

# Officers for the Protection of the Local Environment Pilot Program

## FEEDBACK REPORT

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Produced for



EPA  
VICTORIA

and



**VICTORIA**  
State  
Government

Environment,  
Land, Water  
and Planning

Produced by

**KISMET**  
**FORWARD**



EPA Victoria acknowledges Aboriginal and Torres Strait Islander people as the traditional custodians of the land and acknowledges and pays respect to their Elders, past and present.

## Using this document

Discretion should be exercised in making decisions based on the data in this report. Significant effort has been made to accurately reflect the contribution of people who took part in this consultation. However, this cannot necessarily be construed to be an accurate reflection of the weight of broader EPA or DELWP staff or stakeholder opinion.

## Abbreviations

DELWP	Department of Environment, Land, Water and Planning
EOI	Expression of Interest
EPA	Environment Protection Authority
OPLÉ	Officers for the Protection of the Local Environment



FACILITATING BETTER DECISIONS

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## Executive Summary

**Local government and the Environment Protection Authority (EPA) play a vital role in responding to pollution and waste issues that compromise environmental and public health, and adversely impact liveability and amenity.**

In its response to the independent inquiry into the EPA, the Victorian government committed \$4.8 million to implement a pilot program of Officers for the Protection of the Local Environment (OPLEs), commencing in 2017. This pilot program will see ten officers authorised under the Environment Protection Act 1970 embedded within local councils across the State. Since release of its response, the Victorian Government has been engaging with key local government, industry and community stakeholders to gain their input into the design and rollout of the pilot program.

A workshop was held in Melbourne on 16 May 2017 to provide an overview of the EOI for councils interested in participating and lodging an application to be part of the pilot OPLE program. The workshop provided local government representatives with the opportunity to ask questions and provide feedback on the program.

The OPLE pilot program was generally considered to be a positive and desirable addition to local councils with many benefits identified. Amongst these were improved working relationships between councils and the EPA, better on-ground environmental outcomes, shared learnings and an improved service provision to the community. The need for the program and the OPLE role to be adaptable to the needs of individual councils was considered very important. Also critical was the need for clear direction on various elements of the program including the parameters, role of the position, scope, review and evaluation process, reporting lines etc. The provision of a streamlined one-stop-shop type approach for the community and business on environmental matters was seen as another benefit of the program as well as speedier responses and resolution of issues.

Concerns raised included administrative and staffing issues such as recruitment, integration with other Council services, resources and pay, OH&S and leave arrangements and the sharing of the role between partnering councils. Other concerns included the potential lack of flexibility in the role and a lack of clarity of the roles and responsibilities of the various agencies involved. The potential challenges left to councils to manage should the program not continue past its trial period was also raised as a concern given that, if the program is successful, it should lead to improved service levels and better on-ground outcomes, such that the community would expect these benefits to continue past the 15-month timeframe.



## 1. Introduction

Local government and the Environment Protection Authority (EPA) play a vital role in responding to pollution and waste issues that compromise environmental and public health, and adversely impact liveability and amenity. As part of its response to the independent inquiry into the EPA, the Victorian government committed \$4.8 million to implement a pilot program of Officers for the Protection of the Local Environment (OPLEs), commencing in September 2017. This pilot program will see ten officers authorised under the Environment Protection Act 1970 embedded within local councils across the State. Since release of its response, the Victorian Government has been engaging with key local government, industry and community stakeholders to gain their input into the design and rollout of the pilot program.

The pilot OPLE program will commence in September 2017 and run for 15 months. OPLEs will be direct employees of the EPA but will be embedded within local councils and will address small-scale, lower risk and complexity pollution and waste complaints currently not being comprehensively addressed by local councils or the EPA. Councils are encouraged to submit an Expression of Interest (EOI) to the Department of Environment, Land, Water and Planning (DELWP) to participate in the pilot program.

A workshop was held in Melbourne on 16 May 2017 to provide an overview of the EOI process and pilot program and to provide local government representatives with the opportunity to ask questions and provide feedback on the program. Following a summary presentation (Appendix A) and question/answer session, the remainder of the workshop focused on three key discussion questions.

