

**Environment Protection Authority**

## **EPA Board Round-table 2011 summary report**

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**EPA and future Adelaide: The EPA's role in helping to deliver Adelaide's 30-Year Plan**

**Round-table 2011 summarises the views of our stakeholders on how they see EPA's role in the delivery of the 30-Year Plan for Greater Adelaide**

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## **Purpose of the Round-table**

Each year the EPA Board holds its Round-table conference. This conference forms an important part of the EPA Board's engagement and consultation program with its key stakeholders and is a legislative requirement of the *Environment Protection Act 1993* (the Act).

Section 19 of the Act requires the EPA Board to hold a Round-table conference on an annual basis for the purpose of assisting the Board and the Minister to assess the views of interested bodies and persons on such matters related to the operation of the Act or the protection, restoration or enhancement of the environment within the scope of the Act as the Authority may determine.

The Act also requires the Board to ensure that those persons invited to attend the Round-table conference represent a wide range of interests and expertise in relation to the matters to be considered, and include representatives of the community, industry, and relevant environmental and professional organisations.

## Focus for Round-table 2011

As South Australia's environmental regulator, the EPA has a responsibility to protect and enhance the environment for South Australians and to do this it is important to strike the right balance with short- and long-term decisions that impact on the environment.

Since the *30-Year Plan for Greater Adelaide* (the Plan) was launched in February 2010, the EPA has been working closely with the Department of Planning and Local Government and other agencies to support implementation and to help translate the policies of the Plan into workable rules that will deliver sustainable outcomes.

The EPA provided important input into the Plan during the process of its preparation. Specifically, the EPA contributed policy content to protect the community from potential air quality and noise impacts associated with new development and to address emergency management and hazard avoidance (including site contamination), new development affected by landfills (and landfill gas).

In order to assist the Authority to assess the views of key stakeholders, participants were asked to discuss and debate the following questions, arising from the EPA's involvement with the Plan:

- How can the EPA help deliver a quality environment for higher-density infill development?
- What is the role of the EPA in protecting the rights of existing industry while allowing increased residential density in priority areas?
- What are the community's expectations for environmental quality in redeveloped urban environments and how should the EPA respond?

The round-table was opened with a welcome address from EPA Board Presiding Member, Cheryl Bart who outlined what the Board hoped to achieve from the event. She emphasised the importance for the EPA to be seen as a regulator in a problem-solving capacity, and working with community and industry towards environmental improvements.

The Minister for Environment and Conservation, Hon Paul Caica gave an address which stressed the importance of collegiate and proactive communication between government departments as well as with community and industry to ensure the successful delivery of the Plan.

## Perspectives from the panel

Guest speakers at this year's round-table were:

- Tim Horton, Commissioner for Integrated Design SA
- Ros DeGaris, Group Sustainability Manager of Adelaide Brighton Cement
- David O'Loughlin, Mayor, City of Prospect

The speakers discussed some of the challenges of implementing the plan from the design, industry and community points of view and particularly how they see EPA's role in the delivery of the Plan for Adelaide's future. They highlighted challenges to the various stakeholders who attended the conference, engaged participants and provided a starting point for some stimulating, robust table debate.

### Panel discussion

Following on from Tim Horton's presentation, panel speakers further debated their views and ideas with questions from participants. Some of the questions raised were:

- How do community, industry and government deal with development problems when there is no option to start again, ie how do we deal with existing problems like separation distances?
- Do you think separation distances work for both industry and the community?
- If the community was better informed as to the advice the EPA give on upcoming developments, would that stimulate debate and lead to better outcomes for community and development?
- There is a need for the community to better understand planning policy. Are there any ideas on how to engage the community, eg EPA planning/zoning policy modules?

### Next steps

The clear and valuable feedback received at the round-table was most appreciated by the EPA Board. The Board's next steps will include providing a summary of the feedback to the Minister for Environment and Conservation and ongoing discussions with those involved in delivering the 30-Year Plan for Greater Adelaide across government. The discussion around EPA's involvement in the plan was also quite timely given that there is currently an independent review of the EPA's non-regulatory functions.

The Board will be discussing ways to address the feedback received in its updated Strategic Plan, due for review in 2012, to ensure it further strengthens and increases its transparency and effective working relationships with industry, state and local government, and community.

