

# Management of waste on Residual Land procedure

August 2023



# Acknowledgement of Country

Transport for NSW acknowledges the traditional custodians of the land on which we work and live.

We pay our respects to Elders past and present and celebrate the diversity of Aboriginal people and their ongoing cultures and connections to the lands and waters of NSW.

Many of the transport routes we use today – from rail lines, to roads, to water crossings – follow the traditional Songlines, trade routes and ceremonial paths in Country that our nation's First Peoples followed for tens of thousands of years.

Transport for NSW is committed to honouring Aboriginal peoples' cultural and spiritual connections to the land, waters and seas and their rich contribution to society.



## Document control

|                      |   |
|----------------------|---|
| Document owner       | Senior Specialist (Waste)   |
| Approved by          | Executive Director, Environment and Sustainability                  |
| Branch / division    | Environment and Sustainability / Safety, Environment and Regulation |
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| Superseded documents | Management of Wastes on Roads and Maritime Services Land            |

## Versions

| Version | Date     | Amendment notes                                  |
|---------|----------|--|
| 1.0     | Aug 2014 | Original Roads and Maritime Services document    |
| 1.1     | Mar 2023 | Rebranded to Transport for NSW and minor updates |
| 1.2     | Aug 2023 | Hyperlinks updated                               |

## Related policy and supporting information

- [Transport Environment and Sustainability Policy](#)
- [Environment & Sustainability Management Framework](#)
- [Land Acquired for Future Roadworks: Budget and Funding Standard \(CPS21001\)](#)
- [Guidelines for project handover and finalisation](#)
- [Contaminated land management procedure](#)
- [QA Specification G36 – Environment Protection](#)
- [Residual Land Procedure](#)
- [Waste management guideline \(Transport for NSW\)](#)

### Supporting resources for this procedure:

- [EMF-WM-PR-0054-TT1 – Pre-construction land condition assessment](#)
- [EMF-WM-PR-0054-TT2 – Request for permanent beneficial reuse of material on Transport Residual Land](#)
- [EMF-WM-PR-0054-TT3 – Post-construction land condition assessment](#)

## Contacts and further information



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# 1. Purpose and scope

## 1.1 Purpose

This procedure provides direction on the requirements for using Transport for NSW (Transport) owned or leased Residual Land during construction activities (including maintenance), and for permanent beneficial reuse of materials on these properties.

## 1.2 Scope

This procedure:

- Applies to all Transport divisions (except Sydney Trains, NSW Trains and Sydney Metro) including its delivery partners.
- Details the pre-construction land condition assessment (pre-CLCA) to assist with Residual Land access and occupation.
- Outlines approval processes for the permanent beneficial reuse of material on Residual Land.
- Details the post-construction land condition assessment (post-CLCA) to assist the Residual Land handover process.
- Minimises the risks of unauthorised waste materials remaining on Residual Land after completion of construction activities.
- Supports the [Transport QA Specification G36 – Environment Protection](#) for Transport construction projects.
- Supports the Transport [Residual Land Procedure](#), [Guidelines for project handover and finalisation](#) and the [Land Acquired for Future Roadworks: Budget and Funding Standard](#).

## 1.3 Residual Land

Residual Land is defined in the [Residual Land Procedure](#) as any land required to facilitate construction of a project but not required for the ongoing operation of the project.

Residual Land can include:

