

**BOARD OF THE  
ENVIRONMENT PROTECTION AUTHORITY**

**TO: THE CHAIR AND MEMBERS**

Minutes of Meeting No 189  
24 September 2007 - 5.00 pm  
Boardroom, 7/77 Grenfell Street, Adelaide

**1.1 MEETING OPENED**

The meeting was opened at 5.00 pm by the Deputy Chair.

**1.2 PRESENT**

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)

Mr T Circelli (Acting Chief Executive)  
Ms S Churchman (Director, Policy Planning and Communications Division)  
Mr Anton Lugna (Chief Adviser, Board Governance)  
Ms Corinne Kelly (Secretary to the Board)

**Telephone-link:**

Ms Katherine Wells (Member)

**1.3 APOLOGIES**

Dr Paul Vogel (Chair)

**1.4 DECLARATIONS OF INTEREST**

Mr Panigas declared a conflict of interest in agenda item 5(i)(i), Adelaide Resource Recovery, Wingfield, due to changes in his employer's financial interests.

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

Following discussion the Board resolved that:

*the Minutes of the meeting held on 21 August 2007, subject to the following amendments, be taken as read and confirmed:*

- *page 1 change the wording to "Mr Panigas conveyed apologies for his late arrival" under the "Apologies" heading;*
- *page 3, agenda item 4(ii), following the words "appointed to the Zero Waste SA Board", add "as the representative of the EPA Board".*

Carried

Minutes to be signed by Dr Vogel.

Copies of the Minutes of Meeting No 188 to be sent to the Minister for Environment and Conservation.

**Action: Ms C Kelly**

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

Mr Hains provided a verbal update on the actions arising from the previous minutes.

### **3.2 ACTIONS ARISING FROM THE BOARD'S PLANNING DAY**

The Board discussed the actions arising from the Board's Planning Day and requested:

- (i) that item 1.6 is marked as 'complete';
- (ii) a status report for item 2.1, "investigate opportunities to develop a 'one-stop shop' in relation to economic development/ environmental management";

**Action: Mr P Dolan**

- (iii) that item 2.4 (regulate by using a risk based approach) be marked as 'complete';
- (iv) that item 4.1 is re-worded to state that the Board receives quarterly reports on Climate Change and Greenhouse Initiatives and a paper has been requested for its October 07 meeting that provides information on EPA carbon emission levels, what the significant sources are and how these can be addressed with a view to reducing the overall carbon footprint of the EPA.

**Action: Ms S Churchman/  
Mr P Dolan**

### **3.3 BOARD'S CONSULTATION PROGRAM**

Following discussion the Board agreed that the November Board meeting be held in Adelaide with a one day consultation in Mt Gambier.

## **4. STRATEGIC ITEMS**

### **4(i) Deputy Chair's Report**

No report.

### **4(ii) Members' Reports**

Mr Holmes conveyed his apologies for the October and November Board meetings as he will be on leave.

#### 4(iii) Progress Report of the Board's Waste to Resources Subcommittee

Following discussion the Board resolved to:

- (i) note the progress that has been achieved by the Subcommittee;*
- (ii) note that a final report will be presented to the Board at its October meeting;*
- (iii) request that Mr Hains, Ms Wells, Mr Fletcher and Ms Sneddon provide their comments on the draft report to Mr Holmes by the end of this week.*

Carried

#### 4(iv) Climate Change and Greenhouse Initiatives quarterly report

Following discussion the Board resolved to:

- (i) note the National Greenhouse and Energy Reporting Bill and the State Government's concerns in relation to it;*
- (ii) note the measures taken by the EPA to date to reduce its greenhouse emissions and those which are planned for the future;*
- (iii) seek a detailed strategy for making the operations of the EPA and the Board carbon neutral. The report to provide information on EPA carbon emission levels, what the significant sources are and how these can be addressed with a view to reducing the overall carbon footprint of the EPA.*

Carried

Action: Ms S Churchman

### 5. OPERATIONAL ITEMS

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

The Board resolved to note the following report, tabled by Mr Circelli:

The Division's strategic organisational priorities are:

- Licence Fee Structure (which includes a 'load based' licensing component) - a meeting between EPA and LGA will be held to outline the progress with implementing the new fee structure and to ascertain the views on the preferred method for engaging affected councils individually;
- licensing system review - the project aims to analyse opportunities to reform the EPA's licensing system;
- EPA Service Charter - draft has been finalised and Executive will release an internal statement for a six month trial and review;
- EPA Board Waste to Resources Subcommittee (agenda item 4(iii)).

