Permit

Environmental Protection Act 1994

Environmental authority EPSX00788413

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Environmental authority number: EPSX00788413

Environmental authority takes effect on 02 June 2017

Environmental authority holder(s)

Name(s)	Registered address
Mackay & Sons (Qld) Pty Ltd	9 Cerium Street NARANGBA QLD 4504
MACKAY & SONS DEMOLITION PTY LTD	9 Cerium St NARANGBA QLD 4504 Australia

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Prescribed ERA, ERA 57 - Regulated Waste Transport, 2: Transporting regulated waste, other than tyres, in, (a) 1 to 5 vehicles	State of Queensland

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the Environmental Protection Act 1994 (EP Act).

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days);

that is causing, or is reasonably likely to cause, serious or material environmental harm.

Department of Environment and Heritage Protection
www.ehp.qld.gov.au ABN 46 640 294 485

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For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority-on the nominated day; or
b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
c) otherwise-on the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the Sustainable Planning Act 2009 or an SDA Approval under the State Development and Public Works Organisation Act 1971), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.

Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Date issued: 09 June 2017

Enquiries:
Waste and Contaminated Land Assessment
Department of Environment and Heritage Protection
Phone: 1300 130 372
Email: palm@ehp.qld.gov.au

Legislative Requirements and Conditions of Environmental Authority

Legislative Requirements

PLR020

Eligibility criteria - ERA 57

Eligibility criteria
Regulated waste is transported by road vehicles only (not by aircraft, boat, train, pipeline or other means).

PLR025

General obligations for environmental authority holders

This is not intended to provide a comprehensive assessment of all obligations under Queensland law. It provides some general information and holders are encouraged to familiarise themselves with all requirements related to their specific operation.

Responsibilities under the *Environmental Protection Act 1994*

Separate to the requirements of the eligibility criteria and standard conditions, the holder of the environmental authority must also meet their obligations under the *Environmental Protection Act 1994*, and the regulations made under that Act. For example, the holder must be aware of the following provisions of the *Environmental Protection Act 1994* which may apply unless the environmental harm is authorised by the conditions of the environmental authority.

General environmental duty
Section 319 of the *Environmental Protection Act 1994* states that we all have a general environmental duty. This means that we are all responsible for the actions we take that affect the environment. We must not carry out any activity that causes, or is likely to cause, environmental harm unless we take all reasonable and practicable measures to prevent or minimise the harm. To decide what meets your general environmental duty, you need to consider:
(a) the nature of the harm or potential harm
(b) the sensitivity of the receiving environment
(c) the current state of technical knowledge for the activity
(d) the likelihood of successful application of the different measures to prevent or minimise environmental harm that might be taken
(e) the financial implications of the different measures as they would relate to the type of activity.

It is not an offence not to comply with the general environmental duty. However, maintaining your general environmental duty is a defence against the following acts:
(a) an act that causes serious or material environmental harm or an environmental nuisance
(b) an act that contravenes a noise standard
(c) a deposit of a contaminant, or release of stormwater run-off, mentioned in section 440ZG.

More information is available on the Department of Environment and Heritage Protection (EHP) website www.ehp.qld.gov.au.

Duty to notify
Section 320A of the *Environmental Protection Act 1994* explains the duty to notify. The duty to notify applies to all persons and requires a person or company to give notice where serious or material environmental harm is caused or threatened. Notice must be given of the event, its

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nature and the circumstances in which the event happened. Notification can be verbal, written or by public notice depending on who is notifying and being notified.

The duty to notify arises where:
(a) a person carries out activities or becomes aware of an act of another person arising from, or connected to, those activities that causes or threatens serious or material environmental harm
(b) while carrying out activities a person becomes aware of the happening of one or both of the following events:
(i) the activity negatively affects (or is reasonably likely to negatively affect) the water quality of an aquifer
(ii) the activity has caused the unauthorised connection of two or more aquifers.
(c) the owner or occupier of contaminated land or an auditor performing an auditor's function (as defined in section 568(b) of the *Environmental Protection Act 1994* becomes aware of:
(i) the happening of an event involving a hazardous contaminant on the contaminated land; or
(ii) a change in the condition of the contaminates land; or
(iii) a notifiable activity having been carried out, or being carried out, on the contaminated land;
that is causing, or is reasonably likely to cause, serious or material environmental harm.

For more information on the duty to notify requirements refer to the guideline 'Duty to notify of environmental harm' (available at www.qld.gov.au using the publication number ESR/2016/2271 as a search term).

