

**BOARD OF THE  
ENVIRONMENT PROTECTION AUTHORITY**

**TO: THE CHAIR AND MEMBERS**

Minutes of Meeting No 185  
15 May 2007 - 2.15 pm  
Boardroom, 7/77 Grenfell Street, Adelaide

**1.1 MEETING OPENED**

The meeting was opened at 2.15 pm by the Chair.

**1.2 PRESENT**

Dr Paul Vogel (Chair)  
Mr Stephen Hains (Deputy Chair)  
Ms Megan Dyson (Member)  
Mr Andrew Fletcher (Member)  
Mr Allan Holmes (Member)  
Mr Greg Panigas (Member)  
Ms Yvonne Sneddon (Member)  
Ms Katherine Wells (Member)

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

**1.3 APOLOGIES**

Mr Michael Nagel (Member)

**Welcome**

Dr Vogel welcomed Ms Wells to her first meeting of the Board.

**1.4 DECLARATIONS OF INTEREST**

Mr Hains declared an interest in a section of agenda item 5(iv)(ii), EPA Matters before the Court, due to his employment.

Ms Wells advised that any discussion relating to ResourceCo would create an interest for her, due to her employment, but not a conflict.

**2. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

Following discussion the Board resolved that:

*the Minutes of the meeting held on 17 April 2007, subject to the following amendment, be taken as read and confirmed:*

- *add an extra subsection to agenda item 5(iii)(i) that states: "request that the Chair discuss the Board's resolution with Mr Stuart Moseley, Acting CEO, Adelaide City Council".*

Carried

Minutes to be signed by Dr Vogel.

Copies of the Minutes of Meeting No 184 to be sent to the Minister for Environment and Conservation.

**Action: Ms C Kelly**

### 3.1 ACTIONS ARISING FROM PREVIOUS MINUTES AND FORWARD AGENDA

Dr Vogel provided a verbal update on the following actions arising from previous minutes:

- review of the Compliance and Enforcement Guidelines;
- Risk Management Plan for the EPA - Ms Sneddon advised that she will now provide her comments on the Internal Operating Procedure to Mr Circelli and the Board's endorsement will be sought out of session and prior to the next Board meeting;
- the visit to the Wingfield Precinct will take place on 19 June 2007.

### 3.2 FORWARD AGENDA

Dr Vogel advised that the Forward Agenda will be updated with all the actions arising from the Strategic Planning Meeting.

## 4. STRATEGIC ITEMS

### 4(i) Chair's Report

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### 4(iii) Members' Reports

No reports.

## 5. OPERATIONAL ITEMS

### 5(i) Corporate and Business Division Report

Mr O'Daly provided a written report on the Division's performance indicators and strategic plan priorities:

*Provide IT services to achieve EPA and Whole of Government strategic objectives:*

- GENI update - procurement process underway to commence LFS; PC replacement program is ongoing; and planning has commenced to implement Bpay and other revenue payment options.

*Provide HRM services to achieve EPA and Whole of Government strategic objectives:*

- recruitment of a Project Officer for skills inventory and benchmarking;
- Leadership Development Course underway with three modules completed;
- business report writing course was well attended, with strong interest in stress reduction workshops and scoping customer service training requirements;
- QA process on FTE data to ensure integrity of FTE and vacancy reports is almost complete.

*Maximise safety and wellbeing of staff:*

- seventeen OHS&W policies have been completed and endorsed by Executive;
- the policy developed on dealing with aggressive people and people who threaten self harm is out for consultation;
- the hazardous substances audit is due and information sessions on how to undertake this have been held for Managers;
- the Department of Premier and Cabinet has released an updated policy, Implementation of Safety in the Public Sector 2007-2010.

*Provide financial and administrative services to achieve EPA and Whole of Government strategic objectives:*

- internal budget strategy planning process has been signed off by Executive;
- the review of asset policies and procedures, required due to changes in the asset threshold amount, has been deferred due to lack of suitable contractors available.

*Maximise effective governance arrangements:*

- GIS strategy for the EPA - Consulting Australia commenced work on 23 April 2007.