Seventy-five people attended the session, including 8 people who participated remotely via webinar. Forty of the participants were known to be from local government. Details of the workshop attendees are contained in Appendix B.

Kismet Forward was engaged by DELWP in partnership with EPA Victoria to facilitate the workshop and to report on feedback obtained from participants, including those who participated via webinar. This feedback will help shape the implementation of the pilot program.

A substantial amount of detailed feedback was received through the workshop. This report contains the more substantial and/or often repeated items only.

## 2. The Workshop

### 2.1 Order of Business

The workshop commenced with a joint address by Kate Gavens (Director Environment Protection, DELWP) and Chris Webb (Executive Director Regulatory Practice & Strategy, EPA Victoria). Their presentation covered aspects of the EPA Victoria Reform, an explanation of the Officers for the Protection of the Local Environment Pilot Program and the forthcoming Expression of Interest process (Appendix A).

This sparked a variety of questions from participants both in the room and remote, including the following matters:

- Alignment with current officers currently undertaking similar roles (eg. Litter Officers).
- Coverage of accommodation and travel, (eg. to attend training).
- Reactive versus proactive activities, small versus large issues.
- The recruitment process, including requisite qualifications.
- Allocation of work and differing expectations between EPA and Council.
- What happens after the 15-month trial.
- Evaluation, what success looks like, incorporation of action learning, and ongoing reporting of progress.
- Community expectations about the roles.
- Importance of state-wide communications.

Following the presentation, the remainder of the workshop focused on three key discussion questions. These questions were:

1. What does the program need to look like, or have in it, to be of benefit to local government? eg. clear reporting lines, clear scope of role.
2. What concerns you about the program? How could these concerns be resolved?
3. What will be the benefits of the program for local government, for the community, and for business?

People who attended the workshop remotely via the Webinar were invited to submit their feedback and any further questions via email. Three of the participants took up this offer.

## 2.2 What We Heard: What does the program need to look like, or have in it, to be of benefit to local government?

A recurring theme arising during the feedback related to this question included the need for clear direction on various elements of the program including:

- The parameters and scope of the position, including whether OPLEs will focus on local government or EPA work, what issues will or won't be dealt with, how to manage potential areas of local council/EPA conflict and overlaps within council areas,
- The respective roles of councils and the EPA including reporting lines, and
- The review and evaluation process.

The need for flexibility and innovation within the role in order to target the individual needs of councils was a commonly raised response. Participants articulated that there must be commonality in terms of the basic principles of the role to ensure consistency across borders and between shared councils, many participants felt that the role must also be responsive to council requirements. Councils will vary significantly in their needs depending on their geographic location, size, existing staffing and resources and capacities so it is imperative that councils are able to identify their 'gap' or 'need'. Furthermore, the role needs to be scalable in that some councils may have issues daily, whilst others will be less frequent. The point that 'not one size fits all' was frequently stressed.

Participants noted that the program will provide opportunity to improve relationships between local councils and the EPA, particularly at the regional level such that the success of the pilot program may vary depending on the strength of these working relationships. Furthermore, the transfer of skills and knowledge between council officers and EPA staff was also seen as a key benefit of the program. Opportunities to improve council officer skill sets and increase councils' capacity were seen as crucial, particularly if council officers were required to continue the work following the program's conclusion. The importance of positive, effective working relationships was seen as critical in maximising the chance of a good outcome from the pilot program and, therefore, increasing the likelihood of it being rolled out more broadly.

It was considered that, in order to be more effective for local councils, OPLEs need to be experienced, with an enforcement and customer service background and, ideally, authorised under the Planning and Environment Act so that they can be more effective and able to deal with more complex issues under that Act.

The need for OPLEs and participating councils to network with each other and openly discuss successes, failures and opportunities for improvement was also seen as an important requirement of the program.



Other considerations included:

- What happens after the 15 months if litigation is still ongoing? Who pays for it?
- Clarity required regarding the equitable spread of funding across the 10 councils.
- Need to meet community expectations.
- The potential opportunities for council local laws officers and planning and enforcement officers to undertake training and placement at EPA.
- Better and faster enforcement if an OPLE is in local council.
- The OPLE is a dedicated resource that should take pressure off council by investigating and resolving matters relating to small scale waste and pollutions issues.
- Councils are currently using independent investigators with skills sets eg. expert noise testing etc. It would be good if these OPLEs could perform that role or have access to it.
- The program will need a tight and communicative working group who are willing and able to openly discuss successes and failures and who are willing to look for solutions to any problems and implement these without necessarily knowing they will succeed.

