

**BOARD OF THE  
ENVIRONMENT PROTECTION AUTHORITY**

**TO: THE CHAIR AND MEMBERS**

Minutes of Meeting No 190  
19 October 2007 - 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)  
Ms Linda Bowes (Member)  
Ms Megan Dyson (Member)  
Mr Andrew Fletcher (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 Allan Holmes (Member)  
Ms Wells and Ms Bowes conveyed apologies for their late arrival.

**Welcome**

Dr Vogel welcomed Ms Bowes back to the Board, having been a previous Board member from April 2003 to August 2005.

**1.4 DECLARATIONS OF INTEREST**

Mr Panigas and Ms Wells advised that, due to their employment, they had a conflict of interest should any discussions take place regarding Resourceco.

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

Following discussion the Board resolved that:

*the Minutes of the meeting held on 24 September 2007 be taken as read and confirmed.*

Carried

Minutes to be signed by Mr Hains.

Copies of the Minutes of Meeting No 189 to be sent to the Minister for Environment and Conservation.

3. ACTIONS ARISING FROM PREVIOUS MINUTES AND FORWARD AGENDA

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

Mr T Circelli, Director Regulation and Compliance Division entered the meeting at 3.15 pm.

4. STRATEGIC ITEMS

4(i) Report of the Board's Waste to Resources Subcommittee

Following discussion the Board resolved to:

- (i) *note the work of the Waste to Resources Subcommittee and its report (Attachment A);*
- (ii) *approve the recommended response and implementation plan as outlined in the report, namely:*
  - (a) *the comprehensive, functional framework (section 3.1);*
  - (b) *the approach for applying the framework (section 3.2, including the Regulatory Principles in Attachment 2); and*
  - (c) *the implementation plan, including programs for legislative changes and administrative actions (section 3.3-3.4, Attachment 3);*
- (iii) *require quarterly progress reports from the agency on the implementation of the framework until the completion of all elements in March 2009;*
- (iv) *request that the February 2008 quarterly report on the implementation plan include a progress report on the Wingfield region waste industry audit;*
- (v) *note that the Subcommittee has agreed that any advice to Government on potential changes to the application of the waste levy (Terms of Reference (ToR) 3.4) and the preparation of regional waste plans (ToR 3.5) are issues to be considered within Zero Waste SA's work program, working in conjunction with the Authority, in the context of the comprehensive, functional framework (see (ii)(a) above);*
- (vi) *note that the necessary resources have been allocated to this project through a mid-year budget review process;*
- (vii) *refer this report to Zero Waste SA for consideration;*
- (viii) *note that the work of the Subcommittee is complete;*
- (ix) *note that the Report will be a public document and there will be targeted consultation with the waste industry.*

Carried

Action: Mr T Circelli

Mr Panigas and Ms Wells left the meeting at 3.24 pm.

4(v) Members' Reports

(i) Request by Resourceco to present to the EPA Board

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Carried

Action: Dr P Vogel/Mr T Circelli

Mr Panigas and Ms Wells re-entered the meeting at 3.41 pm.

5. OPERATIONAL ITEMS

5(iv) Regulation and Compliance Division Report

Mr Circelli reported on the Division's Strategic and Corporate Operational Plan priorities:

- Licence Fee Structure (which includes a 'load based' licensing component):
  - EPA and LGA have agreed on a joint approach to engage individual councils expected to have a fee increase as a result of the new fee structure;
  - EPA is awaiting advice from Ministers for Environment and Local Government on the communication strategy and timing for Government's release of the information;
  - a preliminary draft of the Regulations has been provided by Parliamentary Counsel.
- licensing system review:
  - the project aims to analyse opportunities to reform the EPA's licensing system;
  - the project is on schedule with all current licensing processes (20) having been mapped through (20) workshops;
  - the project is now considering the performance assessment of the current processes and will then follow with identifying where the greatest opportunities for improvement exist.
- EPA Board Waste to Resources Subcommittee (agenda item 4(i)).