Some relevant offences under the *Environmental Protection Act 1994*

Non-compliance with a condition of an environmental authority (section 430)
Section 430 of the *Environmental Protection Act 1994* requires that a person who is the holder of, or is acting under, an environmental authority must not wilfully contravene, or contravene a condition of the authority.

Environmental authority holder responsible for ensuring conditions complied with (section 431)
Section 431 of the *Environmental Protection Act 1994* requires that the holder of an environmental authority must ensure everyone acting under the authority complies with the conditions of the authority. If another person acting under the authority commits an offence against section 430, the holder also commits an offence, namely, the offence of failing to ensure the other person complies with the conditions.

Causing serious or material environmental harm (sections 437-39)
Material environmental harm is when the harm is not trivial or negligible in nature. Serious environmental harm is harm that is irreversible, of a high impact or widespread, or that is caused to an area of high conservation value or special significance.

Serious or material environmental harm excludes environmental nuisance.

Causing environmental nuisance (section 440)
Environmental nuisance is unreasonable interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles or smoke. It may also include an unhealthy, offensive or unsightly condition because of contamination.

Depositing a prescribed water contaminant in waters (section 440ZG)
Prescribed water contaminants include a wide variety of contaminants listed in Schedule 9 of the Environmental Protection Regulation 2008.

It is your responsibility to ensure that prescribed water contaminants are not left in a place where they may or do enter a waterway, the ocean or a stormwater drain. This includes making sure that stormwater falling on or running across your site does not leave the site contaminated. Where stormwater contamination occurs you must ensure that it is treated to remove contaminants. You should also consider where and how you store material used in your processes onsite to reduce the chance of water contamination.

Placing a contaminant where environmental harm or nuisance may be caused (section 443)

A person must not cause or allow a contaminant to be placed in a position where it could reasonably be expected to cause serious or material environmental harm or environmental nuisance.

Some of the relevant offences under the *Waste Reduction and Recycling Act 2011*

Littering (section 103)
Litter is any domestic or commercial waste and any material a person might reasonably believe is refuse, debris or rubbish. Litter can be almost any material that is disposed of incorrectly. Litter includes cigarette butts and drink bottles dropped on the ground, fast food wrappers thrown out of the car window, poorly secured material from a trailer or grass clippings swept into the gutter. However, litter does not include any gas, dust, smoke or material emitted or produced during, or because of, the normal operations of a building, manufacturing, mining or primary industry.

Illegal dumping of waste (section 104)
Illegal dumping is the dumping of large volumes of litter (200 litres or more) at a place. Illegal dumping can also include abandoned vehicles.

Relevant offence under the Environment Protection Regulation 2008

Waste tracking (Chapter 5, Part 9)
Waste handlers must submit waste tracking information to the Department of Environment and Heritage Protection as part of the process for tracking waste types as listed in Schedule 2E of the Environmental Protection Regulation 2008. The waste tracking enables the department to track waste from its source to the place of storage, recycling, treatment or disposal.

Responsibilities under other legislation

An environmental authority pursuant to the *Environmental Protection Act 1994* does not remove the need to obtain any additional approval for the activity that might be required by other state and/or Commonwealth legislation. Other legislation for which a permit may be required includes, but is not limited to, the:
(a) *Aboriginal Cultural Heritage Act 2003*
(b) Australian Dangerous Goods Code
(c) Australian and New Zealand Environment and Conservation Council (ANZECC) Polychlorinated Biphenyls Management Plan Revised Edition - April 2003
(d) Contaminated land provisions of the *Environmental Protection Act 1994*
(e) *Fisheries Act 1994*
(f) *Forestry Act 1959*
(g) *Nature Conservation Act 1992*
(h) *Petroleum and Gas (Production and Safety) Act 2004 / Petroleum Act 1923*
(i) *Queensland Heritage Act 1992*
(j) Safe Work Australia Code of Practice on How to Safely Remove Asbestos 2011 or the Safe Work Australia Code of Practice on How to Manage and Control Asbestos in the Workplace 2011 or any subsequent versions
(k) *Sustainable Planning Act 2009*
(l) Waste Reduction and Recycling Regulation 2011
(m) *Water Supply (Safety and Reliability) Act 2008*
(n) *Water Act 2000*
(o) *Work Health and Safety Act 2011,* Work Health and Safety Regulation 2011 and Work Health and Safety (Codes of Practice) Notice 2011

Environmental authority holders are advised to check with all relevant statutory authorities and comply with all relevant legislation.

PLR026 This environmental authority contains standard conditions. Standard conditions are identified by (S) after the condition number.

Condition

General

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(S) - Standard Condition
Department of Environment and Heritage Protection
www.ehp.qld.gov.au ABN 46 640 294 485

PSG039 (S) For new operators - details of all vehicles used to transport regulated waste must be provided to the department before commencing the activity.