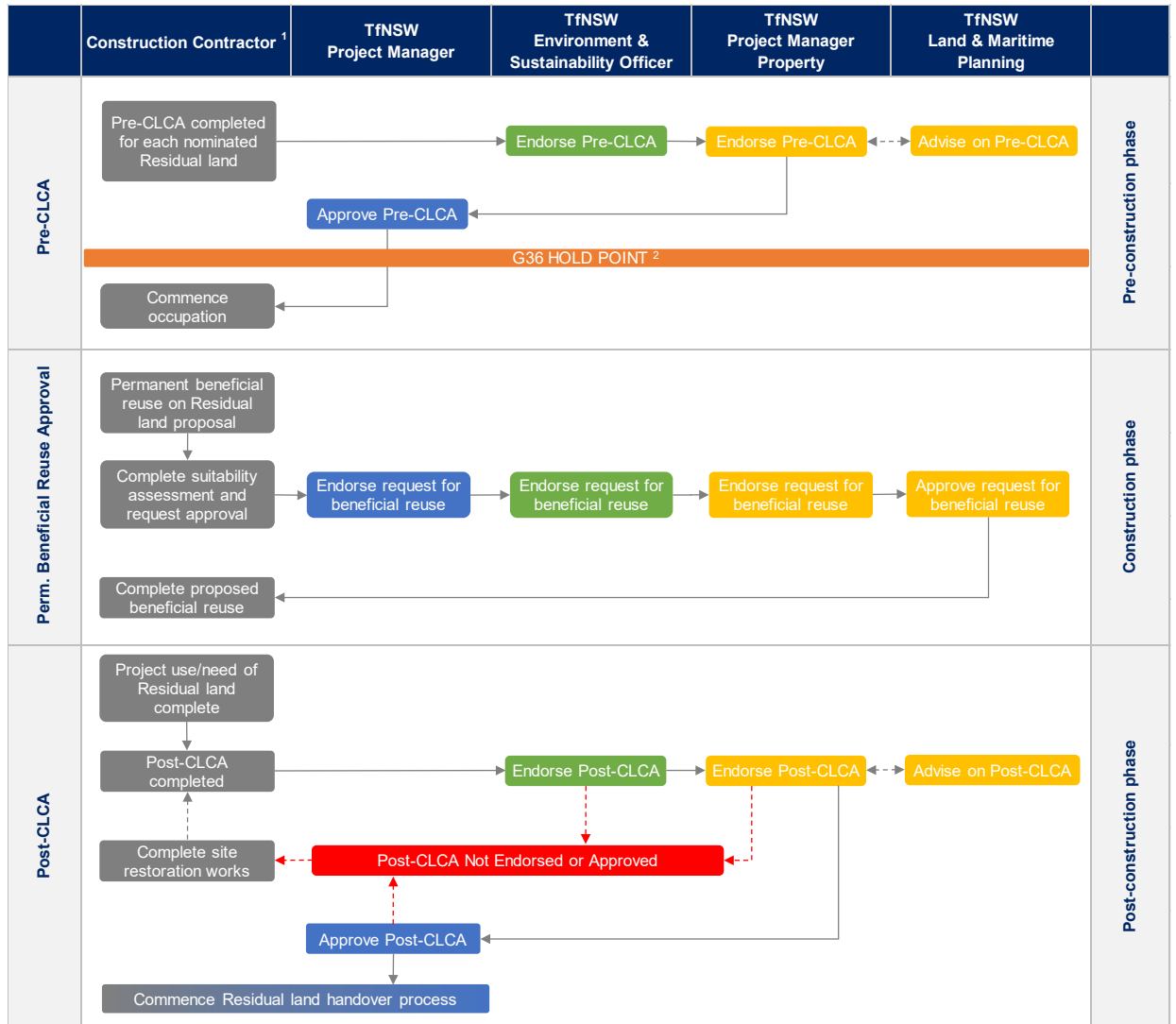
- Land specifically acquired by Transport for the construction of a project.
- Land already owned by Transport and used for the construction of a project.
- Land leased or licenced from a third party (including but not limited to state or local government agencies, private or commercial owners) that will be returned to the owners at the end of a project.

Residual Land may range in size from small strips of land adjoining a completed infrastructure project to larger lots.

### Note

The term construction used throughout this procedure aligns to the Work Health and Safety Regulation 2017 definition. This procedure applies to both the construction of new Transport infrastructure and maintenance of existing Transport infrastructure.

Figure 1: Summary flowchart outlining the key steps



Notes:

1. Where a Construction Contractor is not engaged for a project, the Transport Project Manager takes on the Construction Contractor's responsibilities as described in this procedure.
2. Specific hold point related to road projects utilising the QA Specification G36 - *Environmental Protection*.

## 2. Requirements

The following steps must be followed **prior** to taking possession of Residual Land.

### 2.1 Approval to occupy Residual Land

Residual Land will be identified either:

- Prior to construction works commencing and nominated in the project documentation (e.g., project site access schedule, Residual Land management plan or environmental assessment).
- During construction and require obtaining all applicable approvals to acquire and occupy.

The Construction Contractor, in collaboration with the Transport Project Manager, is responsible for obtaining all approvals to acquire and occupy additional land once construction has commenced in accordance with [Property Group processes](#). The approval to acquire and occupy may include specific conditions such as, but not limited to:

- Ensuring the necessary statutory and environmental planning approvals are obtained prior to use of the proposed land.
- Location specific exclusions or requirements.
- Specific post construction requirements such as rehabilitation requirements.
- Proposed future land use category identification (e.g., residential, commercial, industrial).

The Transport Project Manager is responsible for ensuring the Construction Contractor complies with any conditions of approval to occupy the land.

