

**Future Melbourne Committee**

**Agenda item 7.3**

**Notice of Motion, Cr Mayne: MAV State Council Meeting 15 May 2015**

**12 May 2015**

**Motion**

That the Future Melbourne Committee consider and resolve on matters listed for discussion on the business paper for the MAV State Council meeting on 15 May 2015.

**Background**

The business papers for the next MAV State Council meeting were made available to member councils on 4 May 2015. The papers contain over 60 motions submitted by member councils from around Victoria on matters important to the Melbourne and broader Victorian community.

Consideration of the matter at Committee on 12 May will allow Council's delegate to best represent the City of Melbourne in debate and voting on matters listed.

The Committee meeting will also allow members of the community to make submissions which will assist in the formulation of a City of Melbourne position on the range of issues included in the business papers.

A listing and full details of motions submitted by member councils is attached to this motion.

**Moved: Cr Mayne**



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# STATE COUNCIL MOTIONS

## **Consolidated Motion 1. Rate Capping**

**Submitting Councils: Maribyrnong City Council, Port Phillip City Council, West Wimmera Shire Council and Manningham City Council**

That the MAV, in consultation with councils, advocate to the Essential Services Commission and the State Government to develop a rate capping framework that supports the following principles:

- That the regulatory costs that will be imposed on councils do not outweigh the benefits to ratepayers and the community.
- That the outcomes for ratepayers are transparent and easily understood.
- That the framework properly considers the existing legislative and regulatory environment that councils operate within (e.g. the limited ability for councils to recover costs for planning services and cost shifting from other levels of Government).
- That the framework properly considers the policy context within which rating and pricing decisions are made by councils, given that rates form only one of multiple Council revenue streams.
- That the specific context of each council can be catered for (e.g. recognising the financial and sustainability issues confronting rural councils, the infrastructure and other growth related issues confronting regional cities, peri urban and interface councils, the demands for maintaining liveability and allowing for investment in growth planning by those councils with high levels of expected growth).



# STATE COUNCIL MOTIONS

## **Motion 1.1 Capping of municipal rates**

**Submitting Council: Maribyrnong City Council**

### **Motion:**

That the Municipal Association of Victoria calls upon the Victorian State Government to immediately review its policy regarding the capping of Municipal rates and, in partnership with Local Government and the Municipal Association of Victoria develop a range of measures that will assist Councils to better meet structural and economic constraints to ensure the future viability of local government.

### **Submitting Council Rationale:**

Council is gravely concerned that the implementation of capping of rates will seriously threaten the financial sustainability of Councils, negatively impact quality of life for our community as key Council services such as addressing gaps in infrastructure may be

jeopardised and potentially result in loss of services and employment across Victoria. Council would be forced to seriously consider the viability of delivering State Government initiatives without sufficient funding allocated.

## **Motion 1.2 Rate capping**

**Submitting Council: Port Phillip City Council**

### **Motion:**

That MAV advocate to the Victorian Government to ensure that the rate capping framework supports the following principles:

- That the regulatory costs that will be imposed on councils do not outweigh the benefits to ratepayers and the community.
- That the outcomes for ratepayers are transparent and easily understood.
- That the framework properly considers the existing legislative and regulatory environment that councils operate within (e.g. the limited ability for councils to recover costs for planning services and cost shifting from other levels of Government).
- That the framework properly considers the policy context within which rating and pricing decisions are made by councils, given that rates form only one of multiple Council revenue streams.
- That the specific context of each council can be catered for (e.g. allowing for investment in growth planning by those councils with high levels of expected growth).

### **Submitting Council Rationale:**

The Local Government Sector recognises the need to provide value to their communities and for rates to be affordable. The Victorian Local Government sector has progressively improved its capability in both planning and performance reporting in response to community expectations and legislative requirements. While the introduction of rate capping will provide greater scrutiny on rate increases, there are a number of key principles that City of Port Phillip believe must be reflected in the framework to support greater value for the community.

Ultimately, the rate capping framework must be designed in a way that delivers and demonstrates value for the community, through the eyes of the community.



# STATE COUNCIL MOTIONS

## **Motion 1.3 Rate capping regime framework – detrimental to rural shires**

**Submitting Council: West Wimmera Shire Council**

### **Motion:**

That the Municipal Association of Victoria (MAV) calls on the Victorian State Government to give careful consideration to the rates capping regime framework currently being developed, and the detrimental impact such a regime is likely to have on many rural municipalities that are currently dealing with a multitude of financial and sustainability exposures.

