

**BOARD OF THE
ENVIRONMENT PROTECTION AUTHORITY**

TO: THE CHAIR AND MEMBERS

Minutes of Meeting No 179
17 October 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)
Mr Allan Holmes (Member)
Ms Megan Dyson (Member)
Mr Mike Elliott (Member)
Mr Andrew Fletcher (Member)
Mr Michael Nagel (Member)
Mr Greg Panigas (Member)
Ms Yvonne Sneddon (Member)

Mr Anton Lugna (Chief Adviser, Board Governance)
Ms Corinne Kelly (Secretary to the Board)

1.3 APOLOGIES

Mr Mike Elliott (late arrival)

1.4 DECLARATIONS OF INTEREST

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

1.5 TABLED ITEMS

- (i) Photographs of red dust emanating from OneSteel
- (ii) Media Coverage Report - EPA Board's Regional Consultation in Whyalla, 20 September 2006
- (iii) Copy of outgoing correspondence, dated 11 August 2006, to Mrs M Jennison
- (iv) Adelaide Coastal Waters Study presentation

Mr P Dolan, A/Director, Science and Sustainability Division and Mr P Pfennig, Manager Port River Projects, entered the meeting at 3.05 pm.

Professor David Fox, CSIRO Project Director, Adelaide Coastal Waters Study and Dr Graham Harris, Chair of the Scientific Committee, entered the meeting at 3.05 pm.

4. STRATEGIC ITEMS

4(i) Adelaide Coastal Waters Study Presentation

Professor Fox provided the following information as background to the Adelaide Coastal Waters Study:

- long held concerns by State Government and agencies regarding the ecological status of Adelaide Coastal Waters as a result of numerous inputs over 60+ years;
- initial investigations began in the 1970's following loss of seagrasses;
- no formal water quality monitoring between 1985 and 1995;
- EPA commenced water quality monitoring in 1995;
- CSIRO Marine Research scoping report September 1997 recommended a need for integrated Study (~\$4m) - this was considered too expensive and not aligned with stakeholder issues and the Study was shelved for four years;
- CSIRO Environmental Projects Office won the competitive tender to manage ACWS;
- a staged approach to the Study was adopted: Stage 1 (2001-2003) - involved exhaustive consultation with stakeholders; Stage 2 (research program) commencing Spring 2003 and Stage 3 (synthesis) due for completion at the end of 2006.

Other matters discussed included:

- Adelaide's coastal management issues;
- stakeholder issues;
- the Study's region, objective, structure and design;
- the Study's deliverables; and
- research tasks.

Dr Harris presented on the outcomes of the ACWS and explained the reason for the loss of seagrasses, how much has been lost and the physical processes involved.

Dr Harris spoke about the development of a long term plan to fully address the issues identified by the ACWS in reducing the current and future adverse environmental impacts on the ecology of the Adelaide metropolitan coastal waters (eg loss of seagrass).

Mr Elliott entered the meeting at 3.50 pm.

Professor Fox and Dr Harris left the meeting at 3.50 pm.

5. OPERATIONAL ITEMS

5(iv)(i) Adelaide Coastal Waters Study - Presentation and Implementation

Following discussion the Board resolved to:

- (i) *note the continuation of existing governance arrangements for the Adelaide Coastal Waters Study Steering Committee;*
- (ii) *approve continued negotiations with the Australian Government to develop an Adelaide Coastal Water Quality Improvement Plan;*
- (iii) *commit up to \$75,000 from the Environment Protection Fund over a period of two years to secure the 4:1 funding offered by the Australian Government;*
- (iv) *request that the ACWS Subcommittee be asked to utilise any remaining funds from the science project and seek contributions from other stakeholders towards the implementation of the new project;*
- (v) *agree that a briefing of relevant CEs of Government agencies, NRM Council and Boards be arranged.*

Carried

Action: Mr P Pfennig

Mr Pfennig left the meeting at 4.03 pm.

Welcome to Mr Anton Lugna, Chief Adviser, Board Governance

Dr Vogel welcomed the new Chief Adviser, Board Governance, Mr Anton Lugna. Dr Vogel said that Mr Lugna comes to the Board highly credentialed and well experienced in reporting to Chief Executives and Ministers across both State and Commonwealth public sectors. He also has considerable experience in risk management policy.

5(iv) Science and Sustainability Division Report

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

Clean and Healthy Air:

- new Manager of Air and Noise Branch, Mr Kelvyn Steer, commenced at the EPA on 25 September.