Concerns were raised regarding the exact nature of the 'in kind' work requirement from council with suggestions that the predicted 10 hours per month (to participate in meetings, contribute to monitoring and evaluation reports and provide general feedback on the progress of the pilot program) may be an unrealistic time allocation. Other concerns included potential issues with sharing officers between rural councils (large distances) and the need for the program to be cost neutral.

## 2.3 What We Heard: What concerns you about the program? How could these concerns be addressed?

A range of administrative and staffing related concerns were raised in response to this question, including pay structure disparities, responsibilities for OH&S, staff management and poor performance, flexible work arrangements (some of the greatest need is on weekends and after hours), recruitment, use of council resources (eg. vehicles), job security, liability, annual leave, OPLEs not seeing out the 15 months etc.

Another common concern was that the 15-month timeframe is not a long enough period to determine the effectiveness of the pilot program and that councils would be expected to continue to fund the role should the program cease. Participating councils who have enjoyed an improved service provision and, hopefully, demonstrable on-ground improvements within their municipalities will have raised public and business expectations that this service will continue. Council will then be faced with community angst should they not be able to continue this service at the program's conclusion. A suggested solution to this concern was the need to secure councillor buy in and ownership to improve the likelihood of the function continuing with council resources.

Concern that the OPLE role may not be flexible enough to enable it to be tailored to the needs of individual councils and to respond to issues as they arise was a common issue identified. It was considered important, therefore, that councils should be able to co-design the local program and for a component of the role to be reserved for individualisation by the local council.

The need for the role to balance proactive and reactive components was considered necessary, with the suggestion that councils provide input to the scope and clearly defined projects.

The breadth of issues that the OPLE may get involved in was concerning, particularly given the short timeframe. A suggestion was put that the OPLE focuses on a specific issue in their area over the 15 months and, potentially, be more effective eg. storm water in Darebin, waste water in Yarra Ranges.

The potential lack of clarity regarding the roles and responsibilities of DELWP, EPA and local government during the pilot program and the communication of these was considered concerning with the suggestion that clear, up front agreements between all parties was necessary and clear, consistent messaging of these aspects to the community was required.

In councils where there are existing Environmental Health Officers or other compliance roles, there was some concern that there may be some cross over of these roles with OPLEs, causing both internal and external confusion.

Issues associated with the sharing of the role between councils was raised as a concern in terms of ensuring the fair contribution from partnering councils, negotiating on competing demands from partnering councils, and the breakdown of who pays for what, vehicle use etc.



Other concerns included:

- What happens after the 15 months if litigation is still ongoing? Who pays for it?
- Clarity required regarding the equitable spread of funding across the participating councils.
- Need to meet community expectations.
- The potential opportunities for council local laws officers and planning and enforcement officers to undertake training and placement at EPA.
- Better and faster enforcement if an OPLE is in local council.
- The OPLE is a dedicated resource that should take pressure off council by investigating and resolving matters relating to small scale waste and pollutions issues.
- Councils are currently using independent investigators with skills sets eg. expert noise testing etc. It would be good if these OPLEs could perform that role or have access to it.
- The program will need a tight and communicative working group who are willing and able to openly discuss successes and failures and who are willing to look for solutions to any problems and implement these without necessarily knowing they will succeed.

## 2.4 What We Heard: What will the benefits of the program be to local government, to community and to business?

### ***Benefits to Local Government:***

A frequently identified benefit was the improvement in the connections, relationships, networks, links and communication channels between local councils and the EPA. The direct access to the EPA was seen as a particularly positive element.

The joint learnings between local government and OPLE staff was seen as beneficial, particularly in terms of improvement in skills and knowledge transfer in both directions and 'cross pollination'. The ability for local government to better access technical advice and for both parties to better understand the various Acts relating to them were seen as particularly positive components.