### **Submitting Council Rationale:**

West Wimmera Shire Council has concerns that there will be a number of serious unintended consequences from the blanket imposition of a rates capping regime on Victorian Local Government.

Council is aware the Essential Services Commission has been tasked with a terms of reference to

Inquire into options and provide a recommended approach for a rates capping framework for implementation from the 2016/2017 financial year.

On the basis that a rates capping regime and framework will be imposed on the sector, West Wimmera Shire Council seeks to ensure the framework agreed, and processes implemented, reflect the needs and available resource capacity of rural municipalities, and does not exacerbate the already difficult sustainability environment facing smaller Councils.





# STATE COUNCIL MOTIONS

## **Motion 1.4 Rate capping framework for Local Government** **Submitting Council: Manningham City Council**

### **Motion:**

That the MAV take into account the following when advocating to the State Government on the development of the rate capping framework by the Essential Services Commission.

That the Sector Panel overseeing development of the Framework:

1. seek and consider submissions from independent experts on the economic and social impact of any proposed rate capping framework, prior to adoption;
2. fully assess the impact of long term cost shifting from both State and Federal governments and provide options to offset the financial impact of future changes to coincide with the introduction of the framework.
3. determine the projected impact of rate capping on the Victorian economy; and the direct and indirect impacts on affected industries, including the construction industry.
4. seek additional time to enable local government to fully participate in the development of the framework and to prepare for implementation.
5. consider embedding sufficient flexibility in the framework to enable it to be implemented in each council in a manner which responds to particular local needs and demands.

### **Submitting Council Rationale:**

The mandate of Local Government is underpinned by principles of efficiency and transparency.

The Labor Government has instructed the Essential Services Commission to develop a framework to inform their election commitment to cap annual council rate increases and to advise the Ministers for Finance and Local Government on options and a recommended approach for a rates capping framework for implementation from the 2016-17 financial year.

The State Government's objective is to "contain the cost of living in Victoria while supporting council autonomy and ensuring greater accountability and transparency in local government budgeting and service delivery".

To ensure the optimum model, it is essential that the correct balance between sustainability, service provision and efficiency is reached. The informative process must be robust and comprehensive to achieve recommendations, framework and legislation that supports an approach that allows Councils to respond to the needs of their unique local community.



# STATE COUNCIL MOTIONS

## **Motion 2. Redistribution of GST income**

**Submitting Council: Mildura Rural City Council**

### **Motion:**

That members of MAV State Council call upon the Federal Government to introduce a funding model that distributes GST income proportionately to those regions from whence it is derived.

### **Submitting Council Rationale:**

Mildura Rural City Council contends that GST income should be distributed locally, ie from the area it is derived from. It's recognised that the distribution of GST is currently a contentious point between State and Federal governments but the most equitable distribution model should be region based and proportionate to contributions.

There are examples of successful models based on this premise internationally and the USA model is one that can be highlighted.

**Motion 3. Federalism Review**  
**Submitting Council: Yarra City Council**

**Motion:**

“That this State Council request the MAV respond to the current review of Federalism in Australia in anticipation of Green Paper and White papers being formulated, by:

- a. the MAV providing input to the ALGA for a national submission to the Federalism Review; and
- b. preparing a MAV submission to the Federalism Review on behalf of Victorian local government;
- c. with these MAV submissions focusing on:
- d. recognising the vital role local government plays within the Australian federation in meeting community needs; and
- e. the Federal Government contributing to the funding of public transport infrastructure expansion in cities, including regional cities.”

**Submitting Council Rationale:**

The Federalism Issues Paper released in September 2014, highlights objectives of a more efficient and effective federation and enhancing political accountability and productivity. It makes no reference to local government other than a single reference in the lines “reducing, or if appropriate, eliminating overlap between Local, State and Commonwealth responsibility or involvement in the delivery of public programmes”. A February 2015 financing issues paper, states As local governments are creatures of State and Territory Governments and deliver services that would otherwise be delivered by them, the Australia Future Tax System stated that: ‘It may be more appropriate for State governments rather than the Australian Government to be responsible for ensuring that local government have access to enough revenue - including through untied financial assistance – to provide local services.’ The Federation Review seeks comment on whether there is any unnecessary duplication or overlap of services, what should be the division of roles and responsibilities, and the reforms required to revenue raising powers and other revenue sources of local government.