Once approval to access and use Residual Land has been granted and prior to possession, a Pre-CLCA must be completed (refer **section 2.2**).

### 2.2 Pre-construction land condition assessment (Pre-CLCA)

Prior to a Construction Contractor taking possession of any identified Residual Land a Pre-CLCA must be completed.

#### 2.2.1 Purpose

The Pre-CLCA is used to identify the existing baseline condition of the land including any pre-existing:

- Wastes and materials.
- Contamination (refer to [EMF-LM-PR-0016 Contaminated land management](#) procedure to determine level of assessment and management requirements).
- Land degradation.
- Engineering works engineered fill.
- Previous land disturbances.
- Physical structures, utilities or infrastructure (including structures containing known hazardous materials).

#### 2.2.2 Requirements

- The Construction Contractor is responsible for arranging the Pre-CLCA.
- An independent environmental service provider must be engaged by the Construction Contractor and approved by the Transport Project Manager, to complete the Pre-CLCA.

- The environmental consultant must have experience in environmental site inspections and construction waste management.
- The Pre-CLCA must be completed using the form [EMF-WM-PR-0054-TT1](#).
- Transport must be the primary recipient of the Pre-CLCA, not the Construction Contractor.
- A Pre-CLCA must be:
  - Prepared for each individual parcel of Residual Land assigned to a project.
  - Updated to incorporate any additional areas (e.g., boundary extensions), not previously addressed. Note: this update is subject to additional Hold Point release where applicable (refer **section 2.2.3**).

### 2.2.3 Approvals

Once a Pre-CLCA has been prepared it must be submitted in accordance with standard contract requirements. Once submitted, it must be reviewed, endorsed and approved by the nominated Transport:

- Project Environment & Sustainability Officer (endorse).
- Project Manager Property (seek advice from Transport Land & Maritime Planning and endorse).
- Project Manager (approve).

Should there be any additional information required following this review process, the Contractor will be asked to provide this information and re-submit the documentation.

The Construction Contractor's possession of the site must not occur until the Pre-CLCA report is approved and other relevant contract requirements are met (e.g., [G36 Environmental Protection - Clause 4.15.2 Scheduled Hold Point](#)).

## 2.3 Permanent beneficial reuse of materials

Waste and material reuse options must be considered as early as possible in the project lifecycle (refer to [Waste Management Guideline \(EMF-WM-GD-0055\)](#)).

Where a construction project has identified a permanent beneficial reuse of materials on Residual Land, a suitability assessment must be completed. This assessment should be completed as early as possible in the project delivery phase to ensure appropriate approvals are obtained.

Once the suitability assessment has been completed, the Construction Contractor must obtain Transport's approval prior to undertaking beneficial reuse of the materials. The form Request for permanent beneficial reuse of material on Transport land ([EMF-WM-PR-0054-TT2](#)) must be used to summarise the suitability assessment and request approval.

The Construction Contractor must consider the following to determine suitability prior to undertaking the permanent placement of materials for beneficial reuse on Residual Land:

- Identify the appropriate planning and environmental approval pathway for the proposed permanent placement of materials.
- Assess the potential contamination of the material for suitability based on the land-use zoning of the Residual Land in accordance with the Transport [Contaminated land management procedure](#) (current or proposed future land use may be specified in the Project Deed, environmental assessment, approval to occupy conditions, or applicable Residual Land Management Plan).
- Assess the material from an engineering/geotechnical suitability perspective.
- Review the proposed locations for permanent placement of materials against environmental criteria (refer to [EMF-WM-PR-0054-TT2](#)).
- Assess the benefits of the proposed beneficial reuse.
- Review consistency with the Residual Land Management Plan requirements (if applicable).



- Identify potential impacts to the saleability of the Residual Land post project (where applicable, refer to Transport [Land Acquired for Future Roadworks: Budget and Funding Standard](#) and [Guidelines for project handover and finalisation](#)).

Once the request has been prepared and submitted, it must be assessed and if approved, signed by the nominated Transport:

- Project Manager (endorse).
- Project Environment & Sustainability Officer (endorse).
- Project Manager Property (endorse).
- Land & Maritime Planning (approve).

Should there be any additional information required following this review process, the Construction Contractor will be asked to provide this information and re-submit the documentation.

Following approval from Transport, the Construction Contractor will be formally advised by the Transport Project Manager in accordance with standard contract processes.

Where there is a proposed change to the approved permanent beneficial reuse activity, a new suitability assessment must be completed and approved. All permanent beneficial reuse activities must be finalised prior to completing the Post-CLCA (refer **section 2.4**).

