



Understanding the Contaminated Land Site Audit Process October 2021

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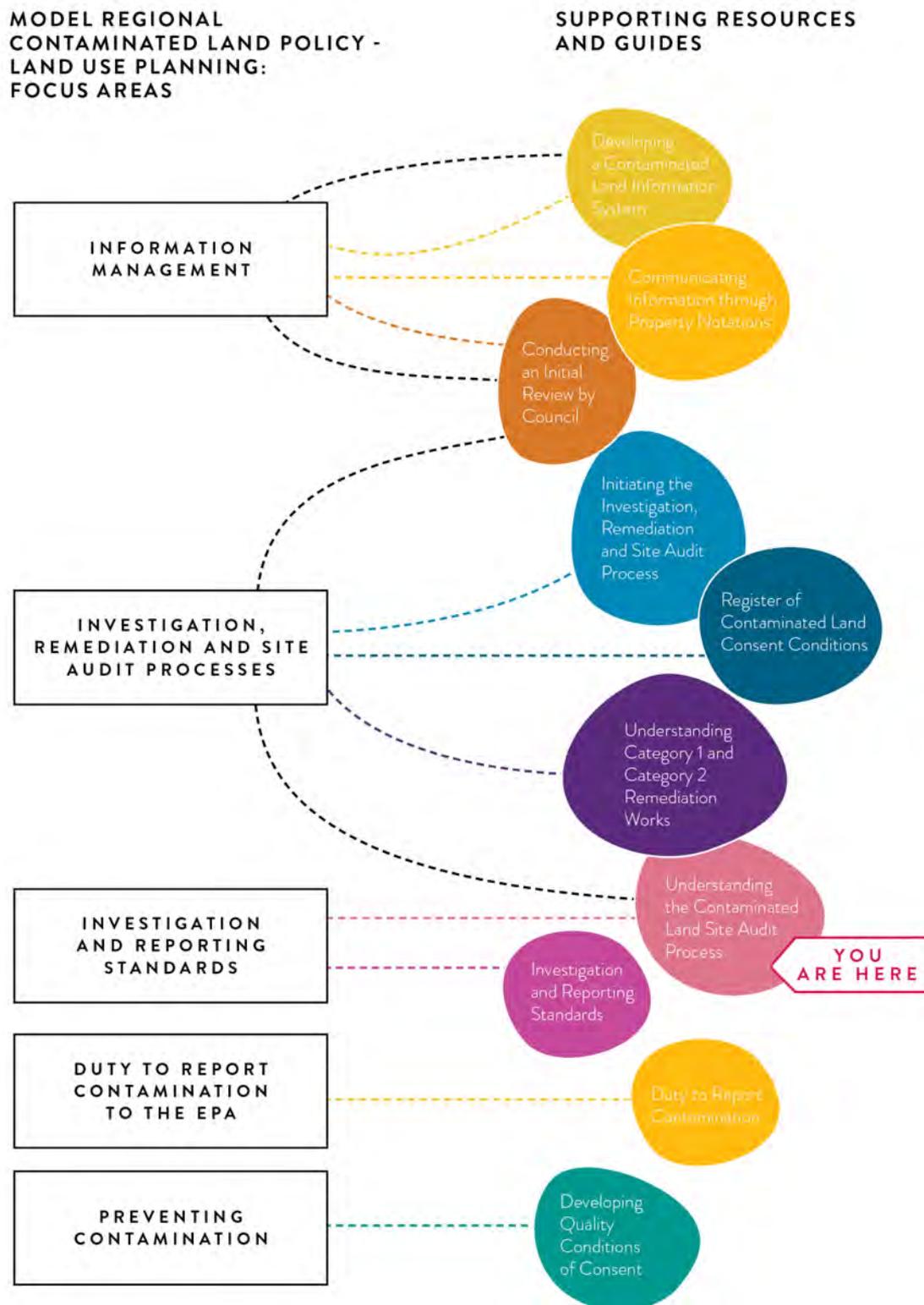
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This document forms part of a series of Contaminated Land Resources and Guides, produced as part of the Contaminated Land Capacity Building Program, as outlined in the figure below.