Information relating to other key initiatives, including organisational improvement:

- EPA accommodation: DTEI has provided information on ten possible alternative sites for EPA, which will be analysed and discussed in the next few weeks;
- 7 June is Budget Day. Portfolio statements are required to be completed by 11 May and briefings for the Estimates Committee are also being prepared;
- an investigation of waste levy tonnages and dollars has commenced;

- recruitment for the records management position is complete and the successful applicant is due to start at the end of May.

Other issues for the Division are:

- Shared Services - data is still being analysed. A high level business case is being prepared which will recommend which service functions should be transferred in the first instance;
- FTE Cap will be compulsory for all general government sector agencies.

## 5(ii) Science and Sustainability Division Report

Mr Dolan provided a written report on the Division's performance indicators and strategic plan priorities:

### *Clean and Healthy Air:*

- Smokewatch - commenced the May-August monitoring program at Woodside (smoke from home wood heaters);
- Fuels Policy - workshop organisation is progressing.

### *Water Quality that meets agreed environmental values:*

- the final report "Environmental Management on Horse Properties" is now published and available from the Rural Industries Research and Development Corporation;
- risk management planning for drought and climate change;
- a River Murray water quality model is being scoped between EPA, SA Water, SA Murray Darling Basin NRM Board and DWLBC;
- environmental values are being established as part of NRM plans.

### *Communities protected from unacceptable noise:*

- a training course will commence on 16 May for police who are working out of the Adelaide City Local Service Area Station;
- Local Government Support staff and an officer from the Whyalla City Council have been trained on interpretation, understanding, investigation and measurement of noise, the use of noise meters and the application of current and proposed noise policies.

### *Sustainable Land Use:*

- Major Projects which have recently been considered include: Olympic Dam Expansion EIS (draft chapters); Bradken Foundry Expansion; Ceduna Keys Marina (originally approved in 2005) - reserved matters discussion regarding noise management; and early engagement regarding the Wakefield Waters Residential Canal Development;
- the second reading speech for the Site Contamination Bill occurred on 1 May 2007.

A key initiative for the Division is:

- The review of Development Application Referral Schedules (RoDARS):
  - internal EPA scoring of environmental risk and Development Application (DA) complexity for all remaining Schedule 21 DA referral categories plus Regulation 29 referrals has occurred;
  - DA referral categories are being ranked from highest risk/complexity to lowest risk/complexity in consultation with EPA staff;
  - an LGA Circular has been prepared by the EPA, to provide information about the November 2006 amendments to Schedule 21 and announcing the availability of the EPA's Environmental Assessment Guides for Planners documents and calling for comments by 30 June 2007.

Other issues/risks for the Division are:

- Wellington Weir - the EPA is represented on the Water Security Technical Working Group and the Water Quality Branch is preparing a paper on the risks to water quality of the project;
- ethanol blended fuels - SA Farmers Fuel has been granted an exemption from the fuel policy to allow ethanol blending into petrol and as a result the EPO has been withdrawn. United Petroleum and Liberty were granted exemptions prior to 31 March;
- the EPA has opposed the Whyalla Foreshore PAR due to potential air quality concerns and the lack of proper air quality investigations.

#### Penola Pulp Mill

The Environment Assessment Branch of the Science and Sustainability Division has sent a set of performance criteria to PIRSA for inclusion in any legislation that may be enacted to provide a project specific approval process.

Following verbal advice from the Chair regarding the Penola Pulp Mill, the Board resolved to:

- (i) *note the verbal report from the Chair regarding the Penola Pulp Mill;*
- (ii) *note that the Government plans to develop legislation to approve the Mill and limit the powers of the Environment Protection Act;*
- (iii) *request that the Chair conveys the Board's concern to the Minister and that it is opposed to the development of this legislation, particularly in view of the ongoing problems experienced with OneSteel's Indenture and air emissions in Whyalla.*

Carried

**Action: Dr Vogel**

#### Development Assessment (DA) Performance

A statistical report on DA performance, and graphs on DA performance trends, average assessment days and performance against an 80% target were tabled for information.

### 5(iii) Regulation and Compliance Division Report

Mr Harvey provided a written report on the Division's performance indicators and strategic plan priorities:

*Licence Reform: develop a licence fee structure that includes a load based licensing component:*

- a briefing has been provided to the Minister; and
- the current focus is on planning the implementation of the new fee structure.

