

**BOARD OF THE
ENVIRONMENT PROTECTION AUTHORITY**

TO: THE CHAIR AND MEMBERS

Minutes of Meeting No 173
16 May 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 Michael Nagel (Member)
Mr Greg Panigas (Member)
Ms Yvonne Sneddon (Member)

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

1.3 APOLOGIES

Mr Allan Holmes (Member)

Welcome

Dr Vogel welcomed Ms Sneddon as a new member of the Board.

1.4 DECLARATION OF INTEREST

Due to his employment, Mr Hains declared an interest in agenda items 4(i)(iii) EPA matters before the Court and 4(iii)(iii) Current Investigations and Prosecutions.

Mr Fletcher advised that should there be any discussion, at this or any future meeting, regarding the Port Adelaide Maritime Corporation, he would be required to declare an interest.

1.5 TABLED PAPERS

Agenda Item 4(iv) Financial Reports

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[determining confidentiality can be viewed at www.epa.sa.gov.au/boardminutes](http://www.epa.sa.gov.au/boardminutes)

2. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

Following discussion the Board resolved that:

the Minutes of the meeting held on 18 April 2006 be taken as read and confirmed.

Carried

Minutes to be signed by Dr Vogel.

Copies of the Minutes of Meeting No 172, the communique and declaration of interest, to be sent to the Minister for Environment and Conservation.

Action: Ms C Kelly

3. ACTIONS ARISING FROM PREVIOUS MINUTES AND FORWARD AGENDA

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

Following discussion the Board resolved to:

(i) *request that the Chair endeavour to meet with the Minister at the earliest opportunity;*

Action: Dr P Vogel

(ii) *request a short briefing on all legislative changes that are proposed and all legislation/policy currently in process (prior to the scoping paper scheduled for July 2006).*

Action: Mr T Circelli

4. OPERATIONAL ITEMS

Mr T Circelli, Director Corporate Strategy, Governance and Communications Division, entered the meeting at 3.35 pm.

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

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

- Site Contamination Bill;
- Waste to Resources EPP;

- Noise Environment Protection Policy (EPP);
- implementation of Miscellaneous Amendment Bill;
- Container Deposit Legislation;
- Position Statement on Precautionary Approach;

He outlined issues relating to the organisational change program:

- performance measures project;
- *Environment Protection Act* 1993 delegations instrument review;
- review of internal intranet and EPA internet site;
- market research initiative.

Other key initiatives/issues/risks for this Division are:

- proposed climate change legislation;
- State of the Environment Report 2008.

A media report was tabled for information.

4(i)(i) Delegation of S28 of the *Environment Protection Act* 1993 to Zero Waste SA

Following discussion the Board resolved to:

- (i) *delegate its powers and functions pursuant to section 28, in accordance with section 115 of the Environment Protection Act 1993, to the Chief Executive of Zero Waste SA as provided in the instrument tabled at this meeting of the Board;*
- (ii) *note that the final decision on the Environment Protection (Waste to Resources) Policy (EPP) has not been delegated to Zero Waste SA;*
- (iii) *note that Mr Circelli will continue to provide monthly reports on the EPP's progress.*

Carried

Action: Mr T Circelli

4(i)(ii) EPA Annual Report - 2005-06

Following discussion the Board resolved to:

- (i) *note the structure and timeframe of the EPA's Annual Report;*
- (ii) *request the incorporation of timeframes into the Board's forward agenda;*

- (iii) *consider listing details of EPA planning advice provided (eg on Plan Amendment Reports) in the Annual Report;*
- (iv) *request that Member's comments relating to changes to the structure be provided to the Secretariat by 25 May 2006.*

Carried

Action: Dr P Vogel/Mr P Dolan

4(i)(iii) EPA matters before the Court (including list of written advice provided to the EPA)

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

Following discussion the Board resolved to:

note the report.

Carried

Mr Circelli left the meeting at 4.12 pm.

Mr P Dolan, Director Science and Sustainability Division entered the meeting at 4.13 pm.

4(i) 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 heaters behaviour change program.

Water quality that meets agreed environmental values:

- implementation of the national water quality management system;
- redrafting Vessels Code of Practice to reflect consultation on grey and black water management.

