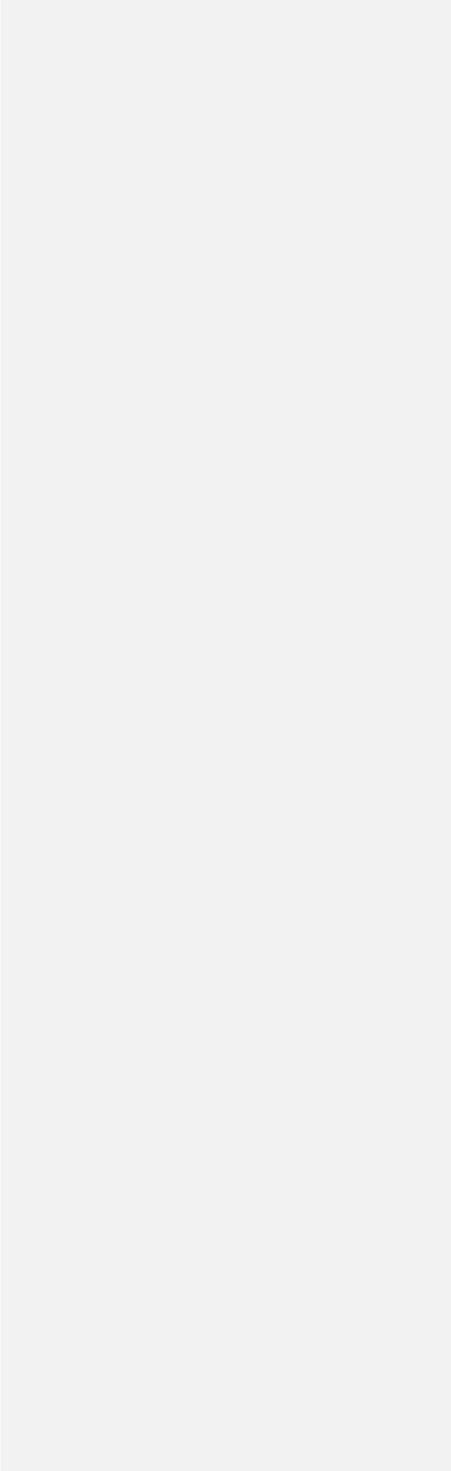
Name: _____

Position: _____

Organisation: _____

Signature: _____

Date: _____



Schedule B

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