1. What is a Site Audit?

A Site Audit is an independent review of a Contaminated Land Consultant's investigations and reports for any or all stages of the Contaminated Land Process. The potential stages of the Contaminated Land Process are:

1. Preliminary Site Investigation (PSI)
2. Detailed Site Investigation (DSI): Several reports, such as additional investigations, contamination delineation, monitoring, and/or site specific risk assessments may be included in this stage
3. Remedial Action Plan (RAP)
4. Remediation
5. Validation (including Monitoring if applicable)
6. Long Term Environmental Management Plan (LTEMP) and Monitoring

A Site Audit must be undertaken by a NSW EPA accredited Site Auditor, and be conducted in accordance with the *Contaminated Land Management Act 1997*. Part 4 of the Act defines a Site Audit as a review:

- *“that relates to management, carried out in respect of the actual or possible contamination of land; and*
- *that is conducted for the purpose of determining any one of the following matters:*
 - *the nature and extent of any contamination of the land;*
 - *the nature and extent of any management of actual or possible contamination of the land;*
 - *whether the land is suitable for any specified use or range of uses;*
 - *what management remains necessary before the land is suitable for any specified use or range of uses; or*
 - *the suitability and appropriateness of a plan of management, a long-term management plan, a voluntary management proposal”.*

The Contaminated Site Audit Process (undertaken by an accredited Site Auditor) and the Contaminated Land Process (undertaken by a Consultant) is presented in Figure 1.

The Site Audit Scheme was established to improve community access to competent technical advice on the Contaminated Land Process, and provides increased confidence and certainty in the information upon which land use planning and other decisions involving contaminated land assessments and remediation are based.

A Site Audit will lead to the provision of a Site Audit Statement (SAS). Only Site Auditors accredited by the NSW EPA can issue a Site Audit Statement. A copy of the Site Audit Statement form is available from the NSW EPA webpage. Site Auditors are also required to provide a Site Audit Report (SAR), which contains the key information and the basis of considerations leading to the issue of the Site Audit Statement.

When requesting a Site Audit, it is important to clarify the purpose of the Audit. This will ensure that the information provided from the Audit is clear and appropriate to the requirements of Council. The specific purposes of a Site Audit (identified in the Site Audit Statement) are:

- A1** To determine land use suitability
- A2** To determine land use suitability subject to compliance with either an active or passive environmental management plan
- B1** To determine the nature and extent of contamination
- B2** To determine the appropriateness of:
 - an investigation plan
 - a remediation plan; or
 - a management plan
- B3** To determine the appropriateness of a site testing plan to determine if groundwater is safe and suitable for its intended use as required by the *Temporary Water Restrictions Order for the Botany Sands Groundwater Resource 2017*
- B4** To determine the compliance with an approved:

- voluntary management proposal; or
- management order under the *Contaminated Land Management Act 1997*

B5 To determine if the land can be made suitable for a particular use (or uses) if the site is remediated or managed in accordance with a specified plan.

A staged approach to an Audit may be appropriate in some cases. Sign-off on each stage may occur as an Interim Opinion (IO) provided by the Site Auditor, with a Site Audit Statement and Site Audit Report produced in the final stage of the Audit. This can be a cost and time effective approach in some cases, however; it is important to note that the end result of an Audit must be a Site Audit Statement and Site Audit Report.

The obligations of a Site Auditor (and the administrative framework) are described in the *Guidelines for the NSW Site Auditor Scheme* (Environment Protection Authority, 2017). The guidelines can be used by Council staff that wish to seek guidance on what to expect from an Audit, and are available on the NSW EPA webpage:

<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/contaminated-land/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition.pdf?la=en&hash=02150C2CED01AD20373CD82F48B8E4141E99E554>

NSW EPA Accredited Site Auditor

Contaminated Site Audit Process:

A Site Audit may be requested for any or all stages of the Contaminated Land Process (i.e. a review of the Contaminated Land Consultant's work described in the right hand box). The specific purposes of a Site Audit (which are identified in the Site Audit Statement) are:

- A1** To determine land use suitability
- A2** To determine land use suitability subject to compliance with either an active or passive environmental management plan
- B1** To determine the nature and extent of contamination
- B2** To determine the appropriateness of:
 - an investigation plan
 - a remediation plan; or
 - a management plan
- B3** To determine the appropriateness of a site testing plan to determine if groundwater is safe and suitable for its intended use as required by *the Temporary Water Restrictions Order for the Botany Sands Groundwater Resource 2017*
- B4** To determine the compliance with an approved:
 - voluntary management proposal; or
 - management order under the *Contaminated Land Management Act 1997*
- B5** To determine if the land can be made suitable for a particular use (or uses) if the site is remediated or managed in accordance with a specified plan.

A Site Audit will lead to the provision of a Site Audit Statement (SAS), and a Site

Contaminated Land Consultant

Contaminated Land Process:

The potential stages of the Contaminated Land Process are:

1. Preliminary Site Investigation (PSI)
2. Detailed Site Investigation (DSI): Several reports, such as additional investigations, contamination delineation, monitoring, and/or site specific risk assessments may be included in this stage
3. Remedial Action Plan (RAP)
4. Remediation
5. Validation (including monitoring if needed)
6. Long-Term Environmental Management Plan (LTEMP), including monitoring if needed

The level of the Contaminated Land Process ultimately required is determined by the circumstances and outcomes from the

2. When should Council request a Site Audit?

Engaging a Site Auditor to provide a statement about the suitability of the site for its proposed land use, or any of the other purposes identified on the Site Audit Statement, can provide greater certainty about the information on which Council, as a planning authority or land manager, bases its decision, particularly where sensitive uses are proposed or where contamination is complex. A Site Auditor ensures that the methodology used by Consultants, and their interpretation of data, are consistent with current NSW EPA regulations and guidelines.

