

Environment & Planning Alert

New contaminated land regulation for NSW

July 2013

Overview

With the current *Contaminated Land Management Regulation 2008* set for automatic repeal on 1 September 2013, the NSW Environment Protection Authority has released a draft *Contaminated Land Management Regulation 2013 (CLM Regulation 2013)*, with an accompanying Regulatory Impact Statement (**Impact Statement**), for public consultation.

Regulatory Impact Statement

With regard to economic, social and environmental costs and benefits of the available options, the Impact Statement concludes that the proposed new CLM Regulation 2013 is the preferred option.

In arriving at the preferred option, the Impact Statement considers that there is:

- a need to review EPA fees to more accurately reflect the ongoing administrative costs of contaminated land (eg. associated with Management Orders and Voluntary Management Proposals);
- a need to index NSW EPA Accredited Site Auditor's fees; and
- no need to increase penalty notice amounts for offences (observing that the EPA has not issued any

penalty notices under the *Contaminated Land Management Act 1997*).

The Impact Statement concludes that by increasing the degree of cost recovery, Site Auditors are to continue to contribute to the cost of administering the site auditor scheme, while those responsible for contamination are to contribute towards the cost of preparing and monitoring Management Orders and assessing Voluntary Management Proposals.

New CLM Regulation 2013

With regard to the Impact Statement, the new CLM Regulation 2013 proposes the following key changes from the present regulation:

- administration costs for work done by the EPA are to be increased to \$80 p/h, and are to be indexed so that the EPA can continue to recover costs over time; and
- fees for NSW EPA Accredited Site Auditors are also to be indexed to further aid cost recovery over time.

Indexation is to be in line with the 'NSW Public Sector Wage Price Index'. Indexation of adjustable amounts is to commence on 1 September 2014.

A copy of the Impact Statement and proposed new CLM Regulation can be found [here](#).

Written submissions

The proposed new CLM Regulation 2013 is set to commence on 1 September 2013. The EPA is now seeking public comment on both the CLM Regulation 2013 and Impact Statement. Written submissions are to be made by:

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The closing date for submissions is 5:00pm on Wednesday, **17 July 2013**.

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