## Summary of key themes raised by stakeholders

The Round-table 2011 was attended by a cross-section of key stakeholders including 39% representing business, industry and licensees, 33% environment, community and local government, and 28% state government and its affiliates.

A summary of key themes and issues raised by stakeholders in group discussion is provided below.

### **Effective and transparent communication and engagement with the community, developers and across government is an important role for the EPA in influencing delivery of the 30-Year Plan.**

Stakeholders said that the EPA plays a valuable role in providing access to credible information about environmental impacts, threats and solutions. This extends into feedback on decisions made so that EPA advice to other parties and responses from other parties are clear to all stakeholders.

There is a need for more proactive engagement, education and communication that is effective and transparent. EPA advice, regulatory processes and guidelines around environmental management issues need to be conveyed clearly and openly to all parties to provide a better understanding of environmental aspects of planning decisions being made, from the beginning through to the end of the planning process.

The EPA also has a valuable role to play in promoting understanding and consistent responses to environmental issues across government. The value of a whole-of-government approach to environmental information and decisions is considerable.

The benefits associated with early, clear and unequivocal advice will be substantial if the EPA is to successfully influence the actions of developers and planning authorities. The circumstances where the EPA has power of direction may need to be widened to increase the weight placed on the EPA's advice and in some cases, EPA's guidelines (eg guideline for separation distances) could usefully be strengthened to ensure there can be adequate regulatory backing for the EPA's advice.

### **The EPA needs to adopt a proactive and solutions-focused approach to its regulatory role if it is to make maximum contribution to delivering the 30-Year Plan.**

Stakeholders said that the EPA's regulatory role should not be a passive one, confined to responding in a neutral manner to the actions and proposals of others. There is much to be gained by the EPA continuing to adopt a proactive role as a facilitator and enabler of compliance. For example, by developing solutions to manage environmental issues, and advising and supporting others to meet their compliance obligations.

There is a particular opportunity for the EPA to contribute to finding innovative design solutions to environmental issues associated with higher-density and mixed-use development. Examples include the development of integrated waste management solutions and resource recovery facilities for apartment buildings and precincts, and the development of Deemed To Comply design solutions for residential buildings in locations exposed to noise.

The EPA's role should be to enhance community wellbeing, not by constraining economic wellbeing for the state, but by continuing to assist and provide input into government policy to identify compatible uses for development areas whilst maintaining a strong regulatory position.

### **Protecting the effective operations of existing industries, while allowing increased densities in priority areas, is a particularly important role for the EPA in supporting delivery of the 30-Year Plan.**

Stakeholders said that existing industries should be protected from encroachment by incompatible land uses and activities. Buffer zones are a key regulatory measure to manage community expectation and tensions between the community and industry as well as to provide industries with the certainty needed to invest in improving their operations

for better environmental outcomes. This need not involve sterilising urban buffer land, which has potential to accommodate a range of active open space and other compatible uses.

Buffer zones alone will not be a sufficient regulatory tool when dealing with higher-density urban infill development. Education and clarity for all stakeholders around the management of buffer zones is crucial, to avoid and lessen environmental impacts as density increases in priority areas to deliver the 30-Year Plan.

The economic contribution of existing industries should be taken into account when considering the balance between potentially incompatible land uses. Similarly, where industry is exposed to costs associated with improved design and operation, there could be a case for those costs to be met (at least in part) by the beneficiaries of that improvement.

## Appendix 1 Table discussion

Following discussion from the panel, participants were invited to provide their views lead by EPA Board members on a series of questions relating to the EPA's role in helping to deliver Adelaide's 30-Year Plan. Feedback from tables are presented below:

### 1 How can the EPA help deliver a quality environment for higher-density infill development?

- Work with Department for Planning and Local Government on policy to identify compatible uses with development.
- There is a need for further resources if EPA is to take more of a proactive role in education.
- Need to collaborate early with planning on policies and re-zoning; it is insufficient for EPA to be involved at the tail end of the process.
- Information on impacts/issues needs to be clearly conveyed to stakeholders.

### 2 What is the role of the EPA in protecting the rights of existing industry while allowing increased residential density in priority areas?

