

VIRGIN EXCAVATED NATURAL MATERIAL (VENM)

This information sheet provides clarification of the definition of virgin excavated natural material (VENM) and advice on its use, placement and disposal in the ACT.

Definition of VENM¹:

VENM is defined as virgin excavated natural material (e.g. clay, gravel, sand, soil and rock) **that is not mixed** with any other waste and that:

- (a) has been excavated from areas that are not contaminated², as a result of industrial, commercial, mining or agricultural activities, with manufactured chemicals, that does not contain sulphidic ores or soils and does not contain naturally elevated levels of certain elements or compounds, or
- (b) consists of excavated natural materials that meet such criteria as may be approved by the Environment Protection Authority (EPA)³.

The following is **not classified as VENM**:

- excavated material which has been stockpiled, reused or processed in any way or has been sourced from a site where contamination is present or has been previously identified.
- fill material, engineered or manufactured topsoil, material which has been impacted by anthropogenic inclusions (for example asphalt, road base and building rubble) or vegetation waste.

Placement of VENM

An Environmental Authorisation is required under the [Environment Protection Act 1997](#) (the Act) where more than 100m³ of soil is to be placed on any of the following land uses as defined in the [ACT Territory Plan](#) or the [National Capital Plan](#):

- Broadacre
- Rural
- Hills
- Ridges and Buffer Areas
- River Corridors
- Mountains and Bushlands
- Plantation Forestry

The placement of VENM in the ACT on land uses other than those listed above is not specifically regulated under the Act by the EPA.

For further information on your obligations in relation to the acceptance, placement and transport of VENM and spoil in the ACT see the EPA's [Information Sheet - Spoil Management in the ACT](#).

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 the ACT Planning and Land Authority for further information on 13 22 81.

Classification and Disposal of VENM:

Material meeting the definition of VENM is pre-classified as 'inert waste'¹ and can be disposed to landfill in the ACT without the Authority's approval. VENM can also be accepted at appropriately licensed construction and demolition waste recyclers in the ACT without the EPA's approval. Contact the Office of the EPA for a list of these facilities on 13 22 81 or email environmental_standards@act.gov.au.

VENM Clearance Requests

VENM Clearance requests can be made to the Office of the EPA by sending an email to environmental_standards@act.gov.au. The clearance request must include the block, section, division and district details of the site and include the estimated volume of material to be excavated and removed from site.

A VENM clearance must be obtained prior to excavation of the material otherwise the material will not meet the definition of VENM as detailed above.

Further Assessment

All material not meeting the above definition of VENM is subject to assessment in accordance with the EPA's [Information Sheet 4 - Requirements for the Reuse and Disposal of Contaminated Soil in the ACT](#) prior to its removal from site for disposal or reuse purposes in the ACT.

NOTE: This advice only relates classification and placement of VENM in the ACT. Where the material is proposed for reuse or placement in NSW the material must be classified in accordance with [NSW EPA Waste Classification Guidance](#). 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.

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.

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¹ As defined in the EPA's 's [Environmental Standards: Assessment and Classification of Liquid and Non-liquids Wastes](#)

² An environmental assessment is required to confirm that potentially contaminating activities have not been undertaken at commercial/industrial land use sites otherwise material from these sites would not be considered as VENM (see Appendix A of the EPA's [Contaminated Sites Environment Protection Policy 2017](#) for a list of potentially contaminating activities).

³ The EPA currently has no criteria for the reclassification of excavated or other material as VENM. All material not meeting the above definition of VENM would be subject to assessment in accordance with Environment Protection [Information Sheet 4 - Requirements for the Reuse and Disposal of Contaminated Soil in the ACT](#).

Further Information | Phone: Access Canberra on 13 22 81 | Email: environmental.standards@act.gov.au | Web: www.accesscanberra.act.gov.au

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.