

**BOARD OF THE  
ENVIRONMENT PROTECTION AUTHORITY**

**TO: THE CHAIR AND MEMBERS**

Minutes of Meeting No 176  
15 August 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 Andrew Fletcher (Member)  
Mr Allan Holmes (Member)  
Ms Megan Dyson (Member)  
Mr Mike Elliott (Member)  
Mr Michael Nagel (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 Greg Panigas (Member)

**1.4 DECLARATIONS OF INTEREST**

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Ms Sneddon declared an interest in agenda item 5(i), EPA's involvement in Natural Resource Management, due to her role as the Presiding Member of the Adelaide Mt Lofty Ranges NRM Board.

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## 2. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

Following discussion the Board resolved that:

*the Minutes of the meeting held on 18 July 2006, subject to the following amendment, be taken as read and confirmed:*

- *Page 3, agenda item 4(i)(i), replace sub sections (i) and (ii), with the following:*
  - (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.*

Carried

Board members requested that the 'strategic' items section be moved to the beginning of the agenda for future meetings.

Action: Ms C Kelly

Minutes to be signed by Dr Vogel.

Copies of the Minutes of Meeting No 175 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 P Dolan, Director Science and Sustainability Division entered the meeting at 3.10 pm.

### 4. OPERATIONAL ITEMS

#### 4(i) Science and Sustainability Division Report

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

*Clean and Healthy Air:*

- Vapour Recovery Installation at Birkenhead terminals;

The Board suggested that this matter would be a positive story for inclusion in the 2006-07 Annual Report.

**Action: Ms S McInnes**

- 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;
- EPA's role in water recycling - agenda paper being prepared for the next meeting.

Ms Sneddon offered to provide Mr Dolan with recent US articles on water recycling legislation and policy;

**Action: Ms Y Sneddon**

- develop tools and resource kits to assist other water resource managers to determine agreed environmental values.

*Communities protected from unacceptable noise:*

- protocol developed to ensure DAs are not delayed due to staff shortages in noise area;

- electronic mapping of noise impacts in the CBD in conjunction with private consultant, Adelaide City Council, Planning SA and DTEI.

*Promoting the adoption of eco-efficient practices by business:*

- Environmental Improvers Program by Business SA;
- eco-efficiency training program;
- discussions with Spotless (caterers) to incorporate eco-efficiency in training of their contractors and facility managers.

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

- SAS held the first of two planning/team building days;
- Manager Water Quality commenced 31 July leading to the completion of the structural aspects of the organisation change program;
- final report of the Review of the Customer Service Desk has been received and the results presented to the Executive Team;
- General Information Database (GENI) progress.

Other issues/risks for the Division are:

- increasing demand from proponents for approval to be given by planning authorities with various issues being taken as 'Reserve Matters';

Board Members requested that this issue be raised at the Planning and Development CE's forum with a subsequent paper to the Board and possible recommendation to the Minister.

**Action: Dr P Vogel/Mr P Dolan**

- issue with the Site Contamination Auditors process.

#### **Development Assessment (DA) Performance**

Mr Dolan presented a statistical report on DA performance, a graph on DA performance trends and a graph of average assessment days.

Mr M Harvey, Director Regulation and Compliance Division entered the meeting at 3.45 pm.

#### **4(iii) Regulation and Compliance Division Report**

Mr Harvey reported on the 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.

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

organisational change: relocation of Waste to Resources Branch; EPA's progress in its relationship with local government on Eyre Peninsula;

- draft Landfill Guidelines - document released to all relevant stakeholders; consultation period will close on 29 September 2006 and the Subcommittee's report to the Board is due on 1 December 2006;
- waste management - Wingfield precinct.

Other issues/risks for the Division are:

- Waste Classification Guideline;
- OneSteel Whyalla;
- EIP Mobil Birkenhead;
- Zinifex;
- Sea Angel Prosecution (Oil in Port River, October 2004).

