

# EPA Board Communique

19 & 20 September 2006



*The EPA Board Communique has been developed to provide information on matters discussed by the Board at its monthly meetings.*

## *Culture Change and Performance Improvement Program*

The Board received a presentation on the EPA's recent market survey. Overall results are encouraging when compared with baseline data from 2002. The Board noted that the crucial area of relationships with local government showed room for improvement and that tailoring messages to the audience could enhance general communications with all stakeholders. The Board requested that a communications strategy targeted to stakeholder groups and key issues be developed.

## *Applying a Precautionary Approach in Decision Making*

The South Australian *Environment Protection Act 1993* (the Act) requires the EPA to 'apply a precautionary approach' when making decisions and in exercising its statutory responsibilities, but does not define it or specify what such an approach entails. Collectively, these statutory responsibilities require all decision-makers acting as delegates of the EPA, to be able to demonstrate that in relation to any decision made by them, they consciously:

- considered the objects in Section 10 of the Act in relation to the particular matter under consideration; and
- made their consideration in a framework and context that is consistent and in harmony with the objects.

The EPA Board considered a paper exploring the issues and complexities of the 'precautionary approach' noting that there is ongoing national and international debate on the meaning of the precautionary approach, making its consistent application by environmental regulators and other authorities problematic.

The Board noted the progress made on forming a position within the EPA on the precautionary approach, endorsing the development of more detailed guidelines to enhance and better document decision-making processes within the EPA.

## *Environment Protection (Noise) Policy*

Noise complaints make up more than 30% of all calls to the EPA, over 1000 per year. These complaints relate to a number of noise sources, including industrial and commercial activity, domestic noise and rural activities such as audible bird scaring devices. In addition to complaints to the EPA, complaints are also made to local councils and to the police.

Currently, the EPA manages noise under two environment protection policies, the Environment Protection (Industrial Noise) Policy 1994 and the Environment Protection (Machine Noise) Policy 1994. These existing policies are based on the repealed Noise Control Act 1977 and the regulations under that Act, and are 'transitional' in that it was envisaged at the time they were made that they would be repealed by a more up-to-date policy. The draft Environment Protection (Noise) Policy 2004 (the Policy) has been developed to replace the two existing policies on noise control.

The Objects of the Policy are to:

- set out procedures for measuring noise to determine compliance with the Act and the Policy;

- fix noise goals for most noise sources to achieve compliance with the general environmental duty;
- set criteria for determining what the EPA will do to deal with non-compliance with noise goals;
- provide a consistent approach to noise issues in development authorisations;
- provide clearer requirements on certain listed noise sources which are less complex (such as residential noise sources) to be enforced through environment protection orders;
- incorporate guidance documents;
- provide local government with simple, non-technical standards to assist it with enforcement or seeking compliance with the Policy.

The final phase of consultation on the Policy has now been completed and the Board noted a report outlining the issues identified during this phase and also how the EPA has modified the draft policy in response. The draft Policy will now be amended for the final approval phase, which involves Board approval of the Policy, its recommendation to the Minister and ultimately, authorisation by the Governor.

### *20 September 2006*

The Board held a brief extraordinary meeting on the 20 September 2006. At this meeting it resolved to:

- hold its next Strategic Planning session early in 2007 to examine key issues and priorities;
- appoint a group to consider the need for more 'user friendly' legislation and options for improvement to better cater for the needs of stakeholders;
- request that a paper be prepared taking into account the feedback and experiences of the Board's last two years of stakeholder consultation and proposing options for the 2007 Consultation Program.

### *EPA Board Regional Visit to Whyalla*

Members of the Board travelled to Whyalla on 21 September 2006 visiting Whyalla's Mt Laura landfill and Hummock Hill to observe OneSteel's Pellet Plant. Board members met with operators and were given an insight into the issues and challenges associated with the sites.

In the afternoon, Board members participated in a public forum at Whyalla Foreshore Motor Inn attended by over 30 people. Issues raised included:

- Landfill guidelines - timeframes for compliance and applicability of standards for different areas
- Air quality and respiratory problems in the region
- OneSteel Indenture Licence
- Water use for dust control and possible future water restrictions
- Optimising the availability and use of environmental data
- Risk based decision making and how the cost of environmental assessment is determined
- Communications/working relationships with the EPA

Feedback from the consultation session was positive. The Board appreciated the opportunity to hear local issues first hand. Participants will be provided with a summary of the proceedings in the near future.