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.
- based on this, and with Project Magnet in its final stages of completion, the EPA has accepted an invitation to rejoin the Environment Consultation Group (which has representatives from OneSteel, Red Dust Action Group and local government);
- Nyrstar, Port Pirie (formerly Zinifex)
  - a company name change, to Nyrstar, occurred in September;
  - a major *tenby10* infrastructure project (blast furnace emissions capture) is now operational;
  - Department of Health has recently released the latest blood level results which show an improvement. However, this may be due to recent changes in the sampling method. Trends will be needed before a definitive view is formed.
- New Castalloy
  - a western suburbs foundry, which was the EPA's highest single source of noise and odour complaints for a number of years, is no longer causing significant community concern and media interest;
  - Castalloy has now been awarded environmental accreditation (ISO 14001);
  - recent monitoring of boundary noise levels and emissions from stacks have all confirmed significant environmental improvement;
  - complaints have dropped from approximately 220 in 04/05 to 30 in 06/07.
- Fire at Murray Bridge Council's Brinkley landfill
  - EPA emergency response was called to attend a fire at the landfill on 23 September - CFS was also present. Given the advanced nature of the fire, it will continue to burn internally for some time. The fire has now been brought into control;
  - Council has been very appreciative of EPA's efforts to provide support and technical advice on managing the fire;
  - Council had difficulty in obtaining health advice from the relevant parties (CFS/DoH) to understand and respond to any off-site health risks from the smoke;
  - EPA is meeting with DoH to discuss better/integrated emergency response advice in such situations.
- Adelaide Resource Recovery
  - planning consent has been granted and final development approval for the under cover (mixed) waste storage and processing facility is expected to be granted shortly. An EPA licence can then be issued. This investment will see the end of mixed waste being stored in open areas on the site;

- EPA's outstanding issues on a milestone report, received in late September, regarding landfill capping performance are being further considered by ARR's consultants.
- Resourceco 'batters' - main Wingfield site  
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- SA Brewing Company (SAB) - first negotiated civil penalty
  - this relates to 100-200 litres of beer being discharged into the Torrens River on 16 December 2006;
  - SAB has agreed that the EPA's penalty assessment is fair and reasonable. The parties will now finalise the agreement;
  - EPA will also recover technical costs associated with the testing of water samples.

5(iv)(i) Update on the installation of the Off Gas Treatment Plant at the Veolia (formerly Collex) Medical Waste Incinerator

Following discussion the Board resolved to:

- (i) *note the further delays in the installation of the off gas treatment plant;*
- (ii) *note that Veolia's completion date for the final installation and commissioning of the off gas treatment plant is expected to be October 2008;*
- (iii) *note that a 'show cause' letter has recently been sent to Veolia seeking an explanation for the continuing delays in the completion of this project, and why the EPA should consider a further extension;*
- (iv) *seek further progress reports on resolving this matter.*

Carried

Action: Mr B Roderick

## Default 5 year licences - Board decision, July 2005

The Chair advised that the Board resolved, at its July 2005 meeting, to approve a policy to issue minimum five year licences as a default position and allow up to ten year licences on application by licensees.

Following discussion the Board resolved to:

*request a revised set of recommendations that enables the Board to issue minimum five year licences as a default position, however have the option of issuing a one year licence when there are compliance risks or exceptional circumstances.*

Carried

Action: Mr T Circelli

## 5(iv)(ii) Policy consideration for stockpile management

Following discussion the Board resolved to:

- (i) *note that the EPA has endeavoured to maintain a consistent approach in setting requirements to manage stockpile heights;*
- (ii) *note that a formal policy in relation to stockpile management will be developed that is consistent with the implementation plan recommended by the Board's Waste to Resources Subcommittee and agreed by the Board.*

Action: Mr T Circelli

Carried

## 55(iv)(iii) Cost Recovery Provisions

Following discussion the Board resolved to:

- (i) *note the progress with the development of a proposed policy position on application of the cost recovery provisions (under section 135 of the Act);*
- (ii) *note the interim arrangements for cost recovery for the EPA, pending prescribing of fees for cost recovery and the finalisation of the policy position;*
- (iii) *request that attachment 1 (flow diagram) be amended to better indicate that a contravention has to be established before action ensues;*

Action: Mr T Circelli

- (iv) *support the making of a regulation to prescribe the fees for investigating a contravention of the Act and the issuing of an order;*

- (v) *note that the agency will, in drafting the regulations, ensure that the EPA and administering agencies can effectively recover consultancy costs for investigations (regardless of whether testing occurs);*
- (vi) *request that the agency discuss with Parliamentary Counsel the need to review S135 of the Act so that the Act better serves the EPA's policy position;*
- (vii) *note that the agency will, in drafting the regulations, investigate the need to expand the appeal provisions of the Act.*

Carried

Action: Ms S Churchman

Mr Circelli left the meeting at 4.12 pm.