Input into the review is sought by and for local government on

1. the important role of local government as an independent tier of government in the Australian federation providing essential services to communities, the local government role in job creation, regional development, building thriving and sustainable communities, enhancing social harmony and sustaining democracy, as well as the efficiency and effectiveness of providing services at a local level; and
2. the vital role of the Federal government contributing to funding essential services in public transport infrastructure extensions to enable people to more efficiently access jobs, education and services. Given that the Federal Government raises 80% of taxation revenues in Australia, while the States are only able to raise 14%, State Governments clearly cannot, without federal funding, pay for the major public transport infrastructure projects needed to meet the mobility needs of capital and regional cities. This is essential for congestion reduction, more efficient transport, for business productivity, for social equity, and maintaining the liveability of Australian cities.

Neither the States nor local government have the fiscal capacity to deliver essential community infrastructure and services without input from funds that are raised through the Commonwealth. At the same time, the Commonwealth does

not have the power to deliver essential services in public transport, education, health and community services. It is therefore vital for our Federation that we have an improved sharing of fiscal arrangements that enables the States and Local Government to have the fiscal capacity to provide essential services to communities commensurate with their level of responsibility. As stated by Ross Garnaut in submissions of 19 July 2012 to the GST Distribution Review Panel, "The political distortions and economic costs of the current Federal fiscal arrangements are nowhere greater than in the provision of urban transport infrastructure." This is at great cost to the functioning of cities, where congestion, road accidents, inefficient land use and the high costs of transport in Australia undermines national productivity, social equity and the liveability of cities.



# STATE COUNCIL MOTIONS

## **Consolidated Motion 4. Continuation of funding for School Focused Youth Service Program**

**Submitting Councils: Monash City Council, Boroondara City Council and Manningham City Council**

### **Consolidated Motion:**

That the Municipal Association of Victoria request a commitment from the Victorian State Government for the provision of funding beyond 30 December 2015 to local governments and agencies that provide the School Focused Youth Service Program for at least three years.

**Motion 4.1 Continuation of School Focused Youth Service**  
**Submitting Council: Monash City Council**

**Motion:**

That the MAV seeks a commitment from the State Government for the continuation of funding for the School Focused Youth Service in its current form, beyond the current agreement which ends in December 2015.

**Submitting Council Rationale:**

The School Focused Youth Service Monash has been an essential part of supporting at-risk students and young people since the program's inception in 1997. Local government has been a major auspice and provider of the service statewide. In the Eastern Metropolitan Region, local government is the sole provider of the service and has successfully intergrated the program to compliment the significant investment and services that Councils offer at-risk youth. Since July 2013 the focus for SFYS has been to support schools "to work in partnership with community agencies with expertise to support young people with complex needs or emerging mental health issues to remain engaged or reengage in learning." The SFYS program works alongside existing school supports to develop partnerships and provide case coordination to link local community services to schools to help mitigate young people's at risk behaviours.

Monash Council believes that the existing SFYS program is an effective and proactive early intervention and prevention program achieving positive outcomes for vulnerable young people. Continued engagement with education is a critical factor in determining positive life outcomes for young people and SFYS has consistently demonstrated its capacity to assist schools to manage complex risk factors. Locally, the SFYS has focused on supporting positive mental health outcomes for students and has successfully worked proactively with schools to systemically enhance local service system responses.

The aim of SFYS is to develop an integrated service response for young people (10-18 years) who are at risk of developing behaviours that may make them vulnerable to self harm, disengagement from school, family or community or who are displaying behaviours which require support and intervention. SFYS also seeks to create sustainable links between schools and the broader community service system.

Monash Council holds serious concerns that, should the program be discontinued, no comparable program would be available to support at-risk students and young people. To date, no formal communication has been received from the Department of Education and Training advising of the future of the program or the process and timing of any further review. Monash Council seeks timely clarification from the Department and the state government as to the future of the program, to ensure that young people are not placed at additional risk.

## **Motion 4.2 School Focused Youth Service Program**

**Submitting Council: Boroondara City Council**

### **Motion:**

That the Municipal Association of Victoria request a commitment from the Victorian State Government for the provision of funding beyond 30 December 2015 to local governments and agencies that provide the School Focused Youth Service Program for at least three years.

### **Submitting Council Rationale:**

The School Focused Youth Service (SFYS) is funded by the Victorian State Government through the Department of Education and Training (DET).

The focus of the SFYS program is to ensure that young people aged 10-18, at risk of disengaging from school are well supported in their communities and risk factors are addressed or mitigated so that they continue to be engaged and connected to education.