Water quality that meets agreed environmental values:

- negotiations with Forestry SA underway to renew the Environmental Performance Agreement for the use of pesticides in plantations in the Mt Lofty Ranges;
- the new Water Quality Branch Manager's focussed engagement with NRM Boards, about EPA's contribution to water allocation and regional plan development, has been positively received;
- the development of a Water Quality Improvement Plan for Adelaide Coastal Waters.

Communities protected from unacceptable noise:

- strategy for noise mitigation associated with the Northern Expressway project;
- rail noise reduction;
- noise model of metropolitan Adelaide.

Sustainable Land Use:

- staff vacancies in the Development Assessment team have resulted in delays with the testing of the new IT tracking system;
- proposal to make SA Water a referral body under the Development Regulations;
- the ERD Committee of Parliament is conducting an enquiry into coastal development.

Contributing to a more Sustainable SA:

- Manager Industry Sustainability participated in a workshop to discuss the appropriate model for a Container Deposit System in WA;
- the annual brand owner audit under the Used Packaging National Environment Protection Measure has been completed.

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

- work has commenced to implement the expenditure reductions required under the 2006-07 budget outcome:

- Murraylands Office to close on 10 November with staff relocating to Stirling Office;
- review of ambient monitoring programs for air and water quality being scoped; and
- the Site Contamination Bill implementation project plan is being reviewed to bring forward the abolition of two positions;
- meeting of Local Government Subcommittee scheduled for 30 October.

Other issues/risks for the Division are:

- Section Bank cockles (most likely source of cockle contamination is the seasonal bird population);
- EPOs served on SA Farmers Fuel and United Petroleum for breaches of the Fuel Quality Policy.

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 Dolan left the meeting at 4.18 pm.

2. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS

Following discussion the Board resolved that:

the Minutes of the meetings held on 19 and 20 September 2006 be taken as read and confirmed.

Carried

Minutes to be signed by Dr Vogel.

Copies of the Minutes of Meetings No 177 and 178, and the declarations 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

Actions Arising

Dr Vogel advised that he and Mr Circelli, Director, Policy, Planning and Communications Division will meet with the newly appointed Parliamentary Counsel, Mr Richard Dennis, to look at improving the 'user-friendliness' of legislation, noting that compliance costs can be reduced where the relevant legislation is easily understood by those to whom it applies.

4. STRATEGIC ITEMS (continued)

4(ii) Strategic Budget Overview

Following discussion the Board resolved to:

- (i) *note that this report will form an integral part of the Board's strategic planning session planned for early 2007;*
- (ii) *note the need for a long term strategy to secure ongoing funding for the EPA, informed by other States' revenue and expenditure arrangements.*

Carried

Action: Dr P Vogel/Mr A Lugna

4(iii) Culture Change and Performance Improvement Program

Following discussion the Board resolved to:

- (i) *note the key highlights for the September period;*
- (ii) *note the Culture Change and Improvement Program status chart;*
- (iii) *note that the program will, in future, be called the "Organisational Improvement Program";*
- (iv) *note that key elements of the development plan will include a training program, an authorised officers manual and an ongoing development and mentoring program.*

Carried

4(iv) Chair's Report

- (a) Summary of policy, legislation and Cabinet documents.
- (b) Community meeting to provide information to and gain feedback from the Kilburn and Gepps Cross communities regarding the *Stage 1: Kilburn/Gepps Cross Area Study, Review of the Environmental Issues and Ambient Air Quality* report. A 'hindsight review' of this meeting will be carried out to assist in planning and conducting future public meetings.

Following discussion the Board resolved to:

request a copy of the hindsight review report when it has been completed.

Carried

Action: Mr M Harvey

4(v) Members' Reports

Mr Fletcher advised that the Port Adelaide Maritime Corporation will commence site remediation work in the next few months.

Ms Sneddon spoke about NRM Boards and their working relationships with other stakeholders and the development of the NRM Plan.

Mr T Circelli, Director Policy, Planning and Communications Division, entered the meeting at 5.30 pm.

5. OPERATIONAL ITEMS (continued)

5(i) Policy, Planning 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;
- Civil Penalties Calculation Policy;
- Environment Protection (Noise) Policy;
- Container Deposit Legislation.

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

- State of the Environment Report 2008;
- miscellaneous amendments to *Environment Protection Act 1993*;
- development of improved KPIs;
- EPA risk management framework;
- Targetted Communications Plan.