#### 4. STRATEGIC ITEMS (continued)

##### 4(ii) 2008 Board Consultation Program

Following discussion the Board resolved to:

- (i) *request that the suggested program be more closely linked to the Board's strategic priorities and that the purpose of the program is clear and articulated;*
- (ii) *request that the Board meet with the waste industry on 19 February 2008 and hold another meeting when the Waste to Resources EPP is released for consultation;*
- (iii) *request a larger forum for the 19 August 2008 consultation and invite industry representatives as well as Business SA (ensuring that this forum aligns with the Department of Trade and Economic Development's (DTED) plans for a one stop shop);*
- (iv) *invite Mr Tim O'Loughlin and a DTED representative to provide an update on the National Greenhouse and Energy Reporting Bill and a Department of Treasury and Finance representative to present on national carbon trading and reporting;*
- (v) *ask DTED for a copy of its inventory of SA businesses.*

Carried

Action: Mr A Lugna

##### 4(iii) Delegations - *Environment Protection Act 1993*

Following discussion the Board resolved that:

*in accordance with section 115 of the Environment Protection Act 1993 (the Act), to delegate its powers and functions pursuant to the Act to officers of the EPA as provided in the instrument tabled at this meeting of the Board.*

Carried

#### 4(iv) Chair's Report

As this was his final meeting, Dr Vogel reflected on the past 5 years as Chair of the EPA Board.

Mr Hains said he wished to record the Board's appreciation to Dr Vogel, both in his role as Chair and as CE of the EPA and offered best wishes for the future.

Dr Vogel tabled a copy of the Executive Summary of the Western Australian Corruption and Crime Commission: a report on the investigation of alleged public sector misconduct linked to the Smiths Beach development at Yallingup.

#### 4(v) Members' Reports (continued)

##### (ii) Whyalla Health Report

Ms Wells asked whether the Department of Health has released the Whyalla Health Report.

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Carried

**Action: Dr P Vogel**

(iii) Ms Sneddon advised that the Adelaide Mount Lofty Region NRM Plan requires sign off by CE's and asked who would do this in Dr Vogel's absence.

Ms Sneddon will organise a briefing with EPA's Senior Management Team.

(iv) Mr Hains spoke about the release of the City of Salisbury's Sustainability Statement, 'Salisbury Sustaining Our Environment: an Environmental and Climate Change Strategy'.

Mr J O'Daly, Director Corporate and Business Support Division entered the meeting at 4.50 pm.

#### 5. OPERATIONAL ITEMS (continued)

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

Mr O'Daly reported on the Division's Strategic and Corporate Operational Plan priorities:

*Better environmental regulation*

- implementation of the new Licence Fee Structure System in IIS - request for quotes document has been completed and the evaluation team has been set up and an evaluation matrix developed;
- implementation of the new Site Contamination Module in GENI - draft project plan for the User Requirements Stage (Stage 5A) of GENI has been completed and the Project Manager has met with the Site Contamination Team on a number of occasions to discuss the new process and functionality;
- implementation of GIS priority actions - users have been asked to provide feedback on which recommendations of the strategy should be considered for this financial year.

#### *Recruiting and retaining good people*

- develop Strategic HR Plan - following staff consultation, top priorities have been listed in a draft HR Strategic Plan aligned closely to the EPA Strategic Plan. Further consultation is planned;
- scoping study of workforce planning - ten draft recommendations for workforce planning and information are being considered by the project team;
- scoping study of knowledge management - research has identified potential knowledge management enablers/tools/techniques. These are being considered by the project team;
- develop data repository and reporting interface for skills inventory - discussions with EPA IT Branch to determine the best approach.

#### *Improving EPA's Performance Management*

- develop full costing and revenue tracking model for licensing and authorisation process - project planning and search for resources has commenced. A selective tender of companies with experience in modelling is proposed.

