

**BOARD OF THE
ENVIRONMENT PROTECTION AUTHORITY**

TO: THE CHAIR AND MEMBERS

Minutes of Meeting No 175
18 July 2006 - 3.00 pm
Boardroom, 7/77 Grenfell Street, Adelaide

1.1 MEETING OPENED

The meeting was opened at 3.00 pm by the Chair.

1.2 PRESENT

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

1.4 DECLARATIONS OF INTEREST

Mr Nagel expressed a potential interest in agenda item 4(iii)(i), "Protecting drinking water quality into the future: priority areas and land use compatibility in Adelaide's Mount Lofty Ranges Watershed Report" because of land ownership in a Priority 2 area.

2. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

Following discussion the Board resolved that:

the Minutes of the meeting held on 20 June 2006, subject to the following amendments, be taken as read and confirmed:

- *page 4, agenda item 4(iv)(i), sub section (ii), remove the words "preparation of the";*
- *page 5, agenda item 4(iv)(i), sub section (iv), add the words "which will deal with a risk based approach";*
- *page 7, agenda item 4(iii)(iii), sub section (ii), replace the words "considered with regard" with "reviewed with the aim of";*
- *page 7, reference to agenda item 4(iii)(iv) was not considered to be confidential;*

- *page 10, agenda item 5(iii), 1st paragraph, remove the words “developed comprising eight NRM regions” and replace with “established between the eight NRM regional Boards and Government agencies”.*

Carried

Minutes to be signed by Dr Vogel.

Copies of the Minutes of Meeting No 174 and the 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 verbal update on action items arising from the previous Minutes.

Mr M Harvey, Director Regulation and Compliance Division entered the meeting at 3.20 pm.

4. OPERATIONAL ITEMS

4(i) 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:

- review of licences against tiered licensing checklist;
- licence fee review.

Following discussion regarding the licence fee review consultation process, which identified a number of issues that will need to be addressed in developing a final proposal, the Board resolved to:

- (i) *request that key Ministers receive early information on matters arising from the consultation process;*
- (ii) *consider the option of phasing in the changes, especially for small to medium businesses;*
- (iii) *consider how the EPA can better engage and communicate with industry in the future.*

Carried

Action: Mr M Harvey

Mr Harvey also outlined issues relating to the organisational change program and other key initiatives:

- organisational change: emphasis on cultural change; development of Customer Service Standards for the Division;
- Draft Landfill Guidelines;
- Customer Service Desk (CSD) review now finalised - CSD is now part of the Science and Sustainability Division;
- waste management - Wingfield precinct.

This section has been removed pursuant to Board policy and/or legal requirements in relation to confidentiality. Criteria used for determining confidentiality can be viewed at www.epa.sa.gov.au/boardminutes

Action: Mr M Harvey

Other issues/risks for the Division are:

- Waste Definition Reference Group;
- Industry Compliance Auditing System;

This section has been removed pursuant to Board policy and/or legal requirements in relation to confidentiality. Criteria used for determining confidentiality can be viewed at www.epa.sa.gov.au/boardminutes

4(i)(i) New Notification Provisions in the *Environment Protection Act 1993* - Implications for determining and varying environmental authorisations

Following discussion the Board resolved to:

(i) *that, in relation to the new neighbour-notification requirements in section 39 of the EP Act, to:*

(a) *endorse that, if necessary in order to consider submissions received as a result of neighbour-notification (including any response to those submissions provided by the applicant), the delegate may exercise his or her discretion in regulation 6(d) of the Environment Protection (General) Regulations 1994 to extend the time for determination of the application;*

(b) *request that best efforts are made to minimise the EPA response time;*

(c) *request that the applicant:*

- *be written to immediately on receipt of a neighbour-notifiable application, advising that the application is notifiable and that EPA may need to extend the time limit for determining the licence*

application depending on the nature of submissions received; and

- *be notified immediately, should an extension be required, of the exercise of the discretion;*

(d) note that, as part of the review of the Environment Protection (General) Regulations 1994, it is intended to propose an increase to the existing standard time limit;

(ii) in relation to changes to notification requirements in section 46 of the Act, to note that from 1 July 2006, the time taken to administer certain variations to authorisation conditions will increase from a minimum of two weeks to a minimum of six weeks.

