

**BOARD OF THE
ENVIRONMENT PROTECTION AUTHORITY**

TO: THE CHAIR AND MEMBERS

Minutes of Meeting No 171
21 March 2006 - 3.00 pm
Boardroom, 7/77 Grenfell Street, Adelaide

1.1 MEETING OPENED

The meeting was opened at 3.05 pm by the Chair.

1.2 PRESENT

Dr Paul Vogel (Chair)
Mr Stephen Hains (Deputy Chair)
Ms Megan Dyson (Member)
Mr Mike Elliott (Member)
Mr Andrew Fletcher (Member)
Mr Allan Holmes (Member)
Mr Michael Nagel (Member)
Ms Ann Shaw Rungie (Member)

Ms Nada Popovic (A/Executive Officer to the Board)
Ms Corinne Kelly (Secretary to the Board)

1.3 APOLOGIES

Mr Greg Panigas (Member)

1.4 DECLARATION OF INTEREST

Due to his employment, Mr Hains declared an interest in agenda item 5(iv)(b), EPA matters before the Court.

1.5 TABLED ITEMS

Agenda Item 3	Amended Draft Communiqué for 21 February 2006
Agenda Items 5(i)	Expenditure and Revenue Analysis, HRD Key Performance Indicators (KPIs), Information Technology Applications (KPIs)
Agenda Item 5(ii)(a)	Amended Briefings: Collex Incinerator and Victor Harbor Wastewater Treatment Plant
Agenda Item 5(iv)	Media/Public Affairs Issues
Agenda Item 5(iv)(b)	Report of EPA matters before the Court and list of written advice provided to the EPA
Agenda Item 6(ii)(a)	Employment Agreement CE EPA
Agenda Item 8(i)	Draft Licence Fee Structure Discussion Paper

The Board noted the number of tabled items and resolved to:

request that late papers are not tabled at Board meetings unless absolutely necessary and/or urgent.

Carried

2. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

Following discussion the Board resolved that:

the Minutes of the meeting held on 21 February 2006, subject to the following amendments, be taken as read and confirmed:

- *page 10, agenda item 5(v):*
 - *sub section (iii), reword as follows: "note advice from the CE that conditions under the current licences under the Environment Protection, Mining and Radiation Protection Acts are sufficient to address the risks of which the Board is aware";*
 - *sub section (iv), add the words "by the CE and/or EPA officers", following the word "determination";*
 - *sub section (v), replace "EPA's interpretation of the EP Act" with the words "application of the EPA licence".*

Carried

Minutes to be signed by Dr Vogel.

Confidential items in the Minutes

It was noted that some sections of the Minutes had been incorrectly identified as confidential. Ms Dyson clarified that only those resolutions that trigger the confidentiality criteria should be deemed confidential.

Divisional performance indicators

Board members advised that they would like to see reporting on key performance indicators as part of the Directors' presentations.

Dr Vogel said he would discuss this matter with Directors and provide members with copies of each Division's Business Plan.

Action: Ms N Popovic

3. DRAFT COMMUNIQUE FOR 21 FEBRUARY 2006

Following discussion the Board resolved to:

- (i) *request that in future the communique is to be drafted within one week of the Board meeting, reviewed by members out of session for placement on the web as soon as possible;*
- (ii) *approve the 21 February 2006 communique for placement on the web, subject to the following changes:*

- *Board membership: include more information on the skills and background of Mr Gregory Panigas and Ms Yvonne Sneddon;*

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- *Uranium In-situ Leach Mining: amend the last sentence to read, "It was agreed that conditions under the current licence are sufficient to address identified risks, and noted that conditions relating to environment management/risk are also applied under the Radiation Protection and Mining Acts".*

Carried

Action: Ms N Popovic

Copies of the Minutes of Meeting No 170, the Communique and declaration of interest, to be sent to the Minister for Environment and Conservation.

Action: Ms C Kelly

4. ACTIONS ARISING FROM PREVIOUS MINUTES AND FORWARD AGENDA

The Chair provided a report on action items arising from the previous Minutes.

