

Fact sheet



Definition

The Protection of the Environment Operations Act 1997 (POEO Act) defines virgin excavated natural material (VENM) as:

- 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.
- That does not contain sulphidic ores or soils.

Waste classification

VENM is a waste that has been pre-classified as general solid waste (non-putrescible). For more information see the EPA's [VENM website](#).

Beneficial re-use

VENM by its nature can be re-used easily. Weed- and disease-free topsoil may be stockpiled and re-used on batters or in landscaping and revegetation works.

VENM may be sent off-site to a location that can legally accept this material for re-use or reprocessing. A [VENM Certificate](#) must be supplied prior to transporting VENM to the receiving site. VENM must be transported in accordance with a [Notice under section 143](#).

If VENM is being accepted onto your project site, a [VENM Certificate](#) must be provided by the producer and VENM transported in accordance with a [Notice under section 143](#).

VENM must not be mixed with any other types of waste to maximise future re-use opportunities.

Testing requirements

Classification of excavated material as VENM requires certainty that all aspects of the above definition are met. To determine if your material meets the definition of VENM the following questions must be asked:

1. Are manufactured chemicals or process residues present?
2. Are sulfidic ores or spoils present?
3. Are naturally occurring asbestos soils present?
4. Is there any other waste present?

Additional information to assist in answering these questions can be found at EPA's [VENM website](#).

If your material meets the definition of VENM, it can be re-used off-site without prior testing.

If there is any doubt as to whether the material is VENM, you must sample and test the material as per the [excavated natural material resource recovery order](#) to confirm that the material is free of contaminants (see EMF-WM-FS-0046 Excavated Natural Material (ENM) to be hyperlinked).

Transporting requirements

It is a Transport requirement that records must be kept for six years and include as a minimum:

- [Notice under section 143](#)
- [VENM Certificate](#)
- amount of VENM generated, stored, or disposed of
- amount of VENM transported
- name of transporter and transporter's vehicle registration number
- date of transportation
- name and location of the facility that is receiving the VENM.

Disposal requirements

Transport for NSW has a target of 100% beneficial re-use of VENM.

Every effort must be made to re-use VENM on- or off-site before considering disposal. If disposal is the only option, justification of disposal must be documented and the material taken to a licenced waste facility, licenced to accept General Solid Waste (non-putrescible).

Contact and further information

Internal: [Environment and Sustainability Management Framework - Waste](#)

All users: environmentandsustainability@transport.nsw.gov.au