

Environment Protection Authority

EPA Board Local Government Forum 2016 summary report

Management of site contamination legacy sites

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For further information please contact:

Information Officer
Environment Protection Authority
GPO Box 2607
Adelaide SA 5001

Telephone: (08) 8204 2004

Facsimile: (08) 8124 4670

Free call (country): 1800 623 445

Website: <www.epa.sa.gov.au>

Email: <epainfo@sa.gov.au>

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Executive Summary

This report summarises the proceedings of the Environment Protection Authority (EPA) Board's engagement forum with the Local Government sector in 2016.

The EPA Board invited all Local Government Mayors and Chief Executives to attend the forum held on Wednesday, 30 November 2016. A total of 13 Mayors and Local Government representatives accepted the invitation and participated in a discussion with Board members and senior EPA executives around the theme of *Management of site contamination legacy sites*.

Facilitated by independent facilitator Jo Battersby, the primary themes of discussion at the forum included:

- The interactions between the EPA and Local Government and the need to quickly and innovatively respond to site contamination issues within the community.
- Building the capability of staff across Local Government around the management of site contamination.
- How the EPA can access Local Government knowledge and networks to strengthen its engagement with communities on issues such as site contamination.

Following the forum, the EPA committed to the following actions:

- The development an administrative agreement between the EPA and Local Government to provide a framework for working together when dealing with common issues and as they relate to environment protection.
- Opportunities for the EPA to train Local Government staff in the management of site contamination.
- Progressing the development of a practice circular regarding site contamination, to assist in ensuring there is a consistent approach to dealing with legacy sites in the planning and development system.

The EPA Board thanks the following attendees for their participation:

Kevin Knight	Mayor	City of Tea Tree Gully
Bill Spragg	Mayor	Adelaide Hills Council
Gary Johanson	Mayor	City of Port Adelaide Enfield
Raelene Telfer	Councillor	City of Marion
Andrew Cole	Chief Executive Officer	District Council of Barunga West
Stephen Smith	Director Policy	Local Government Association
Kathryn Johnson	Director, Infrastructure	Port Pirie Regional Council
Marc Salver	Director Strategy & Development	Adelaide Hills Council
Mike Philippou	Associate Director Property	Adelaide City Council
Mark van der Pennen	General Manager City Infrastructure	City of Salisbury
Janine Lennon	Manager, City Development	West Torrens City Council
James Kelly	Engineer (Assets, Water Resources)	City of Tea Tree Gully
Derek Lawson	Property Support Officer	Town of Gawler

1 Welcome by EPA Board Presiding Member Linda Bowes

The Board Presiding Member, Linda Bowes, opened proceedings by highlighting the role of the EPA and outlining its vision to ensure 'a better environment for the wellbeing and prosperity of all South Australians'. She introduced the focus for discussion around site contamination and particularly the management of legacy sites.

Ms Bowes provided an update on the progress of matters discussed at the last forum. She advised that since the 2015 forum, the *Local Nuisance and Litter Control Act 2016* had passed through Parliament in May 2016, with the litter provisions coming into operation on 1 February 2017 and the nuisance provisions to follow on 1 July 2017. The EPA has also appointed a dedicated Local Government Coordinator to oversee commencement of the provisions, coordinate implementation and assist Councils with the transition. A compliance training and support package is also being rolled out to Councils across the State.

To complement the new Act, the EPA is developing an online public litter reporting app to be launched early in 2017. Similar technology has been implemented by some of the EPA's interstate counterparts who have reported ongoing public support and uptake.

The EPA has also finalised consultation on the Waste Reform and Illegal Dumping Bill. The purpose of the Bill is to provide the EPA with the necessary tools to better tackle illegal dumping and to support a more level playing field across the waste sector. Ms Bowes advised that there is significant growth and opportunity in resource recovery and the Bill looks to provide the right setting to attract investment and drive innovation, whilst at the same time promoting better environmental outcomes. Consultation comments on the Bill are currently being consolidated.

In closing, Ms Bowes expressed the Board's commitment to ensuring the EPA continues to investigate ways to work together with local government.

Ms Bowes thanked attendees and officially opened the forum.

2 Opening address by EPA Chief Executive Tony Circelli

Tony Circelli, EPA Chief Executive, thanked participants for their attendance and noted that this was an opportunity to discuss emerging issues around the management of site contamination legacy.

Site contamination legacy sites are those where the industrial practices and planning decisions of the past – often made at the time lawfully and in good faith – have implications for how we live today. The issue of legacy sites will become more relevant as urban infill continues and where industry ceases and the land is remediated for other uses. We will also see areas redeveloped and residential communities being located closer to industrial premises – with some industries not wanting to move, and some not being able to. Many of those remaining industries would have been built long before environmental legislation existed.