The Board requested the following changes to the Outstanding Action Items document:

- *Item 6: Civil Penalty Policy - Project Plan* - note that the revised and edited 'EPA Guidelines for Compliance and Enforcement' is to be provided to the Board for decision.
- *Item 11: The Board's position on CE as Chair of the Board* - add to the 'current status' that the CE will raise the Board's view on the role of the CE as Chair of the Board at his first meeting with the new Minister.

Dr Vogel advised that a package of legislative amendments will be prepared following discussion and direction from the incoming Minister. The Board requested a copy of the package when it has been developed.

Action: Dr P Morgan

- *Item 12: Mt Lofty Ranges WPO* - in 'current status', add the words "how the new Group relates to the current NRM arrangements under the Mt Lofty NRM Board".
- *Item 16: Strategic Planning and Review Session* - update the action section with the Board's resolution from the 21 February 2006

meeting and note in the current status section that the working group will meet on 28 April 2006 to develop an agenda paper for the Board's consideration at a subsequent meeting. At this meeting, the Board will conduct a high level review to determine the EPA's capacity to resource its strategic plan.

- *Item 18: OneSteel* - because an update was requested in three months, unshade the item as the action is not complete.
- *Item 22: Sub delegation advice* - unshade the item as the action is not complete.

Action: Ms C Kelly

Mr John O'Daly, Director Corporation and Business Services Division, entered the meeting at 3.45 pm.

5. OPERATIONAL ITEMS

5(i) Corporate and Business Services Division Report

Mr O'Daly reported on his Division's performance indicators and strategic plan priorities:

- Finance and Administration:
 - Strategic Accommodation Plan
 - Level 2 fit out
 - results of budget bidding process
 - budget update.
- Human Resources and Development:
 - filling vacancies in new structure
 - Executive endorsed STAMP (Stop, Think, Assess, Manage, Postpone or Proceed) and four risk assessments
 - HRD report was tabled for information.
- Information Technology:
 - Business continuity plan
 - IT applications report was tabled for information.

He outlined other key initiatives:

- access to Board papers on the WEB
- EPA email address (from @ State to @ EPA)
- change to asset recognition criteria
- restructure program.

Following discussion regarding members' access to Board documents, it was resolved to:

agree to trial flash drive memory sticks to access Board documents and request that information is updated on a monthly basis.

Carried

Action: Mr J O'Daly

The three issues and risks for this Division are:

- short term accommodation
- future Information Communication Technology
- filling of vacancies in restructure.

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Mr O'Daly left the meeting at 4.25 pm.

Mr M Harvey, Director Regulation and Compliance Division entered the meeting at 4.12 pm.

5(iii) Regulation and Compliance Division Report

Mr Harvey reported on his Division's performance indicators and strategic plan priorities:

- Cross Goal Strategy 5: Ensuring a predictable, consistent and fair approach to compliance enforcement;
 - preparation of report to Board regarding Victorian licensing system;
 - Licence Fee Review.
- Cross Goal Strategy 6: Timely provision of reliable and relevant environmental information;
 - Commonwealth request for SA publication 'Interpretive guide for the NPI: a guide to understanding South Australia's NPI data' to become a national document.

He outlined other key initiatives:

- Organisational change initiatives - Manager positions advertised, manual for authorised officers, review of Customer Services Desk;
- Risk Assessment Project River Murray;
- Compliance Audit of Wingfield Precinct;
- OneSteel.

The top three issues and risks for this Division are:

- Castalloy (ION Automotive);
- Ray Street Findon Development;
- Port Waterfront Redevelopment.

Licensing and funding comparison with the Victorian EPA

Mr Harvey was asked to also include a revenue comparison in his agenda paper on comparisons between the South Australian and Victorian EPA's licensing systems for the next meeting.

Action: Mr Harvey

5(ii)(a) Collex Incinerator

Following discussion the Board resolved to:

- (i) *note the amended report; and*
- (ii) *request a progress report for the next meeting.*

Carried

Action: Mr M Harvey

5(ii)(b) Victor Harbor Wastewater Treatment Plant

Following discussion the Board resolved to:

note the amended report.