#### Note

Any consideration of permanent beneficial use activities outlined above will require a consistency assessment/review to determine if a modification to the Project Approval/REF is required. Refer to [EMF-PA-PR-0070 Environmental assessment procedure](#).

## 2.4 Post-construction land condition assessment (Post-CLCA)

Prior to a Construction Contractor handing back control of Residual Land, a Post-CLCA must be completed.

### 2.4.1 Purpose

The Post-CLCA is used to verify that no unauthorised project waste remains on Residual Land to be returned to Transport and is used to compare against the Pre-CLCA (refer to **section 2.1**).

### 2.4.2 Requirements

- The Construction Contractor is responsible for arranging the Post-CLCA.
- An independent environmental service provider must be engaged by the Construction Contractor and approved by the Transport Project Manager, to complete the assessment.
- The environmental consultant must have experience in environmental site inspections and construction waste management.
- Completion of a separate Post-CLCA must be prepared for each individual parcel of land where multiple properties have been occupied by a Construction Contractor.
- The Post-CLCA must be completed using the form [EMF-WM-PR-0054-TT3](#).
- Transport must be the primary recipient of the Pre-CLCA, not the Construction Contractor.
- Commencement of handover process of a Residual Land **must not** occur until the Post-CLCA is approved.

### 2.4.3 Approvals

Once a Post-CLCA has been prepared and submitted, it must be assessed and if approved, signed off by the nominated Transport:

- Project Environment & Sustainability Officer (endorse).
- Project Manager Property (seek advice from Transport Land & Maritime Planning and endorse).
- Project Manager (approve).

Should there be any additional information required following this review process, the Contractor will be asked to provide this information and re-submit the documentation. Where the review process identifies the land identified in the Post-CLCA is not suitable for handover, the Construction Contractor must address these issues and undertake corrective actions.

Evidence of completion of required corrective actions must be submitted to the Transport Project Manager to support the final approval phase.

Following approval from Transport, the Construction Contractor will be formally advised by the Transport Project Manager in accordance with standard contract processes (refer to [Guidelines for project handover and finalisation](#)).

#### Note

Additional Residual Land can be identified post construction works and therefore no Pre-CLCA or beneficial reuse approval may have been completed (e.g., final road boundary changes). A Post-CLCA must still be completed to determine if the Residual Land has been impacted by Transport activities and to confirm site suitability for handover.

Where material has been permanently placed on the Residual Land, assess the potential contamination of the material for suitability, based on the current land-use zoning, in accordance with the Transport [EMF-LM-PR-0016 Contaminated land management procedure](#).

### 3. Definitions

| Term                               | Definition   |
|------------------------------------|--|
| Beneficial reuse                   | <p>Beneficial reuse is where the land application of the material is a genuine, fit for purpose reuse of waste materials as a resource, rather than another path to avoid waste disposal costs.</p> <p>Assessment for beneficial reuse includes property planning considerations such as current zoning, potential future land uses, saleability and consistency review with Residual Land Management Plans.</p> <p>Examples of beneficial reuses on road projects may include:</p> <ul style="list-style-type: none"> <li>• Construction of acoustic and visual mounds where there is a benefit to residents and other sensitive receivers.</li> <li>• Flattening of road batters for road safety.</li> <li>• Rehabilitation of borrow pits and sedimentation basins.</li> <li>• Engineered fill (e.g. establishment of house pads on Transport land).</li> <li>• Approved improvements to flood-prone land.</li> </ul> |
| Construction                       | As defined by the Work Health and Safety Regulation 2017 cl.289 and means any work carried out in connection with the construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, demolition, decommissioning or dismantling of a structure (which includes transport infrastructure).   |
| Construction Contractor            | External contractor engaged to undertake transport infrastructure construction works. Note where an external contractor is not engaged for a project the Transport Project Manager takes on same responsibilities.   |
| Environmental Service Provider     | External environmental consultant, independent of the Construction Contractor, engaged to undertake the Pre-CLCA and Post-CLCA for a project.  |
| possession                         | Possession of a site refers to a Construction Contractor taking control and responsibility for a parcel of land owned or leased by Transport. Initial site investigations may occur prior to possession such as environmental assessments and the pre-CLCA.  |
| Post-CLCA                          | Post-construction land condition assessment. An assessment used to verify the condition of Residual Land post completion of onsite construction activities.  |
| Pre-CLCA                           | Pre-construction land condition assessment. An assessment used to identify the existing condition of Residual Land.  |
| Project Deed                       | Contractual agreement between Transport and Construction Contractor to undertake works, including project-specific and general Transport terms and conditions  |
| Residual Land                      | <p>Residual Land can include:</p> <ul style="list-style-type: none"> <li>• Land specifically acquired by Transport for the construction of a project.</li> <li>• Land already owned by Transport and used for the construction of a project.</li> <li>• Land leased or licenced from a third party (including, but not limited to, state or local government agencies, private or commercial owners) that will be returned to the owners at the end of a project.</li> </ul>   |
| Residual Land Management Plan      | Residual Land identified in a Project Deed may require a plan to be developed as a condition of the project planning approvals which outlines property details, feasible uses or development potential, timeframes for availability and actions required to manage the land post construction  |
| Suitability assessment             | An assessment completed to determine if a proposed beneficial reuse of materials on a Residual Land is valid and justified.  |
| Transport Land & Maritime Planning | Transport Property team responsible for divesting Residual Land once hand back from a project is complete and no longer required to be retained.   |