#### 4(iii)(i) Waste Management Package:

##### (a) Landfill Guidelines

Following discussion the Board resolved to:

- (i) *note that the 'EPA Guidelines for Environmental Management of Landfill Facilities' have been consolidated into a single document, including references to an implementation plan and a process for determining equivalent performance;*
- (ii) *recommend that the Guidelines are reviewed for currency of information and appropriate references to Victorian legislation;*
- (ii) *note that correspondence has been forwarded to local councils and appropriate licensees advising of the formation of a Board Subcommittee and inviting submissions.*

Carried

Action: Mr M Harvey

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(c) Response to Waste Care SA Discussion Paper

Following discussion the Board resolved to:

*request that the letter is:*

- (i) *re-drafted to reflect the EPA's approach to a strategic waste management framework;*
- (ii) *forwarded from the Chair to the Executive Officer, Waste Care SA and copies provided to all Council CEOs and Mayors;*
- (iii) *finalised out of session.*

Carried

Action: Mr M Harvey

(d) 'An Investigation of Illegal Dumping in SA, March 2006'

Following discussion the Board resolved to:

*note the document "An Investigation of Illegal Dumping in SA, March 2006".*

Carried

4(iii)(ii) Current Investigations and Prosecutions and EPA matters before the Court

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The Board resolved to:

*note the reports.*

Carried

Mr Harvey left the meeting at 4.05 pm.

5. STRATEGIC ITEMS

5(i) EPA's involvement in Natural Resource Management

Following discussion the Board resolved to:

- (i) *note the report;*
- (ii) *note that the EPA will develop appropriate relationship management mechanisms to interact with NRM Boards.*

Carried

Action: Ms R Barratt

Mr Dolan left the meeting at 4.25 pm.

Mr T Circelli, Director Corporate Strategy, Governance and Communications Division, entered the meeting at 4.25 pm.

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

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

- Site Contamination Bill;
- Environment Protection (Waste to Resources) Policy;
- Environment Protection (Noise) Policy;
- Civil Penalties Calculation Policy;
- Container Deposit Legislation;
- review of SA Strategic Plan.

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

- Precaution Statement;
- State of the Environment Report 2008;
- 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;
- Engagement Strategy.

The Board agreed to commence its 19 September 2006 Board meeting at 1 pm to receive a presentation from McGregor Tan on the key outcomes of the EPA Market Research project.

**Action: Mr T Circelli**

Other issues/risks for the Division are:

- Annual Report;

The Board delegated 2005/06 Annual Report sign off to the CE.

**Action: Dr P Vogel**

- Frog Census;
- National Pollutant Inventory - proposed variation;
- plastic bags;
- NEPC Act Review.

A media report was tabled for information.

Ms S Jackson, Senior Policy Officer, entered the meeting at 4.35 pm.

#### 4(iv)(i) Civil Penalty Calculation Policy and IOP

Following discussion the Board resolved to:

- (i) *approve the revised civil penalties calculations policy (subject to minor amendment if directed by legal advice);*

- (ii) *provide the final civil penalties calculations policy to the Minister for noting with a request that it also be provided to Cabinet for noting;*
- (iii) *note the issues identified from public consultation;*
- (iv) *note the draft Civil Penalties Internal Operating Procedure endorsed by the EPA Executive;*
- (v) *note that the EPA will advise, through its external newsletter and other communications, the introduction of negotiated civil penalties and reference to the Calculations Policy (to be made available on the EPA website);*
- (vi) *investigate the inclusion of Environmentally Beneficial Projects in a civil penalty negotiation as part of the two year review;*
- (vii) *request the development of a compliance management plan to ensure consistent application;*
- (viii) *request that page 34 of the draft policy (chapter 14, Sign Off) be amended according to Ms Dyson's recommendations.*

Carried

Action: Ms S Jackson

Ms Jackson left the meeting at 4.56 pm.

#### **4(iv)(ii) Environment Protection (Waste to Resources) Policy Draft Project Plan**

Following discussion the Board resolved to:

- (i) *note the attached Project Plan milestones and timeframes in relation to developing the Environment Protection (Waste to Resources) Policy;*
- (ii) *note that the recent resignation of the Project Manager may impact on a number of the project plan's milestones.*

Carried

Mr W Van Deur, Principal Policy Officer entered the meeting at 5.00 pm.

#### **4(iv)(iii) Site Contamination Bill**

Following discussion the Board resolved to:

- (i) *note the key issues arising from public and key stakeholder consultation and the proposed amendments to the draft Bill;*
- (ii) *note that final drafting instructions for Parliamentary Counsel are to be finalised and provided to Counsel by 25 August 2006;*

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(iv) *note that responsibility for progressing the draft Bill to Parliament will rest with the Chief Executive who will provide regular updates to the Board (through the relevant Director);*

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Carried

Action: Mr T Circelli

Mr Circelli and Mr Van Deur left the meeting at 5.15 pm.

