



New South Wales

# Contaminated Land Management (Site Auditors) Regulation 1998

under the

Contaminated Land Management Act 1997

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Contaminated Land Management Act 1997*.

PAM ALLAN, M.P.,  
Minister for the Environment

## Explanatory note

The object of this Regulation is to prescribe for the purposes of Part 4 of the *Contaminated Land Management Act 1997*:

- (a) the amounts payable under the Act as fees in connection with accreditation as a site auditor, and
- (b) the time within which application must be made for renewal of such accreditation, and
- (c) the content of site auditors' annual returns and the form and content of site audit statements, and
- (d) an additional ground on which accreditation as a site auditor may be revoked.

This Regulation is made under the provisions of Part 4 of the Act (specifically sections 49, 50, 53 and 56) and under the general regulation-making power (section 112).

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## Contaminated Land Management (Site Auditors) Regulation 1998

### 1 Name of Regulation

This Regulation is the *Contaminated Land Management (Site Auditors) Regulation 1998*.

### 2 Commencement

This Regulation commences on 1 June 1998.

### 3 Definition

In this Regulation:

*the Act* means the *Contaminated Land Management Act 1997*.

### 4 Notes

The explanatory note and table of contents do not form part of this Regulation.

### 5 Accreditation fees

- (1) For the purposes of section 49 (1) (c) of the Act, the prescribed application fee is \$285.
- (2) For the purposes of section 50 (1) and (4) (d) of the Act, the prescribed annual accreditation fee is as follows:
  - (a) for accreditation granted during the first year following commencement of this Regulation—\$1400,
  - (b) for accreditation granted or renewed during the second year following commencement of this Regulation—\$1900,
  - (c) for accreditation granted or renewed during the third year following commencement of this Regulation—\$2400,
  - (d) for accreditation granted or renewed during the fourth year following commencement of this Regulation—\$2900,

- (e) for accreditation granted or renewed during the fifth or any subsequent year following commencement of this Regulation—\$3500.

## 6 Time for making renewal applications

For the purposes of section 50 (3) of the Act, an application for renewal must be made not more than 60 days and not less than 30 days before expiry of the current accreditation period.

## 7 Particulars to be included in annual returns

For the purposes of section 53 (2) of the Act, the prescribed particulars to be included in an annual return are the following particulars of each site audit as at the date of completion of the audit (or if the audit is not complete, as at the date of the annual return):

- (a) the location of the site (including Lot and DP numbers, street address, suburb and local government area),
- (b) the size of the site, its land zoning under the *Environmental Planning and Assessment Act 1979* and (if a change in zoning is proposed) its proposed zoning,
- (c) the date when the auditor received the request,
- (d) the date of commencement of the audit,
- (e) the date or expected date of completion of the audit,
- (f) the use or uses of the site that have given rise to the continuation for which remedial action was carried out,
- (g) the current use to which the site is being put and any proposed uses,
- (h) the auditor's opinion as to the suitability of the site for the current and proposed uses,
- (i) the name of the person who carried out the remedial work that was reviewed or is being reviewed by the auditor and the titles of the reports (if any) by that person that were or are being reviewed.

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**8 Form of site audit statement**

A site audit statement is to be prepared using Form 1 in Schedule 1.

**9 Additional ground for revocation of accreditation**

For the purposes of section 56 (1) (e) of the Act, the repeated failure by a site auditor to comply with the guidelines made or approved by the EPA under the Act or other lawful directions given by the EPA in relation to his or her activities as a site auditor is prescribed as a ground for revocation of the site auditor's accreditation.

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Schedule 1 Forms

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**Schedule1 Forms**

(Clause 8)

**Form 1 NSW Environment Protection Authority  
Site Audit Statement**

**Site Audit Statement No:** .....

**Site Auditor** (accredited under Contaminated Land Management Act 199):

Name: ..... Company: .....

Address: ..... Postcode: .....

Phone: ..... Fax: .....

**Site details:**

Address: .....

..... Postcode: .....

Lot and DP number: .....

Local government area: .....

**Site audit requested by:**

Name: ..... Company: .....

Address: ..... Postcode: .....

Phone: ..... Fax: .....

Name of Contact Person (if different from above):

.....

**Consultancy(ies)** who conducted the site investigation(s) and/or remediation:

.....

.....

**Title(s) of report(s)** reviewed:

.....

.....

.....

.....

.....

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Schedule 1

**Other information** reviewed:

.....  
.....  
.....

**Summary Site Audit Report** title:

.....  
..... Date: .....

I have completed a site audit (as defined in the Contaminated Land Management Act 1997) and reviewed the reports and information referred to above with due regard to laws and guidelines. I certify that the site (tick **all** appropriate boxes):

**(a) is suitable for the following use(s):**

- residential, including substantial vegetable garden and poultry;
- residential, including substantial vegetable garden excluding poultry;
- residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake) excluding poultry;
- residential with minimal opportunity for soil access, including units;
- daycare centre, preschool, primary school;
- secondary school;
- park, recreational open space, playing field;
- commercial/industrial use;
- other (please specify): .....

**subject to**

- condition(s) (please specify): .....
- .....
- .....

**(b) is not suitable for any beneficial use due to risk of harm from contamination.**

- (comments): .....
- .....

I am accredited by the NSW Environment Protection Authority under the Contaminated Land Management Act 1997 as a site auditor (Accreditation Number: .....

**I certify that:**

- (a) I have personally examined and am familiar with the information contained in this statement, including the reports and information referred to in this statement, and
- (b) this statement is to the best of my knowledge and belief, true, accurate and complete. and

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- (c) on the basis of my inquiries made to those individuals immediately responsible for making the reports, and obtaining the information, referred to in this statement, those reports and that information are, to the best of my knowledge and belief, true, accurate and complete.

I am aware that there are penalties for wilfully submitting false, inaccurate or incomplete information.

Signed: ..... Date: .....