|                                    |  |
|------------------------------------|--|
| Transport Environmental Officer    | Transport environmental representative assigned to a Project to manage environmental compliance, supporting a Transport Project Manager  |
| Transport Project Manager          | Transport's Principal Representative for: <ul style="list-style-type: none"> <li>• A Transport infrastructure construction/maintenance contract; OR</li> <li>• Delivering an internal construction/maintenance project.</li> </ul> |
| Transport Project Manager Property | Transport Property representative embedded in projects to manage property related matters and to liaise between projects and the property central functions groups and other internal and external stakeholders                    |
| Waste                              | As per the definition of 'waste' in the Protection of the <i>Environment Operations Act 1997</i> .   |

## 4. Accountabilities

| Role   | Responsibility   |
|--|--|
| Construction Contractor                                | <ul style="list-style-type: none"> <li>• Appoint an Environmental Service Provider to undertake the Pre-CLCA and Post-CLCA.</li> <li>• Seek Transport approval for permanent beneficial reuse of materials on Residual Land.</li> <li>• Undertake and gain any necessary environmental and planning approvals / consents required to formally use Residual Land for construction purposes.</li> <li>• Seek Transport approval to occupy additional Residual Land.</li> <li>• Complete construction works in accordance with environmental and planning approvals / consents and/or approved access conditions.</li> </ul>    |
| Environmental Service Provider                         | <ul style="list-style-type: none"> <li>• Complete Pre-CLCA and Post-CLCA on behalf of Construction Contractor.</li> </ul>  |
| Transport Project Manager                              | <ul style="list-style-type: none"> <li>• Seek Transport Project Manager Property approval to occupy identified Residual Land.</li> <li>• Approve Construction Contractor engagements of Environmental Service Providers.</li> <li>• Review and approve Pre-CLCA and Post-CLCA.</li> <li>• Review and endorse requests for permanent beneficial reuse of material on Residual Land.</li> <li>• Undertake periodic inspections of all Residual Land utilised by the construction contractor.</li> <li>• Construction Contractor responsibilities described in this procedure where the project does not engage one.</li> </ul> |
| Transport Project Environment & Sustainability Officer | <ul style="list-style-type: none"> <li>• Review Construction Contractor engagements of Environmental Service Providers.</li> <li>• Review and endorse Pre-CLCA and Post-CLCA.</li> <li>• Review and endorse requests for permanent beneficial reuse of material on Residual Land.</li> <li>• Undertake periodic inspections of all Residual Land utilised by the construction contractor.</li> </ul>   |
| Transport Project Manager Property                     | <ul style="list-style-type: none"> <li>• Assist development of Project Site Access Schedule.</li> <li>• Approve requests to utilise additional Transport land.</li> <li>• Issue Contractor Occupancy Agreements.</li> <li>• Seek comment from Transport Property Divestment on Pre-CLCA and Post-CLCA prior to endorsing.</li> <li>• Review and endorse Pre-CLCA and Post-CLCA.</li> <li>• Review and endorse requests for permanent beneficial reuse of material on Residual Land.</li> <li>• Provide Transport Property Divestment with copies of Pre-CLCA and Post-CLCA.</li> </ul>                                       |
| Transport Land & Maritime Planning                     | <ul style="list-style-type: none"> <li>• Provide advice on Pre-CLCA and Post-CLCA.</li> <li>• Review and approve requests for permanent beneficial reuse of material on Residual Land.</li> <li>• Approve handback of Residual Land.</li> <li>• Manage divestment of surplus Residual Land post hand-back approval.</li> </ul>   |



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