



PART 1 – GENERAL INFORMATION

NEPM Details

Title: National Environment Protection (Assessment of Site Contamination) Measure

Made by Council: 10 December 1999

Commencement Date: 22 December 1999 (advertised in *Commonwealth of Australia Gazette* No GN 51, 22 December 1999, p 4246)

NEPM Goal (or purpose)

The goal of the National Environment Protection (Assessment of Site Contamination) Measure is set out in clause 5(1) of the Measure as follows:

5(1) National environment protection goal

The purpose of the Measure is to establish a nationally consistent approach to the assessment of site contamination to ensure sound environmental management practices by the community which includes regulators, site assessors, environmental auditors, landowners, developers and industry.

Desired Environmental Outcomes

The desired environmental outcome of the National Environment Protection (Assessment of Site Contamination) Measure is set out in clause 5(2) of the Measure as follows:

5(2) Desired environmental outcome

The desired environmental outcome for this Measure is to provide adequate protection of human health and the environment, where site contamination has occurred, through the development of an efficient and effective national approach to the assessment of site contamination.

Evaluation Criteria

The assessment of the effectiveness of the National Environment Protection (Assessment of Site Contamination) Measure is based on the following criteria:

General Criteria (Specified in the NEPC Implementation Reporting Protocol)

- progress in implementing the NEPM
- compliance by parties bound by the NEPM with NEPM protocols and/or other NEPM reporting requirements
- progress toward achievement of the NEPM goal, the desired environmental outcomes and any NEPM standards
- issues arising that reflect on the efficiency and simplicity of NEPM administration.

Specific Criteria

No specific criteria are set out in the NEPM.

PART 2 – IMPLEMENTATION OF THE NEPM AND ANY SIGNIFICANT ISSUES

This part provides a summary of jurisdictional reports on implementation, discussion of any issues of concern raised by jurisdictions, and Council's overall assessment of the implementation of the NEPM.

Legislative, Regulatory and Administrative Framework

Table (13): Summary of Implementation Frameworks

Jurisdiction	Summary of Implementation Frameworks
Commonwealth	<ul style="list-style-type: none"> • The Commonwealth is implementing the NEPM through administrative arrangements.
New South Wales	<ul style="list-style-type: none"> • The NEPM operates under guidelines issued under s105 of the <i>Contaminated Land Management Act 1997</i>.
Victoria	<ul style="list-style-type: none"> • The Environmental Audit System (Contaminated Land) has provided the administrative framework for the assessment of site contamination for the past ten years.

Jurisdiction	Summary of Implementation Frameworks
Victoria (continued)	<ul style="list-style-type: none"> • In June 2002, the <i>State environment protection policy (Prevention and Management of Contamination of Land)</i> was declared by Governor in Council. • the <i>State environment protection policy (Groundwaters of Victoria)</i>, the <i>industrial waste management policy (Prescribed Industrial Waste)</i> and the <i>Planning and Environment Act 1987</i> are also relevant to assessment and management of site contamination.
Queensland	<ul style="list-style-type: none"> • The NEPM is applied through the Queensland guidelines for Assessment and Management of Contaminated Land. All site investigations and reporting must comply with the NEPM requirements when seeking statutory decisions from the EPA.
Western Australia	<ul style="list-style-type: none"> • Western Australia is finalising the <i>Contaminated Sites Bill</i> which contains provisions for the making of guidelines to be used for implementing the elements of the NEPM.
South Australia	<ul style="list-style-type: none"> • The EPA is currently drafting amendments to the <i>Environment Protection Act 1993</i> and proposes to prepare a specific Environment Protection Policy under the Act to address the prevention and management of site contamination. • The NEPM is also being introduced into some licence conditions.
Tasmania	<ul style="list-style-type: none"> • Under s12A of the <i>State Policies and Projects Act 1993</i>, the NEPM became State Policy when it was made by NEPC.
Australian Capital Territory	<ul style="list-style-type: none"> • The provisions of the NEPM are achieved through amendments to the <i>Environment Protection Act 1997</i>.
Northern Territory	<ul style="list-style-type: none"> • The assessment and management of contaminated land in the Northern Territory is undertaken through the auditing and pollution control provisions of the <i>Waste Management and Pollution Control Act 1998</i>. The assessment component of the proposed Environment Protection Objective will implement the requirements of the NEPM. • The Department of Infrastructure, Planning and Environment is developing a legislative framework for the implementation of the NEPM.