Carried

Mr Harvey left the meeting at 5.00 pm.

Mr P Dolan, Director Science and Sustainability Division entered the meeting at 5.00 pm.

5(ii) Science and Sustainability Division Report

Mr Dolan reported on his Division's performance indicators and strategic plan priorities:

- clean and healthy air:
 - vapour recovery installation at Birkenhead terminals
 - wood heater behaviour change program.
- water quality that meets agreed environmental values:
 - final external consultation on Vessels and Wharf Codes
 - Adelaide Coastal Waters study.
- communities protected from unacceptable noise:
 - training provided to SA Police re management of loud music noise
 - working with DTEI on a regulatory approach to engine brake noise.
- sustainable land use:
 - DA Referral schedule review.
- promoting the adoption of eco-efficient practices by business:
 - Electronics Industry Association greening project to be linked with DTED Centre for innovation
 - Extended Producer Responsibility NEPM

- developing strategic partnerships and ensuring stakeholder engagement:
 - developing a compliance MoU with PIRSA for tuna harvesting water quality issues.

He outlined other key initiatives:

- Beverage Container Compliance Program
- Adelaide Noise Map
- Netley Air Quality Laboratory.

Top issues and risks for this Division are:

- creation of Science and Sustainability Division;
- water quality investigations/issues.

Mr Dolan presented a statistical report on Development Assessment Performance.

5(iii)(a) Amendment of Schedules 8 and 21 of the Development Regulations 1993

Following discussion the Board resolved to:

- (i) *endorse the removal of six activities from Schedule 21 in conjunction with the preparation of guidance documents for planning authorities, namely:*
 - *abrasive blasting*
 - *cattle feedlots*
 - *saleyards*
 - *composting works - production of mushroom or other compost*
 - *materials handling*
 - *aquaculture;*
- (ii) *endorse the removal of three activities from Schedule 21 without the preparation of guidance documents, namely:*
 - *animal tracks*
 - *emus/ostriches within the Mount Lofty Ranges (MLR) and River Murray Water Protection Area (RMWPA)*
 - *deer within the MLR and RMWPA;*
- (iii) *continue discussions with Planning SA regarding a more strategic approach to non licensed premises and the removal of Schedule 21 from the Development Regulations and its replacement with a requirement for regulatory authorities to take EPA guidance documents into consideration.*

Carried

Mr Elliott and Ms Shaw Rungie requested a copy of the guidance document relating to cattle feedlots.

Action: Ms K Pryde

Mr Dolan left the meeting at 5.30 pm.

Mr T Circelli, Director Corporate Strategy, Governance and Communications Division, entered the meeting at 5.30 pm.

5(iv) Corporate Strategy, Governance and Communications Division Report

Mr Circelli reported on his Division's performance indicators and strategic plan priorities:

- Site Contamination Bill
- Noise Environment Protection Policy (EPP)
- Waste to Resources EPP
- Civil Penalties Calculations Policy
- Container Deposit Legislation
- Position Statement on Precautionary Approach
- Engagement Strategy.

He outlined other key initiatives:

- Performance Measures Project
- *Environment Protection Act* Delegations Instrument Review
- EPA Web Review
- Market Research Program.

Top issues and risks for this Division are:

- engaging Zero Waste SA
- Communications and Public Affairs Branch
- Chief Adviser, Board Governance.

A media report was tabled for information.

Following Mr Circelli's presentation, the Board resolved:

- (i) *to note that the Zero Waste SA Board fully supports project resources being provided for the preparation of the Waste to Resources EPP by ZWSA;*
- (ii) *to request a paper for the Board's information at the next meeting, that provides an executive summary of the Civil Penalties Calculations Policy Discussion Paper;*
- (iii) *that Ms Dyson be on the selection panel for the Chief Advisor, Board Governance position;*
- (ii) *to request that only titles of people external to the EPA are to be provided in reports to the Board and not their individual names.*

Carried

Action: Mr T Circelli

Mr Elliott left the meeting at 5.55 pm.