#### *EPA Business Support*

- transition to new accommodation - draft Cabinet submission seeking approval to enter into a lease at the new SA Water building and to obtain fit out funding has been prepared and is currently out for consultation. A submission to the Public Works Standing Committee will be developed because greater than \$4m capital is required;
- transition to shared services - a Cabinet submission has been prepared to determine and scope services and transition plans.

Other key initiatives, issues and risks for the Division include:

#### *Future Information Communications Technology (ICT) Budget Adjustments*

- Treasury has reduced the EPA's budget as a result of new ICT initiatives. These cuts are supposed to be matched by offset savings.

### *Financial Statements*

- Financial statements have been signed by the Auditor-General. This was the first year since separation from DEH that no management issues were identified by the auditors.

### *Revenue Shortfall*

SA Water licence revenue will be lower than budget by \$219,000 due to strong water conservation messages getting through to the community and hence less wastewater is being discharged to sewer. Also wastewater reuse by irrigation has risen 2-3 times over the previous year therefore there is less flow to the marine environment; and the drier weather is reducing the amount of groundwater that finds its way into the sewer pipe system via cracks and joins in the network.

Ms S Churchman, Director Policy Planning and Communications Division and Mr P Dolan, Director Science and Sustainability Division entered the meeting at 4.53 pm.

### 5(i)(i) Carbon Reduction for the EPA

Following discussion the Board resolved to:

- (i) note the current EPA carbon emission levels and reductions achieved to date;*
- (ii) note that the most significant source of carbon emission relates to building operations;*
- (iii) endorse the decision to delay any expenditure on further measures to reduce electricity consumption until after the move to a new building;*
- (iv) endorse the proposed Carbon Reduction Initiatives Action Plan for the EPA (attached);*
- (v) request that appropriate publicity is given to the EPA's carbon reduction achievements to date;*
- (vi) note that the EPA is developing a carbon reduction strategy and request an update report in August 2008 when many of the timeframes presented in the paper will be complete.*

Carried

Action: Mr J O'Daly/Mr P Dolan/  
Ms S Churchman

Mr O'Daly and Ms Churchman left the meeting at 5.05 pm.

## 5(ii) Science and Sustainability Division Report

Mr Dolan reported on the Division's Strategic and Corporate Operational Plan priorities:

- partnerships - Business SA and Department of Trade and Economic Development. Business SA has successfully run the first of three Environmental Improvers courses for the year in September with a further course scheduled in November 2007;
- Air and Noise KPIs - logic hierarchies have been completed for air and noise strategic plan goals. A selection of higher level KPIs for reporting to Executive is under way.

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:*

- Adelaide Coastal Waters Study
  - the final report has been received and the Steering Committee has accepted that CSIRO has met its obligations with respect to the Study;
  - the development of the subsequent Water Quality Improvement Program (jointly funded with the Commonwealth) is under way.
- National Water Quality Management System (NWQMS) and Environmental Values (EVs) for the Adelaide Mount Lofty Ranges Natural Resource Management (AMLRNRM) region
  - EPA Executive has supported the implementation of the NWQMS in the Watershed and its whole of government approach;
  - correspondence is being prepared to the AMLR NRM Board and SA Water seeking endorsement and support for the NWQMS in the Watershed and its whole of government approach.

*Sustainable Use of Resources:*

- review of development application referral schedules (RoDARS) - following endorsement by EPA Executive of 20 activities proposed for removal from the Schedules, a special meeting with council planners was held to consider the draft recommendations of the RoDARS project and ways in which the EPA can support council planners.

### 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(ii)(i) Review of Development Application Referral Schedules

Following discussion the Board resolved to:

- (i) *endorse the list of activities to be removed from the referral schedules and the rewording of certain activity descriptions as contained in Attachment 1;*
- (ii) *request that the preparation of 'Environmental Assessment Guides for Planners' for certain activities that will be removed from the referral schedules, on a priority basis, be prepared prior to removal from the schedule;*
- (iii) *endorse preparation of correspondence from the Chief Executive of the EPA to the Executive Director of Planning SA requesting preparation of a Cabinet submission that seeks to amend the Development Regulations 1993 in line with the EPA's recommendations;*
- (iv) *suggest that the use of consultants in the EPA's assessment area be considered.*

Carried

Action: Mr P Hazell

Mr Dolan left the meeting at 5.20 pm.

