



NEPC Report on the Implementation of the
Assessment of Site Contamination NEPM

2 0 0 5 – 2 0 0 6

'The NEPM is the primary guidance document for the assessment of site contamination in Australia. It continues to be a valuable tool, and has increased consistency between jurisdictions.'

NEPC Report on the Implementation of the Assessment of Site Contamination NEPM

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 outcome

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.

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 11: Summary of implementation frameworks

Jurisdiction	Summary of implementation frameworks
Commonwealth	<ul style="list-style-type: none"> The NEPM is implemented as guidelines under the <i>National Environment Protection Council Act 1994</i>.
New South Wales	<ul style="list-style-type: none"> The NEPM operates under guidelines issued under the <i>Contaminated Land Management Act 1997</i>.
Victoria	<ul style="list-style-type: none"> The key legislative instruments for administering the NEPM are: <ul style="list-style-type: none"> the State Environment Protection Policy (Prevention and Management of Contamination of Land) the State Environment Protection Policy (Groundwaters of Victoria) the Industrial Waste Management Policy (Prescribed Industrial Waste) the <i>Planning and Environment Act 1987</i>. The Environmental Audit System (Contaminated Land) provides the administrative framework for assessing site contamination.
Queensland	<ul style="list-style-type: none"> The key legislative instruments are the <i>Integrated Planning Act 1997</i> and the <i>Environment Protection Act 1994</i>. The NEPM is applied through the <i>Guidelines for the Assessment and Management of Contaminated Land in Queensland, May 1998</i>. All site investigations and reporting must comply with the NEPM requirements when statutory decisions are sought from the Environmental Protection Agency.
Western Australia	<ul style="list-style-type: none"> Western Australia currently implements the NEPM administratively. Proclamation of the <i>Contaminated Sites Act 2003</i> is expected in late 2006.
South Australia	<ul style="list-style-type: none"> The key legislative instrument is the <i>Environment Protection Act 1993</i>. The <i>Environment Protection Site Contamination Amendment Bill 2005</i> was released for public consultation.
Tasmania	<ul style="list-style-type: none"> The NEPM is a state policy under the <i>State Policies and Projects Act 1993</i>.
Australian Capital Territory	<ul style="list-style-type: none"> The NEPM is implemented by the Contaminated Sites Environment Protection Policy made under the <i>Environment Protection Act 1997</i>.
Northern Territory	<ul style="list-style-type: none"> The NEPM is implemented by audits of contaminated sites, the pollution control provisions of the <i>Waste Management and Pollution Control Act 1998</i> and, in some cases, the <i>Planning Act 1999</i>.

Council assessment of implementation frameworks

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



Table 12: Summary of implementation activities

Jurisdiction	Summary of implementation activities
Commonwealth	<ul style="list-style-type: none"> • Relevant Commonwealth agencies implemented various actions to assess contaminated sites. These include developing guidebooks and educational material. • Several agencies have also conducted reviews and maintained centralised registers of potentially contaminated sites. • A Commonwealth health sector representative participated in the NEPM Review project team.
New South Wales	<ul style="list-style-type: none"> • New South Wales focused on: <ul style="list-style-type: none"> – the NEPM Review project team as an observer – contamination risks from leaking underground petroleum storage systems by releasing a draft regulation for public comment – completing 53 significant risk of harm assessments. • Accredited site auditors have issued 222 (158 statutory and 64 non-statutory) site audit statements.
Victoria	<ul style="list-style-type: none"> • Victoria focused on: <ul style="list-style-type: none"> – the NEPM Review project team – information sessions for environmental auditors – appointing environmental auditors in accordance with the Act and EPA guidelines.
Queensland	<ul style="list-style-type: none"> • Queensland focused on: <ul style="list-style-type: none"> – the NEPM Review project team – reviewing 66 site assessment reports for NEPM compliance – reviewing 514 development applications for contaminated land issues – determining 175 sites as adequately assessed according to the NEPM. • 55 medium-risk to high-risk sites were placed under statutory audit by third party reviewers.
Western Australia	<ul style="list-style-type: none"> • Western Australia focused on: <ul style="list-style-type: none"> – the NEPM Review project team – completing the ‘Contaminated Sites Auditor Guideline’ – developing an administrative framework and regulations to implement the <i>Contaminated Sites Act 2003</i>.
South Australia	<ul style="list-style-type: none"> • South Australia focused on: <ul style="list-style-type: none"> – the NEPM Review project team – developing the <i>Environment Protection (Site Contamination) Amendment Bill 2005</i>.
Tasmania	<ul style="list-style-type: none"> • Tasmania focused on amending the <i>Environmental Management and Pollution Control Act 1994</i>.
Australian Capital Territory	<ul style="list-style-type: none"> • The Australian Capital Territory focused on implementing the NEPM through the Contaminated Sites Environment Protection Policy.
Northern Territory	<ul style="list-style-type: none"> • The Northern Territory focused on: <ul style="list-style-type: none"> – contaminated site assessments – finalising the Environment Protection Objective and complementary guidelines.



Council evaluation and assessment of jurisdictional implementation activities

The NEPM provides a nationally consistent approach to the assessment of site contamination and is a useful reference document. Jurisdictions have reported that the NEPM guidelines encourage sound environmental practices and give clear direction when assessing site contamination. The NEPM guidelines have also succeeded in raising greater public awareness of site contamination issues and improved standards for site contamination assessments.

PART 3 — ASSESSMENT OF NEPM EFFECTIVENESS

The NEPM is the primary guidance document for the assessment of site contamination in Australia. It continues to be a valuable tool, and has increased consistency between jurisdictions.

Jurisdictions expressed concern that there is a need for guidance on the assessment of hydrocarbon affected sites. Further development is required to broaden the health and ecological investigation levels for soil and groundwater. A review of the NEPM, which was initiated in April 2004, considered these issues, along with NEPM effectiveness, resources required for implementation and the need (if any) for changes to the schedules.

In April 2006, a discussion paper was released for public consultation. Comments received will assist in preparing the report of the review. A report of the review will be forwarded to the NEPC in the latter part of 2006. The NEPC will then determine whether a variation is required.

PART 4 — REPORTING REQUIRED BY THE NEPM

Clause 9 of the NEPM sets out the information that jurisdictions are required to report. This information has been provided by jurisdictions in Part 5 of this report.

PART 5 — REPORTING ON IMPLEMENTATION BY JURISDICTIONS

The Annexes to this report are in Appendix 6:

- Annex 1: Commonwealth
- Annex 2: New South Wales
- Annex 3: Victoria
- Annex 4: Queensland
- Annex 5: Western Australia
- Annex 6: South Australia
- Annex 7: Tasmania
- Annex 8: Australian Capital Territory
- Annex 9: Northern Territory.