PSG040 (S) For existing operators - if any vehicle registration details change, or any vehicles are added to or removed from the fleet of vehicles used to transport regulated waste, details of these changes must be provided to the department:
(a) as soon as practicable after the changes occur; or
(b) if transporting tyres - prior to each anniversary day; or
(c) if transporting other regulated wastes - when paying the annual fee to the department for the registration certificate.

PSG041 (S) Incompatible wastes must not be:
(a) placed in the same container; or
(b) transported in such a way that mixing may occur.

PSG042 (S) Regulated waste must only be transported in suitably designed vehicles, tanks, containers or secondary containers that are appropriate for containing the waste being transported.

PSG043 (S) All vehicles, tanks, containers and secondary containers used to transport regulated waste:
(a) must be maintained in a good condition at all times to prevent any spillage or leakage of regulated waste or other contaminants; and
(b) kept free of regulated waste residues at all times when not in use.

PSG044 (S) A solid impervious partition must be provided to separate the load compartment/area of the regulated waste transport vehicle from the driver's compartment.

PSG045 (S) Regulated waste must not be removed or released from any vehicle other than:
(a) at a facility that can lawfully receive the regulated waste; or
(b) for the purpose of consolidation grease trap and/or other oily wastes in a larger road tank vehicle where access to the waste source is restricted to smaller road tank vehicles.

PSG046 (S) Regulated waste must not leak or spill from the vehicle.

PSG047 (S) Notwithstanding condition PSG046, any leakage or spillage of regulated wastes must be contained immediately, recovered and disposed of to a facility that can lawfully accept the waste.

PSG048 (S) An appropriate spill kit, personal protective equipment and relevant instructions for the management of the regulated wastes transported must be maintained and kept in each vehicle.

PSG049 (S) If operating interstate, any spillage, leak, escape or other loss of regulated waste from the vehicle must be reported as soon as practicable to the relevant regulatory agency of the State or Territory in which the vehicle is travelling when the incident occurs.

PSG050 (S) When operating in Queensland, any release of contaminants not in accordance with the conditions of this code must be reported by telephone to the department's Pollution Hotline or regional office located in the area where the release occurred. Any such release must be reported as soon as practicable, but no later than 24 hours (depending on the level of risk to the environment), after becoming aware of the release.

PSG051 (S) A written notice detailing the following information must be provided to the department within 14 days of any advice provided in accordance with condition PSG050:
(a) the name of the operator, including the operator's registration certificate number;

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(b) the name and telephone number of a designated contact person;
(c) substance and quantity released;
(d) vehicle and vehicle registration details;
(e) person/s involved (driver and any others);
(f) the location and time of the release;
(g) the suspected cause of the release;
(h) a description of the effects of the release;
(i) the results of any sampling performed in relation to the release;
(j) actions taken to mitigate the risk or extent of environmental harm caused by the release;
(k) the success of any actions taken to mitigate the risk or extent of environmental harm; and
(l) proposed actions to prevent a recurrence of the release.

PSG052 (S) All vehicles used to transport regulated wastes (that are not classified as dangerous goods, or as a placard load of dangerous goods), must be covered by a policy of insurance or other form of indemnity, for a sum that is not less than $100,000, in respect of:
(a) personal injury, death, property damage and other damage (except consequential economic loss) arising out of fire, explosion, leakage or spillage of dangerous goods in, on or from the vehicle or a container on the vehicle; and
(b) costs incurred by or on behalf of a Commonwealth, State or Territory government authority in a clean-up resulting from any event of the kind referred to in subparagraph a) of this condition.

PSG053 (S) All records required by this code must be kept for 5 years and be made available to an authorised officer of the department when requested.

PSG054 (S)

A record of all regulated waste (excluding trackable waste) must be kept detailing the following information for every load of waste transported:
(a) date of pickup of waste;
(b) description of waste;
(c) quantity of waste;
(d) origin of the waste; and
(e) destination of the waste.

Note: As per the “Code of environmental compliance for certain aspects of regulated waste transport”, trackable waste has separate recording requirements.

PSG055 (S)

At all times, a copy of:
(a) the registration certificate issued by the department for regulated waste transport activities; and
(b) the appropriate emergency guides in relation to the waste transported

must be carried in the cabin of each vehicle used to transport regulated waste and when requested, be presented to an authorised officer of the department or relevant regulatory agency of the State or Territory in which the vehicle is travelling.

PSG056 (S) All vehicle drivers must:
(a) have access to a copy of this code in the vehicle, or through direct communication with the vehicle depot or operations base; and
(b) be trained in the requirements of this code, including the use of all equipment and procedures necessary to comply with the conditions of this code, and document all training undertaken.