The service facilitates partnerships between schools and community organisations, provides a diverse range of training opportunities and networks to support staff in the education system and facilitates programs directly for young people identified as being at risk.

The current agreements for local governments and agencies that are funded to provide the SFYS are due to expire on 31 December 2015. There has been no indication from the Victorian State Government that this service will continue to be funded beyond this date.

At risk young people require a range of services to support their needs, a key focus of the service is to act as a conduit between schools and community organisations to ensure a holistic approach when developing strategies to address particular needs of young people and support their continued engagement in education.

If the service ceases to operate at 31 December 2015, individual and specialised programs will no longer be available and there will be increased pressure on schools to support the wellbeing needs of students without the necessary resources. Young people that are currently supported to remain in school have the risk of becoming disengaged, and experience escalating mental health issues.



# STATE COUNCIL MOTIONS

## **Motion 4.3 Funding for school focussed youth service program**

**Submitting Council: Manningham City Council**

### **Motion:**

That the MAV State Council write to the State Minister for Education advocating for further three year program funding to enable the Statewide School Focused Youth Service program (SFYS) to continue to be implemented across schools and communities beyond December 2015.

### **Submitting Council Rationale:**

The School Focussed Youth Service (SFYS) is a statewide initiative established to support young people with complex needs or emerging mental health issues to remain engaged in learning.

Through the SFYS, schools and community organisations support at risk young people who require prevention or early intervention strategies to assist their learning, development, health and wellbeing.

The key strength and uniqueness of SFYS is underpinned by a holistic community approach with the development of strong local partnerships between schools and the broader community. In this, SFYS is critical in building the capacity and expertise to deliver responsive, preventative services and activities to support young people.

Funding for SFYS concludes at the end of 2015. Ongoing funding to continue this vital service is critical to ensure that risk factors are addressed or mitigated and at risk young people continue to be engaged and connected to education.





# STATE COUNCIL MOTIONS

## **Motion 5. Pension concessions for municipal rate rebates**

**Submitting Council: Whittlesea City Council**

### **Motion:**

That the MAV advocate to the State Government to ensure that the existing funding arrangements for the Pension Rate Concession Scheme, including indexation, are maintained in future years.

### **Submitting Council Rationale:**

A Pension Concession Scheme was first introduced by the Victorian State Government as the Municipalities Assistance Act 1973 and has been in place since that time in various forms. In 1993 the Keating Federal Government implemented a National Partnership Agreement on Certain Concessions for Pensioner Concession Card and Seniors Card Holders with associated funding. This program was aimed at obtaining standardized concessions and interstate harmonization.

In formulating its 2014 budget the Federal Government withdrew funding to the State Government for the National Partnership Agreement on Certain Concessions for Pensioner Concession Card and Seniors Card Holders. The State Government subsequently funded the program for the 2014-15 year.

State Government pension concessions currently apply to municipal rates and although the Municipal Rates Concession Cap was not impacted in 2014-15, it remains unclear as to whether pension concessions for municipal rates will continue into the future.

The cessation of Federal Government Funding for pensioner rebates affects all municipalities in the State of Victoria. With the State Government yet to determine whether to fully, partially, or not fund the gap, national consistency and harmonization established in 1993 will be reduced.

The motion is intended to obtain a commitment from the State Government to maintain the current Pension Concession Scheme arrangements into future years.

## **Motion 6. Library Funding**

**Submitting Council: Maroondah City Council**

### **Motion:**

That the Municipal Association of Victoria State Council further continue to press and lobby the State Government for an improved recurrent and capital library funding, including an urgent review of the current funding mechanisms.

### **Submitting Council Rationale:**

Public libraries are vital and highly valued community assets.

State and local governments must work together to equally fund public libraries to make sure our communities can continue to access and receive high quality library services. Local government operates Victoria's public library services, which play a critical role in the development of online information and communications access to local communities.

Public libraries are highly valued by the community as accessible public meeting spaces and information hubs with free access to books, publications and the internet, global learning opportunities and social engagement. They provide many benefits to communities through improved literacy outcomes, the development of social capital and a contribution to a reduction in social inequality. Additionally, libraries support both formal and informal life learning and in doing so reinforces the State Government's "education/learning state" goals.

The demand for library services is changing and evolving. In addition to library's core services, the community is expecting longer operating hours and improvement in the provision of IT services such as access to internet connections. These demands have significant implications for the cost of running library services.

