



## NSW Accredited Site Auditor Scheme – Meeting Minutes

Meeting:	NSW Accredited Site Auditor Scheme – Auditors’ Meeting	Date:	21 October 2022
Location:	Online: Microsoft Teams Meeting	Time:	10am-12.30pm
Last Meeting Date:	1 April 2022	Next Meeting Date:	31 March 2023 (TBC)
<b>Present:</b>	<p><b>EPA accredited site auditors –</b>            Charlie Barber, Peter Beck, Tim Chambers, Jason Clay, James Davis, Michael Dunbavan, Brad Eismen, Julie Evans, Ian Gregson, Adrian Hall, Rebeka Hall, Rod Harwood, Chris Jewell, Lange Jorstad, Anthony Lane, Peter Lavelle, Amanda Lee, Kylie Lloyd, Brad May, Alyson Macdonald, Ross McFarland, Colin McKay, Graeme Miller, Frank Mohen, Paul Moritz, Phil Mulvey, Mike Nash, Tom Onus, Melissa Porter, Peter Ramsay, Fiona Robinson, Marc Salmon, Rowena Salmon, Tony Scott, Andre Smit, Paul Steinwede, Mark Stuckey, Ian Swane, Caroline Vernon, Ben Wackett, Louise Walkden</p> <p><b>Auditor’s Proxies –</b> Alyson Bannister, Sara Arthur, Daniela Balbachevsky</p> <p><b>Panel Members –</b> Fouad Abo, Louise Cartwright, Carolyn Brumley</p> <p><b>NSW EPA –</b> Karen Marler, Anthea White, Jo Graham, Sam Waskett, Rose Cocks, Giselle Goloy, Olivia Patterson, Armin Kavehei, Mark Hanemann, Joanne Stuart, Jim Marshman</p>		
<b>Apologies:</b>	David Gregory, Andrew Kohlrusch, Andrew Lau		
<b>Guests:</b>	Hjordi Russell (Victoria EPA)		

### Agenda items:

#### 1. Introduction – Karen Marler, NSW EPA

- Welcome and Acknowledgment of Country.
- Introduction of new auditor accreditation panel.

#### 2. Audit Unit Update – Jo Graham, NSW EPA

Refer to presentation attached. The following items were discussed:

##### **Direct accreditation round**

- The accreditation round is progressing. Applications closed on 1 August 2022 and the exam stage has been completed. Interviews will be held shortly.

##### **Annual returns data**

- The number of competed, terminated and ongoing audits for the last financial year were summarised and compared to data from previous years.

##### **Slido feedback on the expansion of the auditor scheme**

- The key points from the slido survey on whether the auditor scheme should be expanded to include the auditing of landfills was discussed.

- The next steps being considered by the EPA include reviewing the Environmental Guidelines for Solid Waste Landfills to ensure that the key areas are auditable, and examining the best approach to implement a scheme, noting the legislative and auditor scheme requirements.

### **PFAS NEMP 3.0 Consultation**

- PFAS NEMP 3.0 is out for consultation until 20 December 2022 (<https://haveyoursay.agriculture.gov.au/nemp-on-pfas>)
- An online consultation session with auditors is being organised and details will be provided when they are available.

### **CLM Regulation 2022**

- Minor amendments for annual returns and allowance for EPA to refund/waive accreditation fees in certain circumstances (e.g. parental leave)
- Minor amendments to Guidelines for the NSW Site Auditor Scheme required.

### **Automatic Mutual Recognition**

- The EPA received a 1-year exemption – ends 1 July 2023.

### **Terminated audits**

- The EPA reminded auditors to consider terminating audits where there has been no activity for some time. A termination notice needs to be sent to the EPA and should also go to the relevant development consent authority where applicable.

### **Site Audit Statements**

- Auditors are reminded to attach Environmental Management Plans and Remedial Action Plans to Site Audit Statements, where required.
- Auditors are asked to ensure they proofread Site Audit Statements to identify any errors before finalising and to ensure they sign.