PSG057 (S)

Complaint response

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The following details must be recorded:
(a) time, date, name and contact details of the complainant;
(b) reasons for the complaint;
(c) any investigations undertaken;
(d) conclusions formed; and
(e) any actions taken.

PSG058 (S)

All asbestos transported must be:
(a) double bagged and sealed in heavy-duty polythene bags (minimum 200 µm thickness); or
(b) contained in sealed drums or bins that are lined with heavy-duty plastic (minimum 200 µm thickness); or
(c) where the volume or size of asbestos waste (e.g. large asbestos cement sheets) is greater than the volume or size of a bag, drum or bin:
(i) for friable asbestos waste, sealed in double lined heavy-duty plastic sheeting (minimum 200 µm thickness) prior to being placed into a waste skip, vehicle tray or similar container; or
(ii) for non-friable asbestos waste, kept damp and contained in a waste skip, vehicle tray or similar container that has been double lined with heavy duty plastic sheeting (minimum 200 µm thickness) and then completely sealed with the plastic sheeting and adhesive tape.

PSG059 (S) All asbestos transported must be:
(a) labelled with a warning statement to indicate the presence of asbestos and that dust creation and inhalation needs to be avoided;
(b) securely loaded and stowed on the vehicle during transit in such a way that does not cause the packaging to rupture;
(c) off loaded carefully to prevent the packaging from rupturing; and
(d) repackaged immediately if rupturing of the packaging does occur.

PSG060 (S) All particulate lead waste must be:
(a) double bagged and sealed in heavy duty polythene bags (minimum 200 µm thickness), and placed in containers on the vehicle;
(b) labelled to indicate the presence of lead and with appropriate lead risk and safety phrases;
(c) securely loaded and stowed on the vehicle during transit in such a way that does not cause the packaging to rupture;
(d) off loaded carefully to prevent the packaging from rupturing; and
(e) repackaged immediately if rupturing of the packaging does occur.

PSG061 (S) All clinical and related wastes must be transported in a fully enclosed load compartment of a vehicle that:
(a) is bunded or otherwise designed to contain any spills and leaks;
(b) is lockable; and
(c) has internal surfaces which are rigid and seamless to facilitate cleaning and disinfection.

PSG062 (S)

Vehicles and load compartments must be locked when unattended.

Note: As per the “Code of environmental compliance for certain aspects of regulated waste transport”, this condition only applies to the transport of clinical and related waste.

PSG063 (S) All clinical and related wastes must be provided with rigid secondary containment during transport.

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PSG064 (S) Secondary containers used for the transportation of clinical and related wastes must be effectively cleaned and disinfected before reuse.

PSG065 (S) Clinical and related wastes must not be transported in vehicles fitted with compaction systems.

PSG067 (S) The transport of wastes containing PCBs that are also classified as scheduled wastes under the Australian and New Zealand Environment and Conservation Council (ANZECC) Polychlorinated Biphenyls Management Plan - July 1999 must comply with the requirements of that Plan.

PSG068 (S) Personnel suitably trained in methods of handling and containing spilled PCBs must accompany any vehicle transporting waste containing PCBs.

PSG069 (S) When transporting regulated waste in rigid vehicles and trailers, the tray of the vehicles must be:
a) constructed of an impervious material;
b) maintained in a sound condition; and
c) designed to contain any spills on the tray.

PSG070 (S) When transporting regulated waste in rigid vehicles and trailers, any waste not fully contained within weatherproof packages must be covered during transport to contain the load and protect it from wind and rain.

PSG071 (S) When transporting regulated waste in rigid vehicles and trailers, all regulated waste containers must be:
(a) mounted securely to the vehicle; and
(b) contained within the tray of the vehicle.

PSG072 (S) When transporting regulated waste in rigid vehicles and trailers, the vehicle must be fitted with:
(a) adequate cargo securing devices; and
(b) in the case of vehicles transporting packaged regulated waste, rigid sides or gates that contain the load while in transit.

PSG073 (S) When transporting packaged regulated waste in rigid vehicles and trailers, the top of any container must not protrude above the sides or gates of the vehicle by more than 30% of the height of the container.

PSG074 (S) Road tank vehicles must be constructed to minimise instability and risk of rollover.

PSG075 (S) Road tank vehicles must be provided with roll-over protection to protect all tanks, components and fittings on the upper and side surfaces of the tank in the event of the vehicle rolling over or becoming inverted.

