

**BOARD OF THE
ENVIRONMENT PROTECTION AUTHORITY**

TO: THE CHAIR AND MEMBERS

Minutes of Meeting No 181
12 December 2006 - 2.30 pm
Boardroom, 7/77 Grenfell Street, Adelaide

1.1 MEETING OPENED

The meeting was opened at 3.15 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 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 Michael Nagel (Member)
Mr Allan Holmes (Member)

1.4 DECLARATIONS OF INTEREST

Due to his employment, Mr Hains declared an interest in agenda item 5(iii)(iii), Delegations to Local Government.

2. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

Following discussion the Board resolved that:

the Minutes of the meeting held on 21 November 2006 be taken as read and confirmed.

Carried

Minutes to be signed by Dr Vogel.

Copies of the Minutes of Meeting No 180 to be sent to the Minister for Environment and Conservation.

Action: Ms C Kelly

**3. ACTIONS ARISING FROM PREVIOUS MINUTES AND FORWARD AGENDA
Environment Protection (Waste to Resources) Policy**

Following discussion the Board affirmed a decision of the joint EPA/Zero Waste SA Board meeting held on 23 November 2006:

- (i) to agree that the Drafting Instructions need not be presented to the EPA Board at its 12 December meeting, rather, they should be progressed as a matter of urgency, under delegation;*
- (ii) to request that the (draft) Drafting Instructions be placed on members' memory sticks at the 12 December meeting;*
- (iii) note that Members will provide any feedback out of session.*

Carried

Action: Ms T Nairn

Adelaide Coastal Waters Study

The Board discussed the critical issue of other stakeholders providing financial support towards the implementation of the findings of the study and the need to urgently provide briefings to relevant parties.

Dr Vogel agreed to discuss the Board's concern regarding the management of timelines for briefings and stakeholder contributions with the Project Manager.

Action: Dr P Vogel/Mr P Pfennig

4. STRATEGIC ITEMS

4(i) Whole of Government Planning Timeframes

Following discussion the Board resolved to:

- (i) note the whole-of-government planning timeframe;*
- (ii) approve the proposals submitted for consideration in the budget bilateral process;*
- (iii) request that a small working group of the Board develops a strategy and proposal for a revised funding model for the EPA, to present to the Treasurer, Hon Kevin Foley MP, by February 2007.*

Carried

Action: Dr P Vogel/Mr J O'Daly

4(ii) Chair's Report

The Chair provided a report on the following matters:

(a) EPA Strategic Plan

Following discussion the Board resolved to:

- (i) *endorse the framework developed by the EPA Executive at a meeting held on 4 December 2006 to review the current Strategic Plan;*
- (ii) *request that the EPA Executive prepare a draft document for the Board's Strategic Planning meeting to be held in March 2007.*

Carried

Action: EPA Executive

- (b) Mick Bourke, CE and Chairman of the Victorian EPA - visit to Adelaide to present to EPA Executive staff and the Board.
- (c) Regulatory Reform: Useful discussion with the Chair of the Economic Development Board and Minister Karlene Maywald MP. The EPA was commended for its work in regulatory reform.

4(iii) Members' Reports

Ms Sneddon said that her key focus was the ongoing process of developing the Mt Lofty Ranges regional NRM plan.

Mr Hains reported that he has informed the Zero Waste SA Board of the Landfill Subcommittee's recommendations to the EPA Board, and its subsequent resolution at the 21 November 2006 meeting.

Mr J O'Daly, Director Corporate and Business Division entered the meeting at 3.18 pm.

5. OPERATIONAL ITEMS

5(i) 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: DA tracking - implementation mid December; work to commence on licensing module; CARES upgrade; PC software upgrade and PC replacements.

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;
- next round of Leadership Development will commence in February 2007.

Maximise safety and wellbeing of staff:

- seven OHS&W policies have been completed and endorsed by Executive;
- Stirling Office has implemented its bushfire and worksite evacuation plan;
- as of 23 November 2006, 95% of branches have completed their workplace inspection checklists.

Provide financial and administrative services to achieve EPA and WoG strategic objectives:

- management meetings have been held to advise new procurement policies regarding acquisition plans for purchase over \$5,000 and use of contracts register for contracts over \$10,000;
- review of administrative unit structure - records management consultant will be engaged in early 2007.

Maximise effective governance arrangements:

- GIS strategy for the EPA.

Mr O'Daly outlined issues relating to organisational improvement and other key initiatives:

- accommodation - DTEI is costing various future accommodation scenarios;
- budget process 2007-08;
- Strategic Human Resources Plan;
- budget strategy planning process;
- licence fee payments.