Other issues, initiatives and risks for the Division include:

- OneSteel, Whyalla - agreement has been reached with the community in relation to provision of independent assessment and clean up of red dust in affected areas. Project Magnet is on track and will be commissioned in the next four weeks;
  - restricted use of water for dust suppression for industrial activities - EPA is working with SA Water to establish a communication strategy in light of impending level 5 water restrictions;
  - Adelaide Resource Recovery (agenda item 5(i)(i));
  - Resourceco:
    - Reco main site (stockpile height): work continues by Reco to relocate operations to a less environmentally sensitive location;
- 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](http://www.epa.sa.gov.au/boardminutes)
- Landfill Guideline - an implementation plan has been drafted. The EPA has completed the road show on Landfill Guideline implementation in all local government regions of SA. A guidance document for developing management plans for closed landfills was completed in August and tabled with the Board's Local Government Subcommittee for information;
  - SA Brewing Company - first negotiated civil penalty;
  - Lake Bonney Dioxin Sampling, Limestone Coast - this issue relates to ongoing community concerns over levels of dioxin in Lake Bonney. Sample results will be forwarded to the Department of Health by the District Council of Grant and the Lake Bonney Community Coast Care Group for interpretation.

Mr Panigas left the meeting at 5.34 pm.

#### 5(i)(i) Adelaide Resource Recovery, Wingfield

Following discussion the Board resolved to:

- (i) *note the considerable progress that has been made in:*
  - (a) *the development of the Adelaide Resource Recovery (ARR) operation and resource recovery activities on the closed Adelaide City Council (ACC) Wingfield landfill site;*
  - (b) *building a more cooperative relationship with ACC and ARR; and*
- (ii) *note that delays have occurred in implementing some aspects of the agreed outcome which may cause some (minor) delays 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](http://www.epa.sa.gov.au/boardminutes);*

- (iii) *request a report for the next meeting on the implications of the policy (particularly stockpile heights), currently being developed by the Board's Waste to Resources Subcommittee, in relation to this matter.*

Carried

Action: Mr T Circelli

Mr Panigas re-entered the meeting at 5.53 pm.

#### 5(i)(ii) Cost Recovery Provisions - EPA Policy

Following discussion the Board resolved to:

- (i) *defer consideration of this matter;*
- (ii) *request a report for the next meeting that provides further recommendations following reconsideration of s135<sup>1</sup> of the Environment Protection Act 1993.*

Action: Mr P Gorey

Carried

Mr Panigas left the meeting at 6.05 pm.

#### 5(ii) Corporate and Business Support (CABS) Division Report

The Board resolved to note the following report, prepared by Mr O'Daly:

The Division's strategic organisational priorities are:

*Better environmental regulation:*

- implementation of the new Licence Fee Structure System in IIS - Stage 1 has been completed and the procurement process for Stage 2 is in progress;
- implementation of the new Site Contamination Module in GENI - procurement process and hiring of a project manager has been completed and procurement for a Business Analyst is progressing;
- implementation of GIS priority actions - the GIS Strategy document and the GIS Strategy project have been completed.

*Recruiting and retaining good people:*

- develop strategic HR plan - staff have been asked to identify their challenges, issues, problems or opportunities and then prioritise - this information will be further analysed;

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<sup>1</sup> S135 – Recovery of administrative and technical costs associated with contraventions

- scoping study of workforce planning and knowledge management - external agency information is currently being analysed. Four focus groups have been scheduled for late September 2007.

*EPA business support:*

- transition to new accommodation - EPA has indicated to DTEI its preferred option and DTEI is working with leasing agents;
- transition to shared services - Cabinet submission has been delayed to October. A pre-transition discovery process commences in October for 2 to 3 weeks.

Other issues and risks for the Division include:

*Human Resources and Development:*

- review of volunteer and work experience process is complete. Hub information to be reviewed and updated;
- inability to recruit a suitably qualified OHS&W Coordinator.

*Finance and Administration:*

- energy management - the EPA annual report indicates that its energy use for 2006-07 was 1527 GJ, well below the target of 1720 GJ. The State Strategic Plan target for EPA by 2014 is 1447 GJ. The EPA has also performed well with fleet and recycling targets.

### 5(iii) Science and Sustainability Division Report

The Board resolved to note the Division's report, prepared by Mr Dolan:

The Division's strategic organisational priorities are:

- partnerships - Business SA and Department of Trade and Economic Development. Unspent funds from EPA funding of the initiative in 2006/07 will subsidise the two Environmental Improvers courses being run by Business SA. DTED has agreed to support the courses if the demand exceeds the EPA budget.

Corporate Operational Programs and Projects:

*Clean and Healthy Air:*

- draft separation distance guidelines: circulated to councils, planners, consultants and other stakeholders. Aiming to complete Guidelines by November 2007.

*Water quality that meets agreed environmental values:*

- water related Codes of Practice:
  - Stormwater Discharge to Aquifers - a working draft will be presented to the Steering Committee by the end of September;
  - Vessel and Facility Management: Marine and Inland Waters - document completed. Currently working on the linkage to the Water Quality EPP and on incorporating discharge limits;
  - Materials Handling on Wharves - publication completed;

- Industrial, Retail and Commercial Premises - first draft text completed;
- update and enhancement of Watershed E2 Model - final report and model delivery by the end of September;
- complete review of Environment Protection (Water Quality) Policy - Executive has approved the strategic approach of the proposed changes;
- environmental values - Adelaide Mount Lofty Ranges NRM Board region - Steering Committee consisting of all stakeholders, including government (EPA, NRM Board, SA Water), industry and community will be established. Public consultation is the main platform for derivation of environmental values and Water Quality Objectives. This will occur during 2008.