Other issues/risks for the Division are:

- EPA Annual Report;
- NEPC Annual Report;
- external EPA newsletter;
- plastic bags;
- Manager Communications and Public Affairs.

A media report was tabled for information.

5(i)(i) Environment Protection (Waste to Resources) Policy

Following discussion the Board resolved to:

- (i) *note that the newly appointed Project Officer will provide advice on the Drafting Instructions for the Environment Protection (Waste to Resources) Policy (the EPP);*

- (ii) *note Board Members' suggested amendments to the Drafting Instructions and request that the revised document is presented to the December Board meeting;*
- (iii) *note that Zero Waste SA (ZWSA) is no longer taking carriage of the preparation of the EPP;*
- (iv) *revoke the delegation of powers, under section 28 in accordance with Section 115 of the Environment Protection Act 1993, to the Chief Executive of ZWSA (as resolved at its meeting on 16 May 2006);*
- (iv) *ensure that the Zero Waste Board is kept up to date with the development process.*

Carried

Action: Mr P Watters/
Ms T Nairn

Mr Circelli left the meeting at 6.02 pm.

Mr J O'Daly, Director Corporate and Business Division entered the meeting at 6.03 pm.

5(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 update: Section 7; DA tracking; Licence Fee Structure system;
- four year PC, printer and monitor replacement program completed.

Provide HRM services to achieve EPA and WoG strategic objectives:

- review of induction material with a view to developing a booklet for new staff;
- Strategic HR Plan and Learning and Development Plan data collection;
- new bullying and harassment contact officers network established.

Maximise safety and well being of staff;

- Working Off Site Policy;
- workplace inspections for all common areas complete and action plans being developed;
- reviewing OHS&W performance reports format;
- total cost of workers compensation claims for 2005-06 was \$960;
- developing OHS&W training program for 2006-07.

Maximise effective governance arrangements:

- GIS strategy for the EPA.

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

- accommodation - Murraylands Office staff move to Stirling; level 2 refurbishment; security review for level 7 reception; negotiations with building owner to determine future EPA location post 2008;
- Financial Statements signed by Auditor-General;
- Job and Person Specifications updated post restructure;
- Budget Strategy Planning Process;
- Procurement Action Plan.

Other issues/risks for the Division are:

- Budget;
- Estimates Committee hearings set for 25 October;
- EPA budget savings and revenue measures July 2006 - June 2010.

Mr O'Daly left the meeting at 6.12 pm.

Mr M Harvey, Director Regulation and Compliance Division entered the meeting at 6.12 pm.

5(iii) Regulation and Compliance Division Report

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

Develop a licence fee structure that includes a load-based licensing component:

- summary of comments received as part of the consultation process for the revised licence fee structure;
- changes to the revised schedule;
- revised licence fees for local government authorities have generally increased from that proposed in the consultation documents.

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

- Kimberly Clark Australia - Millicent pulp mill;
- EPA Service Standard;
- Kilburn and Gepps Cross Project - community meeting;
- National Foods/SA Water Wastewater Treatment Plant, Murray Bridge.

Other issues/risks for the Division are:

- Terramin Australia - Strathalbyn Zinc Project;
- ACC matter before the ERD Court

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Mr Harvey left the meeting at 6.20 pm.

6. CORRESPONDENCE

- (i) Outgoing, Dairy SA, 4 September 2006
- (ii) Outgoing, Waste Care SA, 19 September 2006
- (iii) Incoming, Ceduna District Council, 5 September 2006
- (iv) Incoming, DC Lower Eyre Peninsula, 25 September 2006
- (v) Incoming emails, 20, 23, 24, 26 and 28 September and 9 October 2006, regarding Board's consultation meeting in Whyalla
- (vi) Copy of Whyalla News Report (emailed 24 September 2006)
- (vii) Incoming, Whyalla Sleep Apnea Support Group, 20 September 2006
- (viii) Incoming, State Ombudsman, 5 October 2006

7. MATTERS PREVIOUSLY DEALT WITH OUT OF SESSION

None.

8. OTHER BUSINESS

9. CLOSE

The Chair closed the meeting at 6.20 pm.

10. **DATE OF THE NEXT MEETING**

The next Board meeting will be held at 3.00 pm on Tuesday, 21 November 2006 in the EPA Boardroom, 7th floor, 77 Grenfell Street, Adelaide.

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Dr Paul Vogel
CHAIR

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Ms Corinne Kelly
SECRETARY TO THE BOARD