## **3. Land & Resources Policy Update – Joanne Stuart, NSW EPA**

Refer to presentation attached. The following items were discussed:

### **Draft Climate Change Policy and Action Plan**

- The EPA's draft Climate Change Policy and Action Plan 2022-2025 was summarised. The EPA explained how it intends to take into account climate change under every piece of legislation we administer, including the *Contaminated Land Management Act 1997* (CLM Act).
- The EPA asked auditors to consider how the EPA should take climate change into consideration when making decisions under the CLM Act, including about sustainable remediation, emissions from remediation techniques and the location of ongoing residual contamination management systems.
- Auditors were invited to make submissions on the draft plan and policy. Submissions can be made up to the 3 November 2022 at <https://yoursay.epa.nsw.gov.au>.

### **NSW Position on WA Guidelines on asbestos contaminated soils**

- The EPA acknowledged the auditors' concerns and the feedback received.
- The EPA explained the issue impacts a range of industries, and that we are working closely with other agencies to make sure a practical, safe and consistent approach across all issues and across all industries is developed.
- The EPA explained an interim approach is being finalised and will be provided shortly. This will provide guidance on what to do until the policy position on reuse is finalised
- The EPA will undertake targeted consultation on any amendments to the Position Paper.

### **Resource Recovery Framework – An independent review**

- The Resource Recovery Framework has been independently reviewed by Dr Cathy Wilkinson, the former head of the Victoria EPA and current Professor of Practice at the Monash Sustainable Development Institute.
- Dr Wilkinson delivered her findings on 30 September and made 22 recommendations.
- The EPA is currently reviewing and preparing our formal response. The response will be made publicly available in late October.

## Review of contaminated land information on planning certificates

- The EPA conducted a review to better understand how councils are presenting contaminated land information on planning certificates required under section 59(2) of the CLM Act.
- Findings showed councils varied significantly on how information was provided.
- The EPA invited feedback from councils, and has prepared a report (available on EPA website) addressing the comments received and recommending how the identified issues should be addressed.

## Review of contaminated land consultant certification policy

- Completed review of policy is now available on the EPA website. Strong support for the policy was received and no significant changes were made.
- Certification schemes have been provided feedback regarding their administration and they have committed to internal reviews.

## Discussion

- An auditor queried what does an interim approach entail for the NSW position on the WA guidelines and does it mean there is the potential for further changes once a final position is reached. The EPA confirmed the response will be interim until broader issues are worked through. Targeted consultation and recommendations from the independent review of the Resource Recovery Framework will inform the final position, and further changes are therefore possible. The interim position will likely constitute business as usual..
- An auditor queried what business as usual meant in one of the slides presented on the NSW position on the WA guidelines. The EPA responded that guidance on this is scheduled to be provided within a few weeks, but projects with an approved Remedial Action Plan and development consent can continue as per the consent.
- An auditor asked what is the time frame for the final position on the WA guidelines? The EPA responded a date isn't known yet as it will depend on how long the issues take to resolve. The EPA reiterated that it will seek comments from site auditors prior to publishing a final position.
- An auditor queried if an expert panel is used how will panel members be selected? The EPA responded that is not known yet.

Action Item No	Action	Person Responsible
3.1	A question related to a specific site was asked by an auditor about on-site remediation of asbestos. The EPA will respond directly to that auditor.	NSW EPA
3.2	It was asked if the response to action item 3.1 could be shared with all auditors.	NSW EPA

## 4. EPA Litigation: Waste Prosecution – Jim Marshman, NSW EPA

Refer to presentation attached. The EPA discussed a recent investigation and prosecution it had undertaken with the NSW Police which came about after a consultancy identified discrepancies in waste dockets and invoices.

## Discussion

- An auditor asked whether any action was taken in relation to the property owner? The EPA responded no action was taken by the EPA but there are on-going discussions about clean-up.

Action Item No	Action	Person Responsible
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4.1	It was asked what happened to sites where material like this is disposed of. (Question taken on notice as asked after presenter had left meeting).	NSW EPA
	<i>This is site by site dependent and will change depending on the surrounding circumstances and factual scenario. The EPA has a range of regulatory options it can take for sites where material has been unlawfully disposed of. While not an exhaustive list, some of the potential regulatory responses can be issuing a clean-up notice, issuing a prevention notice or seeking Court orders under Part 8.3 of the Protection of the Environment Operations Act 1997 as part of a prosecution.</i>	Resolved
4.2	It was asked whether audits of waste disposal contracts are undertaken routinely and when are such audits triggered? (Question taken on notice as asked after presenter had left meeting).	NSW EPA
	<i>In most circumstances the EPA are not involved in these decisions. Generally this will be a matter for the relevant developer, and in some circumstances the relevant Council, to determine.</i>	Resolved

#### **5. Are we overanalysing fill – Paul Moritz (NSW EPA Accredited Site Auditor), Douglas Partners**

Refer to presentation attached. Paul Moritz provided a very interesting presentation on whether fill is overanalysed. The presentation examined data from a range of sites and resulted in a rich discussion among the auditors.