The ability for councils to increase their capacity and be more responsive was also seen as a positive as was the ability to fill existing gaps in their service provision. Furthermore, having the increased capacity to focus on intractable and legacy environment issues was considered a big win.

Other comments included:

- Tackle low hanging fruit that sits between Environment Protection and Local Government acts.
- Improved compatibilities between planning, local laws and environment protection.
- Joint inspections between Planning and Environment Officers and OPLEs.

### ***Benefits to Community:***

Quicker responses and speedier resolutions leading to better outcomes was a commonly raised community benefit as was more consistent messaging from local government and EPA and more positive community conversations.

Given that local government is the first point of contact for many issues there was a common understanding that ratepayers will get a better service for their rates, with a streamlined, one point of access for the community. This will provide greater clarity for the community in terms of first contact and should reduce the tendency for agencies to 'bounce' issues between each other.

An alternative view point was put, however, that the pilot program is too small for the community to see any benefit, particularly in larger councils with a significant existing resource base in compliance/regulatory service.

Other comments included:

- Ideally a single phone line that can go to Council officer, EPA officer or police – easier for community.
- Better resourcing and support for programs affecting the community.
- Environment and public health benefits.
- Greater EPA presence.
- A negative could be that this will provide another avenue for serial complainants to vent to.



## ***Benefits to Business:***

The provision of a one-stop-shop type service with joint assessments, access to technical, local and proactive advice, more targeted responses, increased education and certainty to businesses on compliance requirements and, ultimately, better outcomes were considered to be of substantial benefit to businesses. Furthermore, improved outcomes from joint enforcement rather than council attempting to enforce alone was considered beneficial.

Another benefit to businesses was seen as the provision of an additional service at no additional rate cost.

Like the benefit to community, the single point of contact for businesses on local government and environment protection related matters was seen as a benefit to businesses.

Other comments included:

- Early involvement of EPA officer in planning work/application.
- Completion and finalisation of on-going issues (better resourced).
- What system will be used to log and track investigations and actions? Council systems or EPA? Both?
- Opportunities for businesses to be more sustainable if the OPLE/EPA can give them advice.



### 3. Conclusion

The OPLE pilot program was generally considered to be a positive and desirable addition to local councils with many benefits identified. Amongst these were improved working relationships between councils and the EPA, better on-ground environmental outcomes, shared learnings and an improved service provision to the community. The need for the program and, indeed the OPLE role to be adaptable to the particular needs of individual councils was considered very important.

Also critical was the need for clear direction on various elements of the program including the parameters, role of the position, scope, review and evaluation process, reporting lines etc. The provision of a streamlined one-stop-shop type approach for the community and business on environmental matters was seen as another benefit of the program as well as speedier responses and resolution of issues.

Concerns raised included administrative and staffing issues such as recruitment, integration with other Council services and resources and pay, OH&S and leave arrangements and the sharing of the role between partnering councils. Other concerns included the potential lack of flexibility in the role and a lack of clarity of the roles and responsibilities of the various agencies involved.

The potential challenges left to councils to manage should the program not continue past its trial period was also raised as a concern given that, if the program is successful, it should lead to improved service levels and better on-ground outcomes, such that the community would expect these benefits to continue past the 15 month timeframe.

## Appendix A: Workshop Presentations

**Officers for the Protection of the Local Environment Pilot Program**

16 May 2017

**VICTORIA** Government  
Environment, Land, Water and Planning

**Outline of workshop**

Activity	Timing
Presentation on EPA reform and pilot program	9:30 – 10:00
Questions on pilot program	10:00 – 10:30
Workshop	10:30 – 11:25
Next steps	11:25 – 11:30
Coffee and tea	11:30 – 12:00

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**Purpose**

Purpose of today's session:

*To provide an overview of the EOI process and pilot program, and provide an opportunity for local governments to ask questions and provide feedback on the opportunities and challenges of implementation.*

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**Government response to EPA Inquiry**

**Significant reform agenda for the EPA**

- Independent inquiry process with broad public consultation – reported in early 2016.
- Government response to the EPA Inquiry released on 17 January 2017.
- Strong support for reform proposals: 40 recommendations fully supported, 7 in principle, and 1 in part.
- Major opportunity to modernise Victoria's environment protection framework
- 5 year reform program for DELWP & EPA, working across Victorian Government, and with business, community and local government stakeholders.