Other issues/risks for the Division are:

- all government agencies to develop a Strategic IT Plan and Business Plan that has clear links to government priorities and agency Strategic Plans;
- shared services - data collection will occur between 8 January and 16 February 2007;
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State Procurement Board

Following discussion the Board resolved to:

- (i) *advise the State Procurement Board (SPB) that the Board of the Environment Protection Authority is not a statutory body or public authority and ask it to note that as such, the Board does not require any procurement authority;*
- (ii) *advise the SPB that the Environment Protection Authority (established under the Environment Protection Act 1993) will comply with the DEH procurement framework and policies and will be directed by the CE of DEH in procurement related matters;*
- (iii) *note that the EPA administrative unit (established under the Public Service Management Act 1995) will also comply with the DEH procurement framework and will be directed by the CE of DEH in procurement related matters.*

Carried

Action: Mr J O'Daly

- FTE Cap

It was further suggested that the EPA (both as established under the *Environment Protection Act 1993* and the unit established under the *Public Service Management Act 1995*) also seek exclusion from the FTE Cap, from the Department of Treasury and Finance.

Action: Mr J O'Daly

Mr O'Daly left the meeting at 3.24 pm.

Mr M Harvey, Director Regulation and Compliance Division entered the meeting at 3.25 pm.

5(ii) 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:

- consultation with Industry Reference Group completed on 30 November;
- discussion between the EPA and SA Water regarding the proposed freshwater reuse factor. Further discussion with the LGA has occurred to assist in developing the structure to ensure that it is in accordance with EPA policy directions.

Mr Harvey also outlined issues relating to organisational improvement and other key initiatives:

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determining confidentiality can be viewed at www.epa.sa.gov.au/boardminutes

Other issues/risks for the Division are:

- Adelaide City Council matter before the ERD Court;
- EPIC 2000;

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

- ARR

Strategy for compliance in the waste industry at Wingfield

Following discussion regarding the ARR appeal against two DA conditions, the Board resolved to:

request a briefing, out of session, that provides the compliance objective, strategy and timeframe needed for resolving the waste management issues at Wingfield.

Carried

Action: Mr M Harvey

5(ii)(i) Hindsight Review: Kilburn Community Consultation

Following discussion the Board resolved to:

note that a hindsight review of the Kilburn community consultation has been conducted by the staff of the EPA.

Carried

5(ii)(ii) Development of the Industry Compliance Auditing System

Following discussion the Board resolved to:

- endorse the use of the Industry Compliance Auditing System Handbook, subject to a review of the document content to ensure that the cooperative approach is emphasised and there is a consideration for the needs of auditees;*
- consider a review of the Handbook by relevant Industry Associations and if appropriate, a peer review.*

Carried

Action: Mr P Gorey

Mr Harvey left the meeting at 4.10 pm.

Mr Dolan, A/Director Science and Sustainability Division entered the meeting at 4.10 pm.

5(iii) Science and Sustainability Division Report

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

Clean and Healthy Air:

- training at the Bureau of Meteorology in the use of the Air Quality Forecasting System for staff from the Air and Noise Branch.

Water Quality that meets agreed environmental values:

- environmental values as part of NRM plans;
- the Port Waterways Water Quality Improvement Program has been launched for public consultation;
- large number of early season high counts of algae in the River Murray, various reservoirs and the Torrens Lake.

Sustainable Land Use:

- training of staff in the new IT tracking system for Development Assessment commenced on 21 November;
- meeting held at senior level with PIRSA to discussion expansion of intensive animal keeping in the Port Wakefield region and any possible impacts (particularly odour) on the "Wakefield Waters" development;
- advice provided to DTEI Olympic Dam Expansion Unit regarding the adequacy of information provided by BHP in relation to a pilot desalination plant at Port Bonython;
- Development Regulations have been amended by Planning SA to remove the Schedule 21 activities previously endorsed by the Board. Assessment Guidelines have been prepared.

Mr Dolan outlined issues relating to organisational improvement and other key initiatives:

- the work being undertaken to implement the expenditure reductions required under the 2006-07 budget outcome;
- low alcohol wines and CDL.

Other issues/risks for the Division are:

- Select Committee on Fuel Pricing and Storage;
- Section Bank cockles;
- Banning of polybrominated diphenyl ether (PBDE) flame retardants;
- Environment Protection Orders served on SA Farmers Fuel and United Petroleum for breaches of the Fuel Quality Policy. Both orders have been varied to change the compliance date to 30 November to allow for finalisation of negotiations on testing and certification.

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.