#### **6. Sampling Design Guidelines (2<sup>nd</sup> edition) – Sara Arthur, JBS&G**

Refer to presentation attached. The following items were discussed:

- The guideline development process, what's changed between the 1<sup>st</sup> and 2<sup>nd</sup> editions of the guidelines and aspects of the guidelines which should be specifically noted.
- Acknowledgements and thanks were given to the people who had contributed to the guidelines.

#### **Discussion**

- It was asked by an auditor whether there were any plans for a roadshow for consultants on the updated guidelines. The EPA responded it could be considered if there was demand either by consultants or by Councils.

Action Item No	Action	Person Responsible
6.1	An auditor noted the updated guidelines prescribe a sampling density for waste classification purposes which is a change from the 2014 waste classification guidelines and asked if the waste classification guidelines were being updated?	NSW EPA
	<i>The EPA is not currently working on updating the waste classification guidelines. The recent independent review of the Resource Recovery Framework recommended that "The EPA should review the role and application of the NSW waste classification system to the resource recovery sector". The EPA is considering the recommendations of the review and will be releasing its response in relation to that recommendation in due course.</i>	Resolved

## **7. Automatic Mutual Recognition – Hjordi Russell, Vic EPA**

Refer to presentation attached. Hjordi Russell explained what Automatic Mutual Recognition (AMR) is and how auditors appointed in a participating state may be eligible for AMR in Victoria.

### **Discussion**

- It was asked by an auditor what jurisdictions currently have AMR in place for auditors. The response was that it was Victoria and Western Australia at the moment. It is understood South Australia has a 5-year exemption and that AMR is not going to be adopted in Queensland. In NSW it will be introduced in July next year.
- It was asked by an auditor if they would have to complete annual returns in jurisdictions they were accredited in under AMR. NSW EPA replied yes for NSW once AMR is introduced in NSW. Vic EPA responded that they would take the question on notice.
- It was asked by an auditor if there were any plans to normalise fees between jurisdictions? The NSW EPA responded by stating that fees are set by legislation so unless we harmonise our legislative requirements it is unlikely. For example, NSW EPA legislation provides for annual adjustments to fees, WA legislation does not so it has remained the same since their scheme commenced. The Contaminated Land Management Regulation was on public consultation earlier this year but no feedback was raised on auditor fees in that process. An auditor responded that they weren't aware that comments could be provided on fees during that process.
- It was commented by an auditor that it would be good to have NSW EPA auditor fees reviewed and compared with other professional certification/accreditation fees.
- It was asked by an auditor whether auditors outside of NSW would have to pay NSW accreditation fees under AMR. The NSW EPA responded that under AMR auditors only have to pay fees in their home jurisdiction.

Action Item No	Action	Person Responsible
7.1	Vic EPA to confirm whether annual returns would have to be submitted by auditors accredited under AMR in Victoria.	Vic EPA
	<i>A Victorian auditor submit an annual return which includes works completed as an Auditor in Victoria and other states. Victoria will not be requiring an annual statement from an Auditor that not appointed in Victoria. For example, if an NSW appointed auditor was to undertake an audit under AMR in Victoria, EPA Victoria would not require an annual statement to be submitted by that auditor.</i>	Resolved

## **8. Slido session – auditor feedback on the Investigation of service station sites technical note and the meeting**

The auditors were asked to provide quick responses and feedback on the:

- withdrawal of the *Investigation of service station sites* (NSW EPA, April 2014) technical note, including why specific guidance on service stations is needed, what information should be provided in any updated guidance, what form the guidance should be in. Auditors were invited to provide more detailed feedback by email if they wished.
- auditor meeting. This included suggested topics and volunteers to present at future meetings.

## **9. Other Business**

- No other business items were raised.
- Next meeting is scheduled for 31 March 2023 (TBC).