



New South Wales

# Contaminated Land Management Amendment Regulation 2009

under the

Contaminated Land Management Act 1997

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

CARMEL TEBBUTT, MP  
Minister for Climate Change and the Environment

## Explanatory note

The object of this Regulation is to amend the *Contaminated Land Management Regulation 2008* as a consequence of the commencement of the *Contaminated Land Management Amendment Act 2008*.

This Regulation updates terminology, omits redundant provisions and includes 2 new offences as offences that may be dealt with by way of a penalty notice.

This Regulation also provides that an amendment to guidelines that is consequential on a legislative amendment, or an amendment that is of a machinery nature, is a minor amendment that can be made by the Environment Protection Authority without the need for public consultation.

This Regulation is made under the *Contaminated Land Management Act 1997*, including sections 92A and 112 (the general regulation-making power).

## **2009 No 264**

Clause 1 Contaminated Land Management Amendment Regulation 2009

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# **Contaminated Land Management Amendment Regulation 2009**

under the

Contaminated Land Management Act 1997

### **1 Name of Regulation**

This Regulation is the *Contaminated Land Management Amendment Regulation 2009*.

### **2 Commencement**

This Regulation commences on the commencement of Schedule 1 [8] to the *Contaminated Land Management Amendment Act 2008* and is required to be published on the NSW legislation website.

**Schedule 1      Amendment of Contaminated Land Management Regulation 2008**

**[1]    Clause 4 Recovery of EPA’s administrative costs associated with orders**

Omit “an investigation or remediation order” wherever occurring.

Insert instead “an order under Part 3 of the Act”.

**[2]    Clauses 8 and 9**

Omit the clauses.

**[3]    Clause 10A**

Insert after clause 10:

**10A    Guidelines**

For the purposes of paragraph (c) of the definition of *minor amendment* in section 105 (7) of the Act, each of the following is declared to be a minor amendment:

- (a) an amendment that is consequential on a legislative change,
- (b) an amendment of a machinery nature.

**[4]    Schedule 1 Penalty notice offences**

Omit the matter relating to sections 17 (4) and 23 (6) from Columns 1, 2 and 3.

Insert instead:

Section 10 (5)	\$1,500	\$5,000
Section 14 (6)	\$1,500	\$5,000