PSG076 (S) Waste transfer equipment, including discharge point and pipe-work on road tank vehicles, must be:
(a) fitted to the vehicle so as to not extend beyond the outer body line of the vehicle; or
(b) designed to provide sufficient inherent resistance to damage; or
(c) provided with protection to prevent damage.

PSG077 (S) Road tank vehicles used for the transport of liquid regulated waste must have sampling points on the top of each compartment that are readily accessible for the purposes of a roadside inspection.

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(S) - Standard Condition

PSG078 (S) Regulated waste material must not leak or spill from waste transfer hoses to the ground while the road tank vehicle is in transit.

PSG079 (S) All tank filling and discharge points on road tank vehicles must have adequate ground clearance and be rigidly connected to the tank.

PSG080 (S) All road tank vehicle vacuum pump systems must be fitted with operational:
(a) pressure and/or vacuum relief valves; and
(b) pump shut-off valves.

PSG081 (S) Where regulated waste is transported in road tank vehicles, the tank capacity must not be exceeded and a mechanism for volume measurement that is readily visible and calibrated to show maximum volume of waste in the tank must be fitted to each tank.

PSG082 (S) Where regulated waste is transported in road tank vehicles, manholes of sufficient size to allow internal inspection, cleaning and maintenance of the tanks must be fitted.

PSG083 (S) All filling and discharge points of road tank vehicles must be fitted with suitable leak proof caps and captive chains when regulated wastes are in transit.

PSG084 (S) Each road tank vehicle must be provided with an effective bumper and/or barrier system to protect the tank and fittings from rear impact.

PSG085 (S) The transfer of grease trap and/or oily wastes as permitted in condition PSG045 must:
(a) only occur directly from one road tank vehicle to another;
(b) be conducted using a closed vacuum system; and
(c) be supervised at all times.

PSG086 (S) The transfer of grease trap waste and/or oily wastes must:
(a) not take place at a sensitive place;
(b) not take place on a road adjacent to a sensitive place;
(c) not cause odour nuisance at a sensitive place.
The transfer of grease trap waste and/or oily wastes must take place at least 10 metres up gradient from any waters or stormwater drain inlet.

PSG087 (S) Where practicable the transfer of waste must be conducted on a bunded, hardstand area to minimise any releases of contaminants to land or water if a spill occurs.
Where there is potential for a release to waters or stormwater during a transfer, temporary bunding and/or containment devices must be used to minimise the potential for release.

Air

PSA009 (S) Noxious or offensive odours must not be released from any vehicle transporting clinical or related wastes.

Definition

PD047 Activity means the environmentally relevant activity, or aspect of the ERA to which this code relates.

PD048 ADG Code means the Australian Code for the Transport of Dangerous Goods by Road and Rail, 7th edition, or more recent versions as they become available. The ADG Code

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is available for purchase from Canprint - Telephone: (02) 6293 8383 or from the National Transport Commission website at www.ntc.gov.au

PD049 Anniversary day, for a registration certificate is defined in Schedule 4 of the EP Act.

PD050 Asbestos-containing material means any material, object, product or debris that contains asbestos.

PD051 Asbestos waste means all removed asbestos-containing materials and disposable items used during the asbestos removal work, such as plastic sheeting used for an enclosure or to cover surfaces in the asbestos work area, disposable coveralls, disposable respirators and rags used for cleaning etc.

PD052 Clinical waste means waste that has the potential to cause disease including, for example, the following:
(a) animal waste;
(b) discarded sharps;
(c) human tissue waste; and
(d) laboratory waste.

PD055 Environmentally relevant activity (ERA) means an activity prescribed by regulation as an ERA.

PD056 Friable asbestos means asbestos-containing material which, when dry, is or may become crumbled, pulverised or reduced to powder by hand pressure.
Note: This may include asbestos containing materials that have been subjected to conditions, such as weathering, physical damage, water damage etc., that leave them in a state where they meet the above definition.

PD057 Incompatible wastes means wastes that are likely to interact and increase the risk to human health and/or the environment when mixed or brought into contact.

PD059 Oily waste means hydrocarbons and water mixtures or emulsions, including oil and water mixtures or emulsions, which is the regulated waste item 37 of Schedule 7 of the Environmental Protection Regulation 2008. Oily waste does not include mineral oil (item 34) that is not in a mixture or emulsion with water. Vegetable oil (item 63) is also excluded.

PD071 Sensitive place means-
(a) a dwelling (including residential allotment, mobile home or caravan park, residential marina or other residential premises, motel, hotel or hostel);
(b) a library, childcare centre, kindergarten, school, university or other educational institution;
(c) a medical centre, surgery or hospital; or
(d) a public park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.

PD074 Waters includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), and groundwater and any part thereof.

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