Mr J O'Daly, Director Corporate and Business Division entered the meeting at 5.15 pm.

#### 4(ii) Corporate and Business Division Report

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

*Provide IT services to achieve EPA and WoG strategic objectives:*

GENI:

- Section 7;
- DA tracking;
- Licence Fee Structure system;
- four year PC, printer and monitor replacement program;

*Provide HRM services to achieve EPA and WoG strategic objectives:*

- Kurna Aboriginal statement of acknowledgment and welcome to country statements at external meetings;
- learning and development plan data collection process underway, incorporating culture change and performance improvement requirements.

*Maximise safety and well being of staff;*

- Working Off Site Policy;
- two more policies/procedures and one new form approved for official use;
- reviewing performance reports format;
- Developing OHS&W training program.

*Provide financial and administrative services to achieve EPA and WOG strategic objectives:*

- end of financial year reporting process;
- on line credit card statement processing being implemented.

*Maximise effective governance arrangements:*

- delegations reviewed and updated.

Mr O'Daly outlined issues relating to the organisational change program and other key initiatives:

- accommodation - Level 2 refit, security review of Level 7 reception area and options for amalgamating Netley and Kent Town labs; DAIS still negotiating with building owner to determine EPA future location post 2008;
- Executive Position Statements and Performance Agreements;
- Budget Strategy Planning Process;
- CABS Business Planning for 2006-07 completed;
- outsourcing of accounts payable position and processes to DEH has commenced;
- training has been provided by DAIS on Property Assist and LOTS queries.

Other issues/risks for the Division are:

- Budget Bilateral meeting held 14 June;
- Victoria EPA budget comparison;
- Whole of Government initiatives;
- proposed FTE Cap;
- procurement reform initiatives.

## 6. MATTERS PREVIOUSLY DEALT WITH OUT OF SESSION

### 6(ii) 2006-07 Budget Strategy Planning Process

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Following discussion the Board resolved to:

- note the process adopted for the allocation of the operating and capital budget allocations;*
- approve the interim operating and EPF budget allocation as endorsed by the EPA Executive recognising that the expenditure and receipt of funds commenced 1 July 2006 and the outcome of the 2006-07 budget is unknown;*

- (iii) *approve the recommendations for project funding as of 1 July 2006 from the Environment Protection Fund (EPF) as outlined in Attachment 2, and in accordance with section 24(4) of the Environment Protection Act 1993;*
- (iv) *recommend to the Minister for Environment and Conservation that she approve the 2006-07 budget for application of funds from the Environment Protection Fund in accordance with section 24(4) of the Environment Protection Act 1993.*

Carried

Action: Mr J O'Daly

Mr O'Daly left the meeting at 5.30 pm.

## 5. STRATEGIC ITEMS (continued)

### 5(ii) Culture Change and Performance Improvement Program

Following discussion the Board resolved to:

- (i) *note that a consolidated report of recent review and survey findings will be presented to the Board for its September meeting;*
- (ii) *note the key highlights during July;*
- (iii) *note the Culture Change and Performance Improvement Program status chart.*

Carried

### 5(iii) Chair's Report

#### *EPA Strategic Budget Analysis*

The Chair provided a status report on the development of a discussion paper "EPA Strategic Budget Analysis". He advised that the Board's Working Group will meet again prior to a paper being prepared for the Board.

#### *Whyalla Regional Consultation - facilitator*

The Board requested that a local person be asked to facilitate the regional consultation in Whyalla on 20 September. However, in the absence of a local person volunteering, Mr Hains would perform this role.

### 5(iv) Members' Reports

No reports.

## 6. MATTERS DEALT WITH OUT OF SESSION (continued)

### 6(i) Adelaide City Council Waste Depot - Wingfield

The Board formally resolved to:  
*note the report.*

Carried

7.       **CORRESPONDENCE**  
None.

8.       **OTHER BUSINESS**

9.       **CLOSE**

The Chair closed the meeting at 5.45 pm.

10.      **DATE OF THE NEXT MEETING**

The next Board meeting will be held at 1.00 pm on Tuesday, 19 September 2006 in the EPA Boardroom, 7<sup>th</sup> 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**