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### Five year reform program

#### Five year reform program delivering an EPA:

- that is more **proactive**, with more effective tools to **prevent** harm
- with a **broader scope** of regulatory activity & engagement
- that is a more **influential, expert** advisor for decision making.
- **For the community** – stronger, better equipped and more effective EPA to protect Victoria's liveability and environment and the health of Victorians
- **For business and industry** – modernised, streamlined legislation providing greater certainty and consistency, and better advice/support for compliance
- **For local government** – increased capacity to meet the needs of local communities, including through new partnership opportunities with EPA

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### OPLE Pilot Program

- Opportunity for greater collaboration between EPA and local government
- Local government will have a direct line to the EPA
- Greater integration of knowledge of environmental and public health risks between local and state sectors
- Pilot program allows us to test and evaluate what works where and what doesn't
- Seeking to test the model in different municipalities with varied geographies, environmental challenges and industries

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### OPLE Pilot Program

#### Key elements of program:

- Statewide consistency
- Flexibility of OPLEs to adapt service to their community's needs
- Focus on smaller scale and lower risk issues
- Clear referral pathway to EPA
- Access to relevant compliance and enforcement tools

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### Expression of Interest

- 15 month pilot commencing in September
- OPLEs will be direct employees of EPA embedded in council
- EOI applications close **5pm on 9 June 2017**
- EOI Guidelines and Application Form can be downloaded from the [engage.vic.gov.au/reform-epa](http://engage.vic.gov.au/reform-epa).

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### Roles and responsibilities - EPA

- OPLEs are a new resource to respond to issues raised by the MAC Inquiry into EPA through consultation with community and local government
- EPA will:
  - Provide training to OPLEs to become authorised officers
  - Provide ongoing technical support, guidance material and mentoring
  - Provide a centralised help-desk for direct access & linkages to EPA's systems for reporting & networking
  - Proactively oversee and coordinate the program
- EPA will continue to respond to higher complexity issues

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### Roles and Responsibilities – Participating Council

- Local councils will also have responsibilities:
  - Inducting the Officer into council
  - OH&S, access to IT systems, transport, stationary, etc.
  - Connecting the Officer to local law officers, environmental health officers, planning officers, etc.
  - Management/supervision to oversee day-to-day operations and shared performance.
- Councils will need to contribute approx. 10 hrs per month in-kind.

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### OPLE roles and responsibilities

#### OPLEs will:

- Investigate lower risk pollution regulated through EPA legislation, including commercial and industrial sources of noise, odour, dust, waste and litter
- Engage with local stakeholders to improve environmental compliance
- Provide technical assistance to existing council officers (e.g. application of the noise policies, or use of the litter provisions under s.45A of *Environment Protection Act 1970*)
- Take remedial action (e.g. Pollution Abatement Notices)
- Issue Litter Penalty Infringement Notices

#### OPLEs will not:

- Apply sanctions – cases will be escalated to EPA for action
- Inspect or investigate council-owned property or operations – these will continued to be actioned by EPA
- Respond to issues currently managed by Council through EHOs or planning officer responsibilities

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### Other arrangements to work through

- Details of officers' work program to be tailored to address key issues relevant to local environment
- Option for a shared resource across 2 or 3 councils (councils to indicate this in EOI response)
- Monitoring & evaluation arrangements to be designed with participating councils
- Involvement in Officer recruitment (e.g. interview panels)
- Referral pathways, etc.
- **OPLE employment must start August 2017**

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**What next**

- Applications close **5pm Friday 9 June 2017**
- Guideline and application form available at [engage.vic.gov.au/reform-epa](http://engage.vic.gov.au/reform-epa)
- Email completed applications to [epa.reform@delwp.vic.gov.au](mailto:epa.reform@delwp.vic.gov.au)

Questions?

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**Question 1**

What does the program need to look like, or have in it, to be of benefit to local government?

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**Question 2**

What concerns you about the program? How could these concerns be addressed?

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**Question 3**

What will the benefits of the program be to local government, to community and to business?

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**Expression of Interest**

Applications close **5pm Friday 9 June 2017**

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