

# Contaminated Land Management Regulation 1998

## Part 1 – Preliminary

### 1 Name of Regulation

This Regulation is the *Contaminated Land Management Regulation 1998*.

### 2 Commencement

(1) This Regulation commences on the day on which it is published in the Gazette, except as otherwise provided by this clause.

(2) Part 2 of this Regulation commences on the commencement of Part 3 of the *Contaminated Land Management Act 1997*.

(3) Part 4 of this Regulation commences on the commencement of Part 9 of the *Contaminated Land Management Act 1997*.

### 3 Definitions

In this Regulation:

(a) "**the Act**" means the *Contaminated Land Management Act 1997*, and

(b) a reference to a Form is a reference to a Form set out in Schedule 1.

### 4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

## Part 2 – Prescription of certain matters for the purposes of the Act

### 5 Recovery of EPA's administrative costs associated with orders (section 34)

(1) For the purposes of section 34 (a), (b) and (c) of the Act, the rate of \$40 per hour (or part of an hour) is prescribed in respect of costs involved in connection with preparing and serving, monitoring action under, and seeking compliance with, an investigation or remediation order.

(2) On service of an investigation or remediation order, the EPA is to give the person on whom the order is served written notification of the rate prescribed by this clause.

### 6 EPA's record of current declarations and orders (section 58)

Copies of notices served under section 28 (that is, notices requiring the maintenance of remediation action in relation to land) are prescribed as material that must be included in the record maintained by the EPA under section 58 of the Act.

### 7 Duty to report contamination (section 60)

A notification under section 60 (1) or (2) (that is, a notification that land has been contaminated) is to be given using Form 1.

### 8 Reasons for certain decisions (section 106)

A statement of reasons requested as referred to in section 106 (1) (that is, a statement of the reasons for the EPA's determination that it does not have reason to believe that land is contaminated in such a way as to present a significant risk of harm) must be provided to the person making the request within 30 days after the EPA receives the request.

## **Part 3 – Site auditors**

### **9 Accreditation fees**

- (1) For the purposes of section 50 (2) (c) of the Act, the prescribed application fee is \$285.
- (2) For the purposes of sections 51 (5) and 52 (9) of the Act the prescribed accreditation fee is as follows:
  - (a) if the accreditation period is 1 year or less--\$3,500,
  - (b) if the accreditation period is 2 years or less but more than 1 year--\$7,000,
  - (c) if the accreditation period is greater than 2 years--\$10,500.

### **10 Time for making renewal applications**

For the purposes of section 52 (1) (c) 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.

### **11 Particulars to be included in annual returns**

For the purposes of section 53D (3) 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 contamination 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.

## **Part 4 – Transitional**

### **12 Fees**

Clause 9 (2), as substituted by the *Contaminated Land Management Amendment Regulation 2004*, applies only in respect of accreditation granted or renewed on or after 1 February 2004.

### **13-16 (Repealed)**

## **Part 5 – Miscellaneous**

### **17 Repeal**

- (1) The *Contaminated Land Management (Site Auditors) Regulation 1998* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Contaminated Land Management (Site Auditors) Regulation 1998*, had effect under (or was done for the purposes of) that Regulation continues to have effect under (or is taken to have been done for the purposes of) this Regulation.

## **Schedule 1 Forms**

(Clause 3)

**Form 1 – Contaminated Land Notification Form**

Contaminated Land Notification Form	
Section 60 of the <i>Contaminated Land Management Act 1997</i>	
This form should be completed by:(a) a person who becomes aware that the person's activities in, on or under land have contaminated the land in such a way as to present a significant risk of harm, or(b) an owner of land who becomes aware that the land has been contaminated (whether before or during the owner's ownership of the land) in such a way as to present a significant risk of harm.	
1.	Where to send completed forms
	Contaminated Sites Section NSW EPA P O Box 1135 CHATSWOOD NSW 2057