(iii) note that the Licensing and Regulatory Services Branch will conduct a review, at the end of September 2006, of administrative and policy arrangements resulting from the new notification provisions.

Carried

Action: Ms Suzanne Behrendt

Legislative review

The Board further resolved to:

request that the new notification provisions (Section 39) in the Environment Protection Act, 1993, be considered in the broader legislative review in order to place the responsibility for consultation with neighbouring owner/occupiers with the applicant.

Carried

Action: Dr Phil Morgan

Mr Harvey left the meeting at 3.55 pm.

Mr T Circelli, Director Corporate Strategy, Governance and Communications Division, entered the meeting at 3.55 pm.

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

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

- Site Contamination Bill;
- Environment Protection (Noise) Policy;
- Civil Penalties Calculation Policy;
- Environment Protection (Waste to Resource) Policy;

Following discussion the Board resolved to:

request a paper that sets out timeframes, relating to the Environment Protection (Waste to Resource) Policy, for the next meeting.

Carried

Action: Dr P Morgan

- Container Deposit Legislation;
- review of SA Strategic Plan;
- EPA Engagement Strategy.

He outlined issues relating to the organisational change program and other key initiatives:

- Precaution Statement;
- *Environment Protection Act* Delegations;
- State of the Environment Report 2008;
- miscellaneous amendments to *Environment Protection Act* 1993;
- annual Round-table - EPA's role in greenhouse;
- development of organisational KPIs;
- risk management Framework for EPA;
- Australian Business Excellence framework (ABEF);
- EPA Cultural Statement;
- Annual Report.

Other issues/risks for this Division are:

- new Cabinet requirement - Business Cost Calculator;
- EPHC - 23 June meeting outcomes;

Following discussion the Board resolved to:

request a briefing on the EPA's role and statutory responsibilities with regard to water recycling. The briefing should also consider the broader issues/implications related to water recycling.

Carried

Action: Mr P Dolan

- appointment of Chief Advisor, Board Governance;
- Frog Census;
- external EPA newsletter.

A media report was tabled for information.

4(ii)(i) Potential miscellaneous amendments to the *Environment Protection Act* 1993

Following discussion the Board resolved:

- (i) *to note the scoping paper on potential amendments to the Environment Protection Act 1993 (the Act);*

- (ii) *to note the proposed recommendations of the Board for development of an Amendment Bill:*
 - *support the following amendments relating to:*
 - *Roundtable;*
 - *Board's ability to sub delegate;*
 - *Section 140 (regulation making power);*
 - *amendment to Sections 101, 102 and 103 of the Act;*
 - *removal of ozone provisions;*
- (iii) *that the suggested amendments relating to consultation with prescribed bodies (Sections 5A, 14B(4) and 28(5)(a)) be managed by changing the regulations;*
- (iv) *that Section 16(1) be amended to require that the Board meet at least 11 times per year with a provision allowing the Board to meet "at such times and places as may be determined by the Chair or the Board";*
- (v) *that Section 14B(2) (the Board is to consist of not less than seven and not more than nine members) not be amended;*
- (vi) *review the new notification provisions (Sections 39 and 46) in the Act so that responsibility for consultation with neighbouring owner/occupiers rests with the applicant.*

Carried

Action: Dr P Morgan

4(ii)(ii) Review of Delegations under the *Environment Protection Act 1993*

Following discussion the Board resolved to:

- (i) *note the status report on work to improve the governance of delegations;*
- (ii) *revoke the previous delegation instrument dated 18 April 2006;*
- (iii) *delegate its powers and functions in accordance with section 115 of the Environment Protection Act 1993 as provided in the new instrument;*
- (iv) *change the heading in Column 1 to specifically reflect whether it refers to a Section of the Act, Regulation or Environment Protection Policy;*
- (v) *remove the words "made prior to the 18th day of April 2006" on the cover page of the new instrument and replace with "to the persons for the time being holding or assigned to the positions within the administrative unit known as the Environment Protection Authority".*

Carried

Action: Mr P Watters

4(ii)(iii) EPA 2006 Round-table Report

Following discussion the Board resolved to:

- (i) *note Members' comments on the EPA 2006 Round-table Report;*
- (ii) *note the key issues and themes arising from the Round-table;*
- (iii) *note that, because many of these key issues go beyond the jurisdiction of the EPA, they will be relayed in writing to Mr Tim O'Loughlin, Executive Director, Sustainability and Climate Change, Department of the Premier and Cabinet for inclusion in the Greenhouse Strategy;*
- (iv) *remove the words "ie giving a 'value' to" in the Foreword (second dot point);*
- (iii) *delegate the responsibility of final approval of public release of the report to the Chief Executive, subject to Members' comments being addressed;*
- (iv) *endorse the communication strategy for the final document.*

Carried

Action: Ms C Watkins

4(ii)(iv) Site Contamination Bill update

Following discussion the Board resolved to:

- (i) *note the overview of the Environment Protection (Site Contamination) Bill 2005;*
- (ii) *note the key issues arising from public and key stakeholder consultation and some of the proposed amendments to the draft Bill to be considered by the Site Contamination Steering Committee;*
- (iii) *request a table summarising issues arising from public consultation, and how they have been addressed.*

Carried

Action: Dr P Morgan

Mr Circelli left the meeting at 5.00 pm.

Mr T Whitworth, A/Director Science and Sustainability Division and Mr J O'Daly, Director Corporate and Business Division entered the meeting at 5.00 pm.

4(iv) Science and Sustainability Division Report

Mr Whitworth reported on the Division's performance indicators and strategic plan priorities:

Clean and Healthy Air:

- Vapour Recovery Installation at Birkenhead terminals;
- New Christies site included on Air Quality Index website.

Water quality that meets agreed environmental values:

- implementation of the National Water Quality Management Strategy in SA;
- Murray Darling Basin Commission Sustainable Rivers Audit.

Communities protected from unacceptable noise:

- protocol developed to ensure DAs are not delayed due to staff shortages in noise area;
- EPA/DTEI Working Group on Transport Noise Policy.

Sustainable Land Use:

- Section 7 issue at Novar Gardens;
- Bradken Foundry Expansion Major Development.

Promoting the adoption of eco-efficient practices by business:

- EPA facilitation of green procurement in local government as a lead in to broader eco-efficiency program;
- Origin Energy is keen to promote eco-efficiency principles and provide information from the EPA to help illustrate benefits.

He outlined issues relating to the organisational change program and other key initiatives:

- WA Task Force on CDL visited SA for three days of site inspections and discussions with SA stakeholders and kerbside collectors;
- SAS is holding two planning/team building days.

Other issues/risk for this Division are:

- Extended Producer Responsibility (EPR);
- Section Bank Outer Harbor cockles.

Development Assessment (DA) Performance

Mr Whitworth presented a statistical report on DA performance.

Following discussion the Board resolved to:

request a graphical representation of the DA performance, in addition to the existing table, for future reports.