- EPA needs to be part of a consolidated government response. Not having this impacts on what the EPA can do.
- There needs to be a level playing field for all stakeholders to provide certainty in planning processes.
- Providing and managing buffer distances; currently these are too simplistic.
- Clear guidelines, eg who pays for what with new developments.
- EPA should have more power of direction regarding planning processes via mandatory referrals.
- Clarification for government and community, eg 'What is the legislation?' and 'What is an EPA guideline?'.
- Due to urban sprawl there is financial pressure placed on existing industry—costs should be placed on the developer, not on industry.
- Having good dispute resolution processes in place are of high value.
- Community consultation can control conflict with community. EPA is currently seen as the 'police'; there should be a community liaison group as part of the licence conditions.
- Community engagement should happen at the beginning, not just at 'crisis' time.
- EPA should be involved at all levels—existing use has rights and developers need to be aware of this.
- Clear understanding of who is responsible for responding to complaints.
- EPA needs to ensure that the community understand when industry is obeying by the rules.
- Should EPA sit on council panels?
- EPA funding and resources are critical to ensure strong leadership and management of environmental issues and to enforce its regulatory role.
- Separation of function: advice to industry and regulator—currently not done very well.
- EPA's role should have a balance of education, regulation and investigation, and to enhance not constrain.
- Stronger advisory role at the beginning, targets, tailored advice, certifier/regulator.
- Needs to be a mechanism for EPA involvement earlier but not at a cost or delay.
- EPA should provide innovative solutions and encourage global best practice.

**3 What are the community's expectations for environmental quality in redeveloped urban environments and how should the EPA respond?**

- Need to manage community expectations, eg transport oriented developments.
- Transparency and openness.
- Upfront and genuine community engagement—need to trust in EPA.
- Awareness of noise and dust issues.
- Plan on how things are going to be achieved while also knowing constraints upfront.
- Explanation of options and trade-offs, ie balance between development and buffer zones.
- Effective communication for site contamination and clarity of what is trying to be achieved through remediation with a holistic view, ie social benefits.
- There is no risk communication strategy for issues such as site contamination (which is practised in other parts of the world).

**4 Are there any other issues that should be considered by the EPA Board?**

- There needs to be a level playing field between government, industry and community.
- Does EPA currently have adequate resources?
- Who pays for design solutions?
- More environmental information included on Form 2s could be beneficial.
- Industry and EPA need to be more proactive re transparency and communication.
- You rarely hear about positive public support for development in the media.
- There is a lot of emphasis placed on industry to do so much and the smaller industries do not have the capacity to deliver.
- Possibility of councils and EPA holding joint forums to outline what is being done/educate community and to gauge expectations.
- The Plan is as much about industry planning as it is community planning.
- EPA has a bigger role in development than just being a regulator.
- Education can reduce the need for regulation. However there needs to be clear boundaries for EPA re educator/regulator role to ensure it stays impartial.

## Appendix 2 Participant list

### Business and Industry

Organisation	Name	Position title
ACI Operations Pty Ltd	<b>Mr Craig MacKenzie</b>	Systems Manager
Adelaide Brighton Cement	<b>Ms Ros DeGaris</b>	Group Sustainability Manager
Amcor Australasia	<b>Mr Darren Woodley</b>	Engineering Manager
Arrowcrest Group Pty Ltd	<b>Mr Christer Nordstrom</b>	Plant Engineering Manager
Australian Industry Group	<b>Mr James Rock</b>	Manager, Policy
CIC Australia	<b>Mr Geoff Smith</b>	Regional General Manager
Finlaysons	<b>Ms Suzanne Dickey</b>	Counsel
Housing Industry Association Ltd	<b>Mr Robert Harding</b>	Executive Director
Jeffries	<b>Mr Lachlan Jeffries</b>	Managing Director
Master Builders Association	<b>Mr Robert Stewart</b>	Chief Executive Officer
Minter Ellison	<b>Ms Kathryn Nicolai</b>	Senior Associate
Mobil Australia	<b>Mr Paul Duncan</b>	SA/WA Distribution Manager
New Castalloy Pty Ltd	<b>Mr Nash Rodrigues</b>	Manufacturing Engineering Manager
Penrice Soda Holdings	<b>Mr Guy Roberts</b>	Managing Director
Property Council of Australia	<b>Mr George Ingli</b>	Public Affairs Manager
Qattro	<b>Mr Matthew Falconer</b>	Planning Manager
SA Chamber of Mines & Energy	<b>Mr Jonathon Forbes</b>	Director, Industry Development
SA Water	<b>Mr John Ringham</b>	Chief Executive Officer
Thomson Playford Lawyers	<b>Mr Fraser Bell</b>	Partner
Urban Development Institute of Australia, SA	<b>Mr Terry Walsh</b>	Executive Director
Waste Management Association of Australia, SA	<b>Mr Don Richardson</b>	Branch President