Communities protected from unacceptable noise:

- assisted the Department for Transport, Information and Energy to review its internal operating instructions for roadworks at night.

Sustainable Land Use:

- PIRSA is finalising planning policies designed to exclude new housing development from “designated primary production areas”;
- developing MoU with PIRSA for compliance response to water quality issues associated with aquaculture activity;
- Mile End South PAR - residential encroachment on existing licensed asphalt plant.

Promoting the adoption of eco-efficient practices by business:

- expanding eco-efficiency training programs to Port Lincoln, Eyre Peninsula and Kangaroo Island;
- proposed National Extended Producer Responsibility agreements for tyres and televisions have reached draft stage;
- Greening the Supply Chain proposal with electronics industry will be linked with the Department for Trade and Economic Development Centre for innovation.

He outlined issues relating to the organisational change program:

- restructure Human Resources;
- Customer Service Desk review;
- accommodation, IT and budget coding issues.

Other key initiatives/issues/risks for this Division are:

- resignation of Manager, Atmosphere and Noise;

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- decision to “stop the clock” on land divisions proposed to be connected to known failing STEDs;
- Container Deposit Legislation named a “South Australian Icon”.

Mr Dolan presented a statistical report on Development Assessment performance.

Mr Dolan left the meeting at 4.40 pm.

Mr M Harvey, Director Regulation and Compliance Division entered the meeting at 4.45 pm.

4(iii) Regulation and Compliance Division Report

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

- *Ensuring a predictable, consistent and fair approach to compliance enforcement:*

- licensing ;
- licence fee review;
- industry monitoring.

He outlined issues relating to the organisational change program:

- Landfill Guidelines - Collaborative Working Party;
- OneSteel - EPO issued on 28 April 2006 under Clause 7 of the Air Quality Policy.

Other key initiatives/issues/risks for this Division are:

- Castalloy;
- Kangaroo Island Council - waste management;
- River Murray Risk Assessment.

Dr Kevin Buckett, Director, Public Health, entered the meeting at 4.55 pm.

4(iii)(i) OneSteel

Following discussion the Board resolved to:

- (i) *note the update briefing relating to the regulation of OneSteel's Whyalla operations;*

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Dr Buckett left the meeting at 5.30 pm.

Illegal dumping

Following discussion, Members requested that the issue of illegal dumping be addressed in the suite of legislative amendments being developed for the Board.

Action: Mr T Circelli

Mr Elliott asked for statistics on illegal dumping.

Action: Mr M Harvey

4(iii)(ii) Summary of roles and responsibilities for the current management of site contamination

Following discussion the Board resolved to:

- (i) *note the summary of the roles and responsibilities of various parties to assist in the current management of site contamination in South Australia;*
- (ii) *note that a detailed paper outlining the issues associated with managing site contamination in South Australia will be presented at the June Board meeting;*

- (iii) *express concern at the current arrangements for managing site contamination, particularly the responsibilities of auditors and the subsequent financial and time delay impacts on proponents;*
- (iv) *note that Dr Vogel will meet with Mr M Harvey, Director Regulation and Compliance Division, and Mr G Hill, Manager, Site Contamination Branch to develop options for interim arrangements and the benefits and risks of those options for inclusion in the next Board paper.*

Carried

Action: Dr P Vogel/Mr M Harvey/Mr G Hill

Mr Fletcher left the meeting at 5.49 pm.

4(iii)(iii) Current Investigations and Prosecutions

Following discussion the Board resolved to:

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

- (i) *note the report;*
- (ii) *request that the investigations and prosecutions report and the report from the Crown Solicitor's Office be checked for consistency when reporting on the same matter.*

Carried

Action: Mr M Harvey

Mr Harvey left the meeting at 5.51 pm.

Mr J O'Daly, Director Corporate and Business Division and Ms Natalie Nelli Manager, Finance and Administration entered the meeting at 5.51 pm.

4(ii) Corporate and Business Division Report

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

- *CABS Business Plan:*
 - technology that supports key business processes;
 - reliable, timely and effective financial and administrative services;
 - business systems and processes review;
 - provide effective and efficient HRM services;
 - provision of reliable and relevant advice and training;

- ensure EPA conforms with legislation, policies and procedures of Government.