Like every other industrialised, urbanised city in the western world, we are a community in transition. As former industries close and land is subject to environmental checks before being redeveloped, we will find more contaminated sites. Recently, the EPA has been working with Government to develop a policy for the management of ‘orphan’ sites where the party responsible for that contamination cannot be identified or no longer exists. This will enable cases to be considered in a fair and consistent manner.

The EPA recognises Local Government as an important partner in the management of site contamination and interface issues through their local knowledge and connections with local communities. Local Government can assist the EPA in ensuring that we talk to and involve the right people, and the EPA can help Local Government through setting clear guidelines and standards that are based on sound science.

Mr Circelli closed by stating that he expects this topic to generate robust discussion, noting that there are no easy solutions. He also stated his commitment for the EPA to continue working closely with Local Government to ensure that real and tangible solutions are provided for the South Australian community.

3 Workshop

Within the opening context provided by Tony Circelli, each table was asked to identify the top three issues/risks/challenges or opportunities in relation to the management of legacy sites. The following points were provided for guidance:

- Issues that should be on future work agendas – either for Council, the EPA or governments more broadly.
- Issues/risks/challenges or opportunities from both a Council and community perspective.
- Planning and interface issues – existing and emerging.

Delegates were seated at four tables with a Board member and an EPA Executive member.

Below is a summary of the points raised during the table discussion:

Developing a consistent approach to dealing with legacy sites

- An outcome could be the development of a practice circular (noting that the current circular is outdated).
- What is the process to identify trigger points – is it a legacy site, what are the risks?
- How are peri-urban sites managed?
- Is it possible to develop site history reports, where would the information come from (if it is available), what is the criteria for credible information and is site testing required?
- Could there be a land use risk rating developed?
- Identify the stakeholders ie Department of Planning, Transport and Infrastructure, Environment Protection Authority, Local Government Association, Department of Environment, Water and Natural Resources.
- The goal of developing a consistent approach would be to evaluate the risk of each individual site and the processes required.

Identifying and documenting areas of site contamination within council areas

- The outcome would be that Councils are more aware of potential issues and develop a strong awareness.
- The EPA holds considerable information and data that could be used to create a mapping system like the flood map. This could identify:
 - 1 known sites
 - 2 areas where potentially contaminating activities should be further investigated
 - 3 actions to be taken to minimise risk in terms of existing use
 - 4 actions for rezoning/redevelopment.
- State and Federal funding could be sought to fund the development of the map.
- The EPA could provide a reciprocal referral and reporting system for the information and data held by the organisation.
- How do you find out information on sites when there is no historical records kept – is there an amnesty? How do you find and ensure credible information?
- Risks are blight, banks refuse to lend on potentially contaminated sites, property values, cut pathways (living with the legacy).

Lack of incentive to do the right thing (public or private)

- There are perceived consequences of entering a remediation process (both cost and liability) caused by a lack of education around possible solutions and perceived criminality – site contamination issues may not always end up being the worst-case scenario.
- Under the 30 Year Plan for Greater Adelaide, government could practice incentives.
- Tax breaks to deliver the higher objectives outlined in the Federal City Strategy could be considered.
- Waste to Resources Fund could be used for a range of solutions, ultimately bringing more jobs to South Australia.
- As part of the Local Government Research and Development Fund, develop a site contamination tool to use across local government.

Arrangements for collaboration—scope—local government and EPA business but specifically site contamination

- The benefits of collaboration would be reduced cost, finding better solutions, not repeating mistakes, sharing stories and knowledge.
- Look at opportunities to develop a directory of subject-specific contacts.
- Consider a Local Government contact officer within the EPA and a web page on the EPA website specifically for Local Government outlining the relevant contacts.
- Local Government Association assistance – what service do they and could they provide specifically around site contamination.
- Hold web-based networks and fora to share experiences, stories and seek advice on difficult matters.

4 Next Steps

EPA Chief Executive Tony Circelli thanked attendees for sharing their thoughts and summarised the key messages arising and committed to providing delegates with this summary report.

In response to the feedback received at the forum, over the next 12 months the EPA will consider:

- The development of an administrative agreement between the EPA and Local Government to provide a framework for working together when dealing with common issues and as they relate to environment protection.
- Opportunities for the EPA to train Local Government staff in the management of site contamination.
- Progressing the development of a practice circular regarding site contamination, to assist in ensuring there is a consistent approach to dealing with legacy sites in the planning and development system.