5(iii)(i) Strategic Directions for Air Quality in SA

Following discussion the Board resolved to:

- (i) *note the report, " Strategic Directions for Air Quality in SA" and the health costs associated with air pollution;*
- (ii) *note the projected commencement in early 2007 of the project to develop the Strategic Plan for Air Quality in SA;*
- (iii) *note the need for close long-term cooperation between EPA and DTEI in relation to motor vehicle emissions;*
- (iv) *request clarification on how the health cost figures are derived.*

Carried

Action: Mr K Steer

5(iii)(ii) Local Government Subcommittee - variation to Terms of Reference

Following discussion the Board resolved to:

- (i) *note the proposed revised Terms of Reference (TOR) comprised in Attachment 1;*
- (ii) *amend the composition of the TOR of the Local Government Subcommittee in accordance with the revised TOR at Attachment 1, subject to:*
 - (a) *minor amendments to clause 2.1;*
 - (b) *clarifying the statutory nature of the Subcommittee at clause 6.1;*
 - (c) *adding a clause 12 that provides for a review of the agreement;*
- (iii) *note that the amended ToR:*
 - (a) *extends the functions of the Subcommittee which now include advising the Board and local government on issues arising out of the EPA regulation of local government activities (Clause 3.5);*
 - (b) *amends the composition and numbers of Subcommittee members.*

Carried

Action: Mr P Dolan

Mr Hains declared an interest in the following agenda item and abstained from discussion and voting.

5(iii)(iii) Delegations to Local Government

Following discussion the Board resolved to:

- (i) *revoke the previous delegation instrument to local government dated 12 September 2006;*
- (ii) *endorse the revised delegation instrument of the Environment Protection Authority;*
- (iii) *seek clarification on how council officers are advised of their responsibilities and liabilities as delegated officers under the Environment Protection Act 1993;*
- (iv) *request that 'local government delegations' is placed on the EPA Board Local Government Subcommittee agenda.*

Carried

Action: Mr C Howard

Mr Dolan left the meeting at 4.38 pm.

Mr T Circelli, Director Policy, Planning and Communications Division, entered the meeting at 4.38 pm.

5(ii) 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 organisational improvement and other key initiatives:

- EPA risk management;
- strategic planning;
- State of the Environment Report 2008;
- miscellaneous amendments to *Environment Protection Act 1993*;
- Targetted Communications Plan.

Other issues/risks for the Division are:

- external EPA newsletter;
- plastic bags;
- appointment of new Manager, Communications and Public Affairs, Ms Melinda Clarke.

A media report was tabled for information.

5(iv)(i) Targetted Communications Plan

Following discussion the Board resolved to:

- (i) endorse the draft EPA communications audit table and identified priorities until such time as a review is carried out by the newly appointed Manager, Communications and Public Affairs;*
- (ii) note the good work that has already occurred on the Plan to date;*
- (iii) endorse the priorities;*
- (iv) endorse further development of the proposed actions, with particular emphasis on the priority one issues;*
- (v) note that new initiatives will initially concentrate on level 1 priorities listed in the paper;*
- (vi) note the need to prioritise actions, especially, initiatives that can be easily undertaken and return immediate results (eg EPA presentation package) should commence without delay.*

Carried

Action: Ms M Clarke

5(iv)(ii) State of the Environment Report

Following discussion the Board resolved to:

- (i) note the previously approved governance arrangements for the 2008 State of the Environment Report for South Australia;*
- (ii) endorse the updated timeframe and milestones for the project;*
- (iii) nominate Ms M Dyson and/or Mr M Elliott for the SoE Executive Steering Committee, subject to discussion with the Chair;*
- (iv) recommend the preferred external members of the SoE Executive Steering Committee.*

Carried

Mr Circelli left the meeting at 4.55 pm.

6. CORRESPONDENCE

- (i) Outgoing - Whyalla Sleep Apnea Support Group dated 20 November 2006
- (ii) Outgoing - Letter to the Editor, The Independent Weekly, November 2006

7. MATTERS PREVIOUSLY DEALT WITH OUT OF SESSION

None.

8. OTHER BUSINESS

Mr M Bourke, Chairman and Chief Executive, EPA Victoria, entered the meeting at 5.00 pm.

4. STRATEGIC ITEMS (continued)

Mr Bourke presented to the Board on financial, administrative and management arrangements for environmental protection in Victoria.

Mr Elliott left the meeting at 5.55 pm.

9. CLOSE

The Chair closed the meeting at 6.05 pm.

10. DATE OF THE NEXT MEETING

The next Board meeting will be held at 3.00 pm on Tuesday, 20 February 2007 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