2. Reporter details	
Name:	Telephone Number (business hours):
Fax Number (business hours):	
Address:	I am: <input type="checkbox"/> the owner of the site <input type="checkbox"/> the person whose activities have contaminated the land
3. Site details	
Site or Establishment Name (if appropriate):	Street Address:
Lot and DP Number:	Local Government Area:
Owner(s):	Occupier(s):
4. Cause of contamination	
Previous/present activities that caused or could have caused the significant risk of harm (where known):	
5. Contamination	
Contaminants of concern:	Source of information on contamination:

6. What aspects of the environment are affected?	7. Who/what is potentially at risk?		
Tick all that apply:	Tick all that apply:		
<input type="checkbox"/> Air	<input type="checkbox"/> Stormwater	<input type="checkbox"/> Residents	<input type="checkbox"/> Threatened species
<input type="checkbox"/> Groundwater	<input type="checkbox"/> Drinking water catchment	<input type="checkbox"/> Workers on commercial/ industrial sites	
<input type="checkbox"/> Surface water	<input type="checkbox"/> Aquatic life		
<input type="checkbox"/> Sediments	<input type="checkbox"/> Wetlands	<input type="checkbox"/> Plants	
<input type="checkbox"/> Soil	<input type="checkbox"/> Other: (Please specify)	<input type="checkbox"/> School/ kindergarten children	<input type="checkbox"/> Animals
	<input type="checkbox"/> Other: (Please specify)		

8. Are any other sites affected or at risk?
Tick appropriate box: <input type="checkbox"/> No <input type="checkbox"/> Yes If "yes" is ticked, indicate which of the matters listed in items 6 and 7 apply to other sites:

9. Additional pages attached
If you have attached additional pages to this notification, indicate the number of pages below. When the notification is certified, the person/s who certify the notification must initial each page attached.
Number of pages attached:
10. Certification (in case of a notice lodged on behalf of a body corporate)
I certify that:(a) I have personally examined and am familiar with the information contained in this notification, and(b) to the extent they are within my knowledge, the matters contained in this notification are true, accurate and complete.

Name:	Name:	CORPORATE SEAL AFFIXED IN ACCORDANCE WITH CONSTITUTION OF BODY CORPORATE
Position:	Position:	
Signature:	Signature:	
Date:	Date:	

11. Signature (in the case of a notice lodged by one or more individuals)	
The matters contained in this notification are, to the best of my knowledge, true, accurate and complete.	
Name:	Name:
Signature:	Signature:
Date:	Date:
If the notification is made by one or more individuals, the form must be signed by each individual concerned. If the notification is made by a corporation, the form must be signed:(a) by affixing the common seal of the corporation, or(b) personally by a person authorised to do so by the corporation.	

**Form 2 – (Repealed)**

**Historical notes**

The following abbreviations are used in the Historical notes:

Am	amended	No	number	Schs	Schedules
Cl	clause	p	page	Sec	section
Cll	clauses	pp	pages	Secs	sections
Div	Division	Reg	Regulation	Subdiv	Subdivision
Divs	Divisions	Regs	Regulations	Subdivs	Subdivisions
GG	Government Gazette	Rep	repealed	Subst	substituted
Ins	inserted	Sch	Schedule		

Table of amending instruments *Contaminated Land Management Regulation 1998* published in Gazette No 123 of 21.8.1998, p 6175 and amended as follows:*Environment Protection Legislation Amendment Act 2002 No 14*. Assented to 15.5.2002. Date of commencement of Sch 5.2, 28.6.2002, sec 2 and GG No 102 of 21.6.2002, p

4467. *Contaminated Land Management Amendment Regulation 2004* (GG No 19 of 30.1.2004, p 318) (see also GG No 16 of 23.1.2004, p 265 and erratum published in GG No 19 of 30.1.2004, p 317)

Table of amendments

Cl 9	Am 2002 No 14, Sch 5.2; 30.1.2004.
Cl 10, 11	Am 30.1.2004.
Part 4	Subst 30.1.2004.
Cl 12	Subst 30.1.2004.
Cl 13-16	Rep 30.1.2004.
Sch 1	Am 30.1.2004.