



Reg: 51003566723011.

Our reference: DOC14/123395
File: EF13/8887

Mr Michael Whittaker
The General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Attention: Doug Merchant and Kristy Ducksbury

REGISTERED POST
14 October 2014

Dear Mr Whittaker

**Withdrawal of Application for Environment Protection Licence
Wyong Shire Council – Former Mardi Landfill Remediation – 100 McPherson Road, Mardi**

I refer to Wyong Shire Council's (Council) application to the NSW Environment Protection Authority (EPA) for an environment protection licence (licence), completed on 6 June 2014. The licence application was for the Remediation of the Former Mardi Landfill (Project) upon advice that it would trigger the activity of Waste Storage under Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act).

The EPA advises that if Council undertakes the Project in accordance with the EIS and the ENM exemption, and the storage of ENM (excavated natural material) and VENM (virgin excavated natural material) throughout the Project's construction phase will be considered reasonable in terms of timeframe, as per condition 9.3 of the exemption.

Background

The EPA understands Council granted development consent DA/542/2013 for the project and SMEC Australia prepared the "Former Mardi Landfill Remediation Environmental Impact Statement", dated 7 May 2013. These documents formed the basis of the licence application.

The EPA's *excavated natural material exemption 2012* (ENM exemption) is a general resource recovery exemption under *Protection of the Environment (Waste) Regulation 2005* which allows waste to be stored or land applied under certain conditions, while exempting the requirement to hold an environment protection licence or pay the waste levy.

The EPA confirms that Council does not require an environment protection licence for the Project. Accordingly, the EPA has withdrawn your application as requested and will refund Council's licence application fee of \$1808.00.

Should you have any questions relating to this matter please contact Grace Bell on (02) 4908 6893.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Melissa Moore'.

MELISSA MOORE
A/Unit Head – Hunter Waste Compliance
NSW Environment Protection Authority

Enclosed: The excavated natural material exemption 2012.

PO Box 488G Newcastle NSW 2300
117 Bull St Newcastle West NSW 2302
Tel: (02) 49086890 Fax: (02) 49086810
ABN 43 692 285 758
www.epa.nsw.gov.au