In accordance with the *MODEL Contaminated Land Policy – Land Use Planning* (Hunter Joint Organisation, 2020), and the *Managing Land Contamination: Planning Guidelines - SEPP55 - Remediation of Land* (Department of Urban Affairs and Planning and EPA 1998), Council may require a Site Audit to be carried out for the reasons included in the table below:

Reason	Examples
Council believes on reasonable grounds that the information provided is incorrect or incomplete	Where Council believes on reasonable grounds that: <ol style="list-style-type: none"> 1. An actual or perceived conflict of interest exists that may bias the conclusions 2. The Consultant used may not be sufficiently experienced or qualified 3. Issues have been overlooked in the Contaminated Land Process (eg. potential for off-site migration was not addressed, groundwater was not assessed, the source of contamination was not found)
Council wishes to verify whether the information has adhered to appropriate standards, procedures and guidelines	Where Council <ol style="list-style-type: none"> 1. Is not familiar with the standards, procedures or guidelines relevant to the proposal 2. Is unsure whether the uses of international, interstate, or interim standards, procedures and guidelines are appropriate 3. Suspects that the Consultant has applied standards, procedures and guidelines incorrectly
Council does not have the internal resources to conduct its own technical review	Where Council <ol style="list-style-type: none"> 1. Does not have in-house technical expertise available to review significant and complex Contaminated Land reports provided by a Proponent 2. Does not have sufficient staff resources available to review information within the timeframe required

Engaging a Site auditor as early in the process as possible will ensure that the Consultant and Site Auditor can communicate during the planning stages. This can minimise potential delays and unnecessary costs associated with work being conducted to an unsatisfactory standard, thereby requiring re-work to rectify.

Additional Guidance for when to engage a site auditor and when to use a certified consultant

The Remediation of Land SEPP does not require independent reviews of consultant reports, although in some cases a site audit may be a legal requirement, as noted in the [EPA Guidelines for the NSW Site Auditor Scheme](#). In development applications (DAs) where the identification of contamination and remediation steps are straightforward, the investigation and remediation processes may be managed solely by a certified consultant. This is especially so for smaller DAs where the engagement of a site auditor may not only be cost prohibitive for the applicant, but unnecessary to provide the level of certainty required by Council's decision-making process.

The use of an accredited site auditor provides greater certainty for councils and the community through their independent review of the consultant's reports. However, where the level of risk is low and/or the remediation process is relatively simple and well understood, a certified consultant can be used to "peer review" a report or other work prepared by another certified consultant. This is especially so for small residential DAs (for example, new dwelling houses or secondary dwellings) where actual or potential contamination may be an issue, but the risk is considered to be low, the remediation process is either simple or well understood, and there is no legislative impediment to the use of a certified consultant.

The circumstances where a site auditor should be engaged and when a certified consultant should be used are not always clear. Therefore, council planning staff must use their professional judgement in deciding if an audit is required, or if an appropriate level of certainty can be provided by a peer review carried out by a certified consultant. However, as a general principle, a site audit or peer review is necessary when council:

- Believes on reasonable grounds that the information provided by the proponent is incorrect or incomplete;
- Wishes to verify the information provided by the proponent adheres to appropriate standards, procedures and guidelines; or
- Does not have the internal expertise or resources to conduct its own technical review.

A requirement for a site audit should be considered:

- Where the Contaminated Land Management Act, other legislation or relevant guidelines require that only a site auditor can undertake the work;
- Where a complex remediation strategy is proposed, and council does not have internal technical expertise or the resources to oversee the remedial works to ensure they are done appropriately; or
- The proposed remediation strategy includes an Environmental Management Plan (EMP) that is considered complex, such as where active management systems are required, or is being used to manage large scale residual contamination or contaminants of a high risk.

Accordingly, in cases where development consent is being sought from council for building works involving

3. Who pays for a Site Audit?

When Council requests a Site Audit from a Proponent to accompany a Development Application or Planning Proposal, the costs associated with providing the Site Audit are to be borne by the Proponent. If the Site Audit is requested for Council land or a project where Council is the proponent, Council is responsible for the costs.

4. How to find a Site Auditor

Site Auditors accredited by the NSW EPA are listed on the NSW EPAs webpage:

<http://www.epa.nsw.gov.au/clm/auditors.htm>