He outlined issues relating to the organisational change program:

- performance improvement program;
- strategic projects.

Other key initiatives/issues/risks for the Division are:

- notifications additional costs;
- procurement reform and delegations program;
- updating Service Level Agreement with DEH to reflect Information Communication Technology changes and other issues;
- facilities plan completed;
- status of Board assigned actions items: Victorian EPA comparison and strategic budget overview;

Financial Reports

Mr O'Daly tabled the Financial Reports, which, as requested by the Board, provides the same level of detail given to the EPA Executive.

Following discussion the Board resolved to:

- (i) *request that the monthly financial reports are downloaded onto members' memory sticks;*
- (ii) *request that a quarterly strategic overview be provided by Mr O'Daly.*

Carried

Action: Mr J O'Daly

Reduction in revenue targets

Mr O'Daly reported that through the whole of government annual review of the fees and charges process, Cabinet had approved a reduction in the EPA's revenue targets this year by \$1.8m. The Under Treasurer had also agreed that the EPA would not be held accountable for the further reduction in revenue of \$0.3m associated with Development Assessment fees, given this was the result of another agency's legislative requirements.

It was agreed that Directors be advised immediately so that any projects able to be completed by the end of the financial year now proceed.

Mr O'Daly and Ms Nelli left the meeting at 6.11 pm.

5. STRATEGIC ITEMS

5(i) Chair's Report

(a) Roundtable 2006 debrief

Dr Vogel sought comments on the Round-table.

It was noted that:

- attendees were not the 'decision makers' from the organisations they represented;
- members had received comments that the format was 'directive' and there were no opportunities for open discussions.

Members considered the Round-table's value in the context of the Board's overall consultation program.

It was requested that Section 19 of the *Environment Protection Act* 1993 be replaced with a broader statement about consultation (and included in the package of proposed legislative changes currently being prepared).

Action: Mr T Circelli

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5(ii) Members' Reports

Ms Sneddon reported that the SA Strategic Plan consultation is underway with plans to report around industry targets; also recognising that there will be a need for a partnership to lead NRM activities.

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5(iii) Culture Change and Performance Improvement Program

Following discussion the Board resolved to:

- note the progress achieved during the April 2006 period;*
- note the key milestones planned;*
- note the culture change and improvement program status chart;*

- (iv) *request a copy of the final EPA Cultural Statement.*

Carried

Action: Ms N Popovic

6. MATTERS DEALT WITH OUT OF SESSION

6(i) **Communique for 18 April 2006**

Following discussion the Board resolved to:

- (i) *formally approve the 18 April 2006 communique for placement on the web;*
- (ii) *request that future approval of communiques be delegated to the Chair following a period of 7 days in which Board members have the opportunity to comment.*

Carried

7. CORRESPONDENCE

- (i) Outgoing - Hon Gail Gago MLC, inviting her to meet with the Board
- (ii) Outgoing - Thank you letters to organisers and participants - EPA Board's visit to Port Adelaide and Lefevre Peninsula (Mr Andrew Towers, DP World Adelaide, Mr Stuart Taylor, LMC, Mr Don McCarthy, Resource Environment Management, Mr Dennis Walter, Port Adelaide Sailing Club, Mr Martin Brydon, Adelaide Brighton Cement, Ms Jade Ballantine, EPA and Mr Greg Hill, EPA
- (i) Outgoing - Hon Gail Gago MLC, from the Deputy Chair of the Board, regarding the issue of the process for the conduct of the annual performance review of the CE of the EPA

8. OTHER BUSINESS

Mr Panigas tabled a paper titled 'Role of the waste levy in reforming resource recovery in South Australia'.

Following discussion it was agreed that Mr Panigas will make a presentation on this matter to the EPA and Zero Waste SA Boards at a meeting to be arranged.

Action: Ms N Popovic

9. **CLOSE**

The Chair closed the meeting at 6.45 pm.

10. **DATE OF THE NEXT MEETING**

The next Board meeting will be held on Tuesday, 20 June 2006 in the EPA Boardroom, 7th floor, 77 Grenfell Street, Adelaide.

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Dr Paul Vogel

CHAIR

/ /2006

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Ms Corinne Kelly

SECRETARY TO THE BOARD