

# SPOIL MANAGEMENT IN THE ACT

This information sheet provides advice on the Environment Protection Authority's (EPA) requirements for spoil management. In the ACT the disposal of spoil off site and acceptance of soil on site is regulated under the *Environment Protection Act 1997*.

## DEFINITION OF SPOIL

Spoil is the waste material generated during the course of excavation. Spoil can be made up of the following components: virgin excavated natural material (VENM) comprising soil and rock, fill material, contaminated soil, building waste and other materials.

For more information on VENM see [Information Sheet 10 - Virgin Excavated Natural Material \(VENM\)](#).

## DISPOSAL OF SPOIL

Spoil material meeting the definition of VENM is pre-classified as 'inert waste' in the ACT and can be disposed to ACT landfills without EPA approval.

If the spoil contains fill, is suspected of being contaminated, or contains building or other wastes these materials must be segregated and stockpiled separately on-site.

Fill and/or contaminated soil must then be assessed in accordance with EPA [Information Sheet Number 4 – Requirements for the reuse and disposal of contaminated soil in the ACT](#).

Building and demolition waste not mixed with any other waste or containing asbestos can be disposed to landfill in the ACT without EPA approval.



**Those responsible for generating spoil must ensure that all its components are disposed of lawfully.**

The following information should be recorded and provided to the EPA upon request:

- the site details of the origin of the spoil;
- who is disposing of the spoil;
- a description of each component of the spoil taken from the source site;
- the amount of each component of the spoil removed from the source site;
- the site details of where the spoil was taken/disposed; and
- copies of any approvals issued for the placement or disposal of each component of the spoil.

## ACCEPTANCE OF THE SOIL COMPONENT OF SPOIL

**Don't risk a fine or criminal record. Ensure you have the appropriate approvals prior to accepting any soil.**

Under Schedule 1 of the [Environment Protection Act 1997](#) (the Act), the acceptance for placement of more than 100m<sup>3</sup> of soil by a lessee or occupier of the land in most non-urban areas of the ACT requires an Environmental Authorisation. This includes land that is in an area identified in:

- the [ACT Territory Plan](#) as broadacre; rural; hills, ridges and buffer areas; river corridors; mountains and bushlands; plantation forestry; or
- the [National Capital Plan](#) broadacre areas; rural areas; hills; ridges and buffer spaces; river corridors; mountains and bushlands.

Before accepting soil on site ensure the following points are followed to reduce the risk of receiving contaminated material:

- ensure that all soil is classified as VENM or has been approved for reuse by the EPA;
- request the supplier to provide formal certification that the material is VENM or other soil approved by the EPA;
- request the supplier to provide information on what activities previously occurred on the source site;
- screen the material on acceptance to check for signs of contamination such as odours, staining and rubbish such as asbestos, bricks, timber, plastics, metal, etc. If it's impacted don't accept it;
- check EPA records on the source site by emailing the site's details and requesting a VENM Clearance to [environmental.standards@act.gov.au](mailto:environmental.standards@act.gov.au); and
- maintain all documents and records.

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If soil is to be accepted at a site within the land uses other than those listed above an Environmental Authorisation may not be required, however, appropriate controls must be in place to minimise discharges to the environment and to meet the general environmental duty under the Act.

No soil is to be placed in a waterway without **prior approval** from the EPA.

Soil from a known or potentially contaminated site must not be accepted without EPA approval on any site.

Approval from other ACT authorities may also be required for placement of soil on any land use including those detailed above. For example, planning approval from the ACT Planning and Land Authority under the [Planning and Development Act 2007](#). Contact Access Canberra on 13 22 81 for further information.

**If you don't know where the soil is from, don't take it – it can pollute waterways, destroy vegetation and contaminate land and may leave you with an expensive clean-up bill.**

**Note:** This advice only relates to acceptance of soil in the ACT. Where spoil including soil is proposed for reuse or placement in NSW the material must be classified in accordance with [NSW EPA Waste Classification Guidelines](#). Approval from the appropriate NSW regulatory authorities including the local council (if required) must be sought and granted prior to the movement of the material from the ACT to NSW.



## TRANSPORTING SPOIL

As a transport operator ensure you can provide documentation that shows the address of the origin of the spoil being transported.

Transport operators are responsible for ensuring that all components of spoil (including contaminated soil) is taken to an appropriately approved facility or location approved to accept the material.

Approval from other ACT authorities may also be required for the transport of the components of spoil including soil. Contact Access Canberra on 13 22 81 for further information.

To ensure you meet your general environmental duty under the Act all loads should be covered when transporting spoil.

## LEGAL REQUIREMENTS

Under the Act it is an offence for a person to illegally place more than 100m<sup>3</sup> of soil in certain areas of the ACT. Penalties can range from \$1,000 on-the-spot fines to court fines of up to \$160,000, six months imprisonment and a criminal record.

If spoil is illegally dumped and harms the environment the maximum penalty is \$1.6 million and/or 5 years imprisonment.

## For more information

Contact the Office of the EPA  
by calling Access Canberra on 13 22 81  
or go to [www.accesscanberra.act.gov.au](http://www.accesscanberra.act.gov.au)

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Further Information | Phone: Access Canberra on 13 22 81 | Email: [environment.protection@act.gov.au](mailto:environment.protection@act.gov.au) | Web: [www.act.gov.au/accesscbr](http://www.act.gov.au/accesscbr)

**Note:** This guidance material has been prepared using the best information available to Access Canberra. Any information about legislative obligations or responsibilities included in this material is only applicable to the circumstances described in the material. You should always check the legislation referred to in this material and make your own judgement about what action you may need to take to ensure you have complied with the law. Accordingly, Access Canberra extends no warranties as to the suitability of the information for your specific situation.