Issues relating to organisational improvement and other key initiatives:

- the project to redevelop the procedures and systems for the assessment and granting of an accredited licence has been completed;
- the project to review the EPA's 'Section 7' process is progressing;
- the aim of the licensing system review is to identify and implement changes to the system that minimises administrative and compliance costs to the EPA and licensees;
- the review of Compliance and Enforcement Guidelines will be routinely reviewed by mid-year. In accordance with the 17 April 2007 Board resolution, the Guidelines will be reviewed with regard to the waste industry.

Other issues/risks for the Division are:

- GENI implementation and backlog in forwarding section 7 responses;
- Adelaide City Council:
  - compliance with Court Orders pursuant to section 104 of the Act is ongoing and progressing well;
  - conference held on 10 May 2007;

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Mr Fletcher left the meeting at 2.42 pm.

### 5(iv) Policy, Planning and Communications Division Report

Mr Circelli provided a written report on the Division's performance indicators and strategic plan priorities:

- Site Contamination Bill;

- Environment Protection (Waste to Resources) Policy;
- Environment Protection (Noise) Policy;
- Bird Scaring Devices;
- Container Deposit legislation.

Issues relating to organisational improvement:

- EPA risk management;
- Organisational Improvement Project;
- Targetted Communications Plan;
- EPA Power Point presentation;
- Local Government Communication Strategy Review;
- EPA Web Site Redevelopment Project.

Other issues/initiatives/risks for the Division are:

- miscellaneous amendments to the *Environment Protection Act 1993*;
- WaterCare;
- draft Plastic Bags legislation.

The Board requested that copy of the Drafting Instructions and briefing note to the Minister, be placed on their memory sticks.

Action: Ms C Kelly

A media report was tabled for information.

**5(iv)(i) Audible Bird Scaring Devices Environmental Noise Guidelines 2007 (a guideline under the *Environment Protection (Noise) Policy 2007*)**

Following discussion the Board resolved to:

- (i) *endorse the Audible Bird Scaring Devices Environmental Noise Guidelines 2007, a guideline under the Environment Protection (Noise) Policy 2007;*
- (ii) *note that key stakeholders in the development of the Guidelines will be informed that the Guidelines are now in place. This will be undertaken in conjunction with broader communication on the Policy once gazetted;*
- (iii) *note that the draft Policy and the Report to the Minister will be forwarded to the Minister for approval and subsequent referral to the Governor for authorisation in accordance with the requirements of section 28 of the Environment Protection Act 1993.*

Carried

Action: Mr W Van Deur

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

**5(iv)(ii) EPA Matters Before the Court**

The Board resolved to:

*note the report.*

Carried

**6. CORRESPONDENCE**

None.

**7. MATTERS PREVIOUSLY DEALT WITH OUT OF SESSION**

None.

**8. OTHER BUSINESS**

**8(i) Establishment of a Board Waste Management Subcommittee**

Following discussion the Board resolved to:

- (i) establish a Waste Management Subcommittee, under Section 17 of the Environment Protection Act 1993;*
- (ii) note that the Subcommittee will comprise: Mr Panigas, Ms Dyson and Mr Holmes with support from EPA senior staff;*
- (iii) request that the Subcommittee report to the Board within three months, on a model for control of the environmental impacts of waste in the context of increasing recycling;*
- (iv) request that the Subcommittee develop Terms of Reference for the Board's endorsement, and in so doing, that the Subcommittee consider the need for public submissions, both to inform the Subcommittee's deliberations and as a component of implementing any of its recommendations.*

Carried

**Action: Mr T Circelli**

**9. CLOSE**

The Chair closed the meeting at 3.05 pm.

10. **DATE OF THE NEXT MEETING**

The next Board meeting will be held on Tuesday, 19 June 2007 at 3.00 pm, in the EPA Boardroom, 7/77 Grenfell Street, Adelaide.

A visit to the Wingfield Precinct will take place on the same day, with an 8.30 am departure.

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Dr Paul Vogel  
CHAIR

/ /2007

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Ms Corinne Kelly  
SECRETARY TO THE BOARD