Council Assessment of Implementation Frameworks

Jurisdictions are continuing to incorporate the NEPM into relevant regulatory and administrative frameworks.

Implementation Activities

Table (14): Summary of Jurisdictional Implementation Activities

Jurisdiction	Summary of Implementation Activities
Commonwealth	<ul style="list-style-type: none"> Environment Australia conducted a workshop in July 2001 to clarify issues on the use of the NEPM and improve compliance levels.
New South Wales	<ul style="list-style-type: none"> During the year ending 30 June 2002, the NSW EPA finalised 40 significant risk of harm assessments under section 9 of the Contaminated Land Management Act, and accredited site auditors have issued approximately 370 site audit statements.
Victoria	<ul style="list-style-type: none"> A range of seminars and workshops were held to ensure stakeholders are aware of the requirements of the Environmental Auditors (Contaminated Land) Guidelines for the Issue of Certificates and Statements. In August 2002, new guidelines for the appointment of environmental auditors will be published. Mechanisms which trigger audits for a change in land use have been further clarified in the <i>State environment protection policy (Prevention and Management of Contaminated Land)</i> and further guidance for planning authorities is in preparation.
Queensland	<ul style="list-style-type: none"> A voluntary system of third party review was implemented and is being expanded and formalised into a compulsory third-party audit system. Five practitioners have been appointed under this system. Approximately 15 site investigation reports were returned to practitioners for inadequate compliance with the NEPM.
Western Australia	<ul style="list-style-type: none"> The Department of Environmental Protection released a series of 11 administrative and technical guidelines entitled 'The Contaminated Sites Management Series'.
South Australia	<ul style="list-style-type: none"> The EPA is continuing to promote the NEPM to government departments, industry, the community and environmental auditors and consultants. Planning SA has issued a Planning Advisory Notice on Site Contamination to assist in NEPM implementation.
Tasmania	<ul style="list-style-type: none"> Implementation of the NEPM within the remaining planning schemes is under discussion and is the subject of a planning guideline currently in preparation. The proposed Environmental Consultants Accreditation and Auditing System is expected to reference the NEPM.
Australian Capital Territory	<ul style="list-style-type: none"> Environment ACT uses the guidelines contained in the NEPM as the primary reference tool in its work with environmental consultants and contaminated land auditors.
Northern Territory	<ul style="list-style-type: none"> A draft policy framework for the management of contaminated sites has been used to guide management of a number of contaminated sites.

Council Evaluation and Assessment of Jurisdictional Implementation Activities

The NEPM has led to improved performance and consistency in the assessment and management of contaminated sites within jurisdictions and nationally. The NEPM has been recognised by environmental auditors, consultants, developers and others in the site assessment industry as a comprehensive source of guidance.

Noticeably, the NEPM is being implemented with a bias toward the assessment of health risk rather than ecological risk primarily because of the availability of health related data.

To improve the effectiveness of NEPM implementation, Environmental Protection Agencies have suggested employees who administer the NEPM have annual training updates.

PART 3 – ASSESSMENT OF NEPM EFFECTIVENESS

Further guidance on the assessment of hydrocarbon impacted sites is required to address one of the main sources of land and groundwater contamination. The Assessment of Site Contamination Technical Working Group is investigating health investigation levels for total petroleum hydrocarbons, other organic compounds, and asbestos.

Substantial progress has been made towards meeting the goal of the NEPM in establishing a nationally consistent approach to ensure sound environmental management practices. Some jurisdictions are still strengthening their legislative frameworks, including the introduction of mandatory auditing systems.

PART 4 – REPORTING REQUIRED BY THE NEPM

The reporting requirements in the NEPM state that each participating jurisdiction should:

‘submit a report on the assessment of the implementation and effectiveness of the Measure, including compliance with the Measure, under Section 23 of the Commonwealth Act and similar provisions in the corresponding Acts of each participating State or Territory.’

Such information is contained in Parts Two and Three of this report.

PART 5 – REPORTS ON IMPLEMENTATION BY JURISDICTIONS

The individual jurisdictional reports are attached as Annexes to Appendix 6 as follows:

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Annex 3: Victoria	page 230
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