*Communities protected from unacceptable noise:*

- Wind Farm Guidelines - EPA has written to relevant companies to confirm the intention to bring the Guidelines into line with the new Noise EPP. There has been a positive response from industry;
- A Principal Noise Adviser and a Noise Protection Officer have been appointed.

*Sustainable Use of Resources:*

- Site Contamination legislation - debate in Parliament;
- review of Development Application Referral Schedules - Steering Committee has discussed a list of 20 activities proposed for removal from the Schedules (this is an approximate 25% reduction in overall referrals to the EPA);
- Kangaroo Island Greening Supply chain project - 37 companies involved. The Minister met with project participants when Community Cabinet held its meeting on Kangaroo Island on 18 September.

Other issues and risks for the Division include:

- Mobil - slow progress of remediation works at the Port Stanvac Refinery.

**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(iv) Policy, Planning and Communications Division Report**

The Board resolved to note the following report, tabled by Ms Churchman:

The Division's strategic organisational priorities are:

*Improved Environmental Legislation:*

- Site Contamination Bill - Bill still in Parliament;
- Container Deposit and minor amendments Bill - the need to draft a wine beverage related definition amendment will add a 2 week delay;
- review of General and Fees and Levy Regulations:
  - paper on issues for the Fees and Levy Regulations is being prepared for Executive;
  - Draft Cabinet submission on Drafting Instructions for urgent changes to Schedule 1 of the *Environment Protection Act 1993* to include all abattoirs circulated to agencies for comment by 10 August.

*Informed businesses behaving sustainably:*

- Round-table 2007 - the record of proceedings will be published while a whole of government response is being developed.

*Furthering a service-oriented culture:*

- Customer Service Strategy - progress report on the development of a customer service strategy to go to the October Board meeting.

*Improving EPA's Performance Management:*

- KPI Project: - process and timelines to finalise Air and Water KPIs have been agreed. KPIs for Noise and Waste to Resources are being developed.
- State of the Environment Report 2008 - first drafts are due by the end of September, Communications and Education Plan is being developed and the Report design has commenced.

Programs and Projects:

- Noise EPP - consultation is complete and the Communication Plan is undergoing revision;
- revision of Water Quality EPP - preparing Drafting Instructions and organising consultation with key stakeholders;
- plastic bags - EPHC working party has agreed on a compulsory charge for bags to be retained by the retailer, rather than a ban. A consultancy on the impact of a range of charges in achieving a 90% reduction is being arranged;
- Waste to Resources EPP - no draft EPP has been received from Parliamentary Counsel as at 10 September. The project is behind schedule.

Other issues, initiatives and risks for the Division include:

- the Web Project - preparing a brief for the web developer and working with the Department of Environment and Heritage and Corporate and Business Support Division (EPA) to finalise content management system procurement;
- publications - Executive papers on publication process improvements and corporate image (design) review have been submitted.

A media report was tabled for information.

**5(iv)(i) Corporate Operational Plan**

The Board resolved to:

*note the EPA Corporate Operational Plan and that Executive reports will now be presented using the structure of that document.*

Carried

**6. OUT OF SESSION MATTERS**

**6(i) EPA Annual Report 2006-07**

The Board formally resolved to:

- (i) endorse the content of the draft EPA Annual Report 2006-2007;*
- (ii) approve for the Chief Executive to sign off the final EPA Annual Report 2006-2007;*
- (iii) note that the report will be finalised and provided to the Minister by 30 September 2007 for tabling in Parliament within 12 Parliamentary sitting days (22 November 2007); and*
- (iv) note that a public version of the document will subsequently be prepared to include the Annual Report of the Radiation Protection and Control Act 1982 and published on the EPA website.*

Carried

**6(ii) Matters Reserved for the Board/Code of Conduct**

The Board formally resolved to:

- (i) endorse the attached Matters Reserved for the Board list (Attachment 1);*
- (ii) endorse the attached EPA Board Members Code of Conduct (Attachment 2).*

Carried

**7. OTHER BUSINESS**

Mr Holmes tabled a briefing from Mr Vaughan Levitzke, CEO Zero Waste SA, responding to issues raised by the Board at a previous meeting (see action item 8).

8. CORRESPONDENCE

None.

CLOSE

The Deputy Chair closed the meeting at 6.13 pm.

9. DATE OF THE NEXT MEETING

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

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Mr Stephen Hains  
DEPUTY CHAIR  
/ /2007

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Ms Corinne Kelly  
SECRETARY TO THE BOARD