In the past, the State Government has played an active role in providing grants for public libraries to fund the delivery of library services. However, the State Government's funding for this important community infrastructure is diminishing. It does not take into account the real cost of inflation, population increases and additional information communication technology (ICT) needs, book infrastructure and staff expenses.

Local government provides the majority of public library funding with approximately \$5 for every \$1 received from the State Government ie equates to core funding from the State for the service of only 20%. This funding arrangement is not sustainable. Without a substantial increase in recurrent grants, library services will decline and our communities will be disadvantaged.

The MAV State Council should press the State Government to commit to the long term funding of library services so as to reduce the disparity between State and Local Government contributions and work towards the aim of a 50:50 funding partnership between State and Local Government for library services.

### **Supported by**

Whitehorse City Council  
Banyule City Council  
Knox City Council



# STATE COUNCIL MOTIONS

## **Motion 7. Maternal and Child health services funding**

**Submitting Council: Maribyrnong City Council**

### **Motion:**

That the Municipal Association of Victoria calls upon the Victorian State Government to establish an appropriate unit cost increase in funding for Maternal and Child Health Services, in order to address the complexities faced by vulnerable families.

### **Submitting Council Rationale:**

The Victorian State Government and MAV meet every three years, to establish an memorandum of understanding (MOU), regarding the unit cost funding for Maternal and Child Health Services.

Over the last few years, the unit cost for Maternal and Child Health Services has not reflected annual cost increases faced by local governments delivering these services.

Increasingly, families are showing signs of vulnerabilities which can be addressed by early interventions services such as Maternal and Child Health Services.



# STATE COUNCIL MOTIONS

## **Consolidated Motion 8. Healthy together Victoria ongoing funding**

**Submitting Councils: Mildura Rural City Council, Whittlesea City Council, Knox City Council and Wyndham City Council**

### **Consolidated Motion:**

- That the MAV State Council call on the Federal Government to reinstate the National Partnership Agreement for Preventative Health (NPAPH) and associated health promotion/prevention funding to enable initiatives such as the Healthy Together Victoria initiative to continue from 1 July 2015 and
- through continued investment in local government, strengthen the role of Councils in creating supportive environments for health, as espoused in the Public Health and Wellbeing Act 2008.
- That the MAV State Council call on the State Government to re-invest in Healthy Together Victoria over the next three (3) years

## Motion 8.1 Healthy together Victoria ongoing funding

Submitting Council: Mildura Rural City Council

### Motion:

- That the MAV State Council call on the Federal Government to reinstate the National Partnership Agreement for Preventative Health (NPAPH) and associated health promotion/prevention funding to enable initiatives such as the Healthy Together Victoria initiative to continue from 1 July 2015.
- That the MAV State Council call on the State Government to re-invest in Healthy Together Victoria over the next three (3) years.

### Submitting Council Rationale:

#### 1. Victorian Health status data:

- **63% of Australian adults are overweight or obese**, ranking Australia among the most overweight and obese nations in the world<sup>1</sup>. Australia and New Zealand experienced the largest absolute increase in adult obesity since 1980 (from 16% to 29%)<sup>2</sup>.
- Future projections of overweight and obesity indicate that by 2025 around **83% of males** and **75% of females** aged 20+ years will be overweight or obese<sup>3</sup>.
- Australian school children rank among the worst in the world for overall physical activity levels, with 80% not meeting the recommended levels.<sup>4</sup> In the 1960s 1 in 20 children were overweight or obese, by **2025 1 in 3 children will be overweight or obese**<sup>5</sup>
- \$58b is the estimated annual cost of obesity in Australia

#### 2. The Case for Prevention Investment:

##### National Partnership on Preventative Health (NPAPH)

This National Partnership Agreement was established to address the rising prevalence of lifestyle related chronic diseases by:

- a) Laying the foundations for healthy behaviours in the daily lives of Australians through social marketing efforts and the national roll out of programs supporting healthy lifestyles; and

<sup>1</sup> Australian Bureau of Statistics. Australian Health Survey: First results 2011-12. Available from: <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/034947E844F25207CA257AA30014BDC7?opendocument>

<sup>2</sup> Ng M, Fleming T, Robinson M, Thomson B, Graetz N, Margono C, et al. Global, regional, and national prevalence of overweight and obesity in children and adults during 1980-2013: a systematic analysis for the Global Burden of Disease Study 2013. *Lancet*; 2014 May 28 [Epub ahead of print]

<sup>3</sup> Past trends and future projections in overweight and obesity (2014). Baker IDI Institute

<sup>