Carried

Action: Mr P Torr

4(iii)(i) "Protecting drinking water quality into the future: priority areas and land use compatibility in Adelaide's Mount Lofty Ranges Watershed" Report

Following discussion the Board resolved to:

- (i) *approve the "Protecting drinking water quality into the future: Priority areas and land use compatibility in Adelaide's Mt Lofty Ranges Watershed" report;*
- (ii) *note that, once approved, the report would become a joint EPA, SA Water and CRC for Water Quality and Treatment publication;*
- (iii) *note the development of the Watershed Priority Areas (WPAs) concept including its adoption into the final Outer Metropolitan Adelaide Region Planning Strategy;*
- (iv) *note that the Ministerial Plan Amendment Report to implement WPAs is underway by Planning SA and request that the report summary be updated accordingly;*
- (v) *note that the WPA policy position will need to be reviewed over time and considered by other agencies in the context of strategic land use planning;*
- (vi) *request a copy of the finalised report;*
- (vii) *request earlier involvement in the development of significant policy.*

Carried

Action: Mr P Hazell

4(iii)(ii) Institutional and legislative changes with regard to development and planning - implications and opportunities for the EPA

Following discussion the Board resolved to:

- (i) note the recent and proposed amendments to the Development Act and Regulations and their implications for the EPA; and*
- (ii) note the institutional arrangements recently put in place to support the EPA's approach to planning and development issues.*

Carried

Mr Whitworth left the meeting at 5.10 pm.

4(iv) Corporate and Business Division Report

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

- GENI - Section 7, DA tracking and procurement process for new Licence Fee Structure system;
- Working Off Site Policy;
- centralised fleet management in CABS;
- training and education of staff in the use of debit codes, delegations and credit cards completed;
- end of financial year reporting process underway.

He outlined issues relating to the organisational change program and other key initiatives:

- organisation restructure: all tasks due for completion by June achieved;
- accommodation - Level 2 refit and security review of Level 7 reception area;
- Executive Position Statements and Performance Agreements;
- Budget Strategy Planning Process;
- CABS Business Planning for 2006-07 nearly completed;
- outsourcing of accounts payable function to DEH;
- licences purchased to upgrade all desktops to Windows XP and Office 2003 - roll out by December;
- negotiations with DEH to provide land ownership data for notifications process;

- Enterprise Bargaining - wages parity process for Whole of Government underway;
- a number of agencies interested in acquiring a copy of the GENI DA tracking module when completed.

Other issues/risks for this Division are:

- IT Business Continuity Plan;
- Victoria EPA budget comparison;
- Whole of Government initiatives;
- proposed FTE Cap;
- Budget Bilateral meeting held 14 June.

Mr O'Daly left the meeting at 5.15 pm.

5. STRATEGIC ITEMS

5(i) Culture Change and Performance Improvement Program

The Board resolved to:

- (i) note that the EPA commenced operating under the new organisational structure on 3 July 2006;*
- (ii) note the progress achieved during the June period;*
- (iii) note the key projects planned for the 2006/2007 financial year;*
- (iv) note the Culture Change and Improvement Program status chart.*

Carried

5(iii) Chair's Report

The Chair provided verbal updates on the following matters:

- (a) Strategic review of EPA Budget
- (b) Meeting with the Minister
- (c) Port Lincoln visit debrief
- (d) Presentation on waste levy
- (e) Consultation in Whyalla - 20 September 2006.

5(iv) Members' Reports

No reports.

6. MATTERS DEALT WITH OUT OF SESSION

None.

7. **CORRESPONDENCE**

- (i) Outgoing to Planning SA, 3 July 2007
- (ii) Outgoing to DC Lower Eyre Peninsula, Port Lincoln Tuna Processors Pty Ltd, DK Quarries, SA Water, City of Port Lincoln, Mr C Brown, Ms M Wagner, Ms B Spragg and Eyre Peninsula NRM Board, 5 July 2007

8. **OTHER BUSINESS**

Draft Annual Report

The Draft Annual Report will be sent to Members out of session for comment within one week of receipt.

9. **CLOSE**

The Chair closed the meeting at 5.45 pm.

10. **DATE OF THE NEXT MEETING**

The next Board meeting will be held on Tuesday, 15 August 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