5(iv)(a) Arrangements for Roundtable 2006

Following discussion the Board resolved to:

- (i) *note the identified locally based key note speakers;*
- (ii) *note the draft agenda and revised invitee list;*
- (iii) *request that AGL, Royal Automobile Association, Premier's Roundtable on Sustainability and the Economic Development Board are added to the list of invitees and the Office of Sustainability and the Department for Trade and Economic Development are removed from the list of invitees;*
- (iv) *request that speakers' times are decreased to allow for longer discussion sessions;*
- (v) *note that RT 06 will be held during the afternoon of 9 May 2006 at the National Wine Centre;*
- (vi) *note that Dr Vogel will make the following statement in his introduction, as agreed by the Board at its 13 December 2005 meeting:*

"The EPA Annual Roundtable, as part of the EPA Board's comprehensive consultation program, fulfills the Board's requirements under Section 19 of the Environment Protection Act 1993 (EP Act). This broad consultation program aims to assess the views of interested bodies and persons on matters related to the operation of the EP Act or the protection, restoration or enhancement of the environment within the scope of the Act. It is the Board's intention in this broader program to provide participants with opportunities to comment on the performance of the EPA".

Carried

Action: Ms C Watkins

5(iv)(b) EPA matters before the Court (including list of EPA requests for CSO advice)

[Note: The Board did not enter into any discussion on this paper and sections of the paper relevant to Mr Hains' declared interest were not provided to him.]

The Board resolved to:

note the report.

Carried

Mr Circelli left the meeting at 6.00 pm.

6. STRATEGIC ITEMS

6(ii) Members' Reports

6(ii)(a) Chief Executive Performance Review Process

Following discussion the Board resolved to:

- (i) note advice received that the Chief Executive's employment contract provides for an annual review to be conducted as determined by the Minister in accordance with criteria to be determined in part by consultation with the Board;*
- (ii) endorse the Key Policy/Organisational Issues and Key Result Areas for 2005/2006 as criteria that the Board considers should form the basis for a review of the Chief Executive's responsibilities under the Environment Protection Act for the current year;*
- (iii) request that the Deputy Chair advises the Minister accordingly and offer the assistance of the Board in this process if required;*

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Carried

Action: Mr S Hains

6(ii)(b) EPA/Local Government Agreement

Mr Hains reported that the LGA Executive Committee did not endorse the proposed EPA/Local Government Memorandum of Agreement regarding councils becoming administering agencies, but stated a preference for individual agreements with those councils choosing to opt into the scheme.

Ms Shaw Rungie left the meeting at 6.07 pm.

6(iii) Culture Change and Performance Improvement Program

Following discussion the Board resolved to:

- (i) note the progress achieved during February - March period;*
- (ii) note the key milestones planned for the following three month period.*

Carried

6(iv) EPA Board Governance Statement

Following discussion the Board resolved to:

- (i) *note that the attached Statement has been revised following comments received from members of the EPA Board;*
- (ii) *endorse the Corporate Governance Statement for the EPA Board subject to clarification of the Chief Executive's performance review arrangements;*
- (iii) *note the proposed communication strategy.*

Carried

6(i) Chair's Report

No report.

7. MATTERS DEALT WITH OUT OF SESSION

None.

8. OTHER BUSINESS

8(i) Draft Licence Fee Structure Discussion Paper

Following discussion the Board resolved to:

provide comments on the draft Discussion Paper to Ms Bettina Venner by 5 April 2006.

Carried

8(ii) Agenda Papers

Ms Dyson asked that all agenda papers include dates that the Board previously discussed the matter and any relevant resolutions.

9. CLOSE

The Chair closed the meeting at 6.15 pm.

10. DATE OF THE NEXT MEETING

The next Board meeting will be held on Tuesday, 18 April 2006 in the EPA Boardroom, 7th floor, 77 Grenfell Street, Adelaide. A visit to sites in the Port Adelaide area will precede the Board meeting. Timing is yet to be confirmed.

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Dr Paul Vogel
CHAIR
/ /2006

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Ms Corinne Kelly
SECRETARY TO THE BOARD