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

Ms Churchman reported on the Division's Strategic and Corporate Operational Plan priorities:

*Improved Environmental Legislation:*

- Site Contamination Bill - Bill has completed Committee in the Upper House and went through the Lower House on 17 October;
- Container Deposit and minor amendments Bill - Cabinet submission to introduce the revised draft Bill is with the Minister's Office and the draft Business Impact Statement for the refund issue is near finalisation. An additional minor amendment is being considered concerning dealing with the appointment of an Acting CE by the Minister rather than the Governor.
- review of General and Fees and Levy Regulations:
  - paper on contentious issues for the Fees and Levy Regulations is being progressed;
  - drafting or urgent changes to Schedule 1 of the *Environment Protection Act* 1993 to include all abattoirs was completed by Parliamentary Counsel on 27 September. Other Schedule 1 amendments are now part of a new project.

*Informed businesses behaving sustainably:*

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

*Furthering a service-oriented culture:*

- EPA Service Strategy - a cross agency group has been convened to develop the EPA service strategy, incorporating a Customer Service Charter. Research is under way into models for internal review processes for EPA decisions.

*Improving EPA's Performance Management:*

- KPI Project: - 'Air' and 'Water' logic diagrams and KPIs have been agreed at Branch level and will now go to Executive. KPIs for 'Noise' and 'Waste to Resource' are still being developed;
- State of the Environment Report 2008 - most draft chapters have been received. Communication and Education Plans are being developed;
- EPA Annual Report has been forwarded to the Minister within the statutory timeframe. Work on investigating the adoption of the GRI framework will now begin.

Programs and Projects:

- Noise EPP [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 \[www.epa.sa.gov.au/boardminutes\]\(http://www.epa.sa.gov.au/boardminutes\);](#)
- Bird Scaring Guidelines are ready to be published;
- revision of Water Quality EPP - preparation of Drafting Instructions will follow 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. [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 \[www.epa.sa.gov.au/boardminutes\]\(http://www.epa.sa.gov.au/boardminutes\);](#)
- Waste to Resources EPP - drafting of the EPP continues through an iterative process of notes and questions from Parliamentary Counsel and response from EPA;
- Web Redevelopment Project - preparing a brief for the web developer. Finalising content management is taking longer than expected due to additional information being sought from DEH.

Other issues, initiatives and risks for the Division include:

- publications - projects commenced to review and update design guidelines and improve publications process;

- local government communications strategy - scoping content for information/induction kit for councils. Met with LGA on 8 October to discuss;
- Board processes - work is under way on a new template and procedures for Board papers to assist the Board to focus more on strategic issues.

A media report was tabled for information.

#### 5(iii)(i) Progress report on development of EPA service strategy

Following discussion the Board resolved to:

- (i) *note the framework and timeframes for the development and implementation of the EPA's service strategy;*
- (ii) *recommend that role playing of scenarios be built into the framework.*

Carried

Ms Churchman left the meeting at 5.35 pm.

#### 6. OUT OF SESSION MATTERS

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Carried

#### 6(ii) Pros and cons of retaining the Environment Protection Fund

The Board formally resolved to:

*note the pros and cons of retaining the Environment Protection Fund.*

Carried

#### 6(iii) Catalogue of scope creep

The Board formally resolved to:

- (i) *note the attached catalogue of scope creep;*
- (ii) *request improvements to the table for future updates and that categories of funding be clarified.*

Carried

**7. CORRESPONDENCE**

Incoming (11 September 2007) and Outgoing (9 October 2007) - Mr Barry Webb regarding the Sellicks/Myponga Wind Farm.

**8. OTHER BUSINESS**

None.

**CLOSE**

The Chair closed the meeting at 5.45 pm.

**9. DATE OF THE NEXT MEETING**

The next Board meeting will be held on Tuesday, 20 November 2007 at 1.00 pm, at the Lakes Resort Hotel, Mt Gambier.

.....  
Dr Paul Vogel  
CHAIR

/ /2007

.....  
Ms Corinne Kelly  
SECRETARY TO THE BOARD