**Environment, community & local government**

<b>Organisation</b>	<b>Name</b>	<b>Position title</b>
ABC Community Reference Group	<b>Mr Peter Bicknell</b>	Independent Chair
ABC Community Reference Group	<b>Mr John Ford</b>	–
City of Norwood, Payneham & St Peters	<b>Mr Mario Barone</b>	Chief Executive Officer
City of Prospect	<b>Mayor David O'Loughlin</b>	Mayor
City of Unley	<b>Mr David Brown</b>	Principal Planning Officer
Community Mediation Services	<b>Ms Chris Jefferys</b>	
Conservation Council of SA	<b>Prof Rob Fowler</b>	President
Conservation Council of SA	<b>Mr Tim Kelly</b>	Chief Executive Officer
Conservation Council of SA	<b>Ms Julia Winefield</b>	Campaign Coordinator
Environment Defenders Office	<b>Ms Felicity Niemann</b>	Committee Chair
Friends of Gulf St Vincent	<b>Ms Angela Gackle</b>	Secretary
Local Government Association	<b>Ms Cate Atkinson</b>	General Manager, Intergovernmental Relations
Marion Council	<b>Ms Rebecca Newman</b>	Sustainability Planner, Environment
National Environmental Law Association (NELA)	<b>Ms Claire Ryan</b>	Member
Penrice Osborne CCG	<b>Cr Peter Jamieson</b>	Member
Planning Institute of Australia	<b>Ms Iris Iwanicki</b>	State President
Port Adelaide Environment Forum	<b>Mr Tim Walsh</b>	Chair

**Government and affiliates**

<b>Organisation</b>	<b>Name</b>	<b>Position title</b>
–	<b>Hon Paul Caica MP</b>	Minister for Environment and Conservation
–	<b>Mr Simon Davey</b>	Adviser to Minister Caica
Defence SA	<b>Mr Daniel DeConno</b>	General Manager, Development & Asset Management
Department of Planning & Local Government	<b>Mr Ian Nightingale</b>	Chief Executive
Department of Planning & Local Government	<b>Dr Donna Ferretti</b>	Director, Strategic Policy

<b>Organisation</b>	<b>Name</b>	<b>Position title</b>
Department of Trade & Economic Development	<b>Mr Matthew Winefield</b>	Director, Strategic Policy, Planning & Performance
Development Assessment Commission	<b>Ms Carolyn Wigg</b>	Member
Environment, Resources & Development Committee	<b>Ms Gay Thompson MP</b>	Presiding Member
Environment, Resources & Development Committee	<b>Hon Mark Parnell MLC</b>	Member
Environment, Resources & Development Committee	<b>Mr Ivan Venning MP</b>	Member
Executive Advisory Services	<b>Dr Tom Stubbs</b>	Managing Director
Land Management Corporation	<b>Mr Wayne Gibbings</b>	Chief Executive
SA Commission for Integrated Design	<b>Mr Tim Horton</b>	Commissioner
SA Ombudsman	<b>Mr Richard Bingham</b>	Ombudsman
ZWSA Center for Sustainable Design & Behaviour	<b>Prof Steffen Lehmann</b>	Inaugural Chair

**EPA Board**

<b>Name</b>	<b>Position title</b>
<b>Ms Cheryl Bart</b>	Presiding Member
<b>Mr Stephen Hains</b>	Deputy Presiding Member
<b>Mr Allan Holmes</b>	Member
<b>Mr Andrew Fletcher</b>	Member
<b>Ms Jane Yuile</b>	Member
<b>Ms Linda Bowes</b>	Member
<b>Ms Megan Dyson</b>	Member
<b>Ms Helen Fulcher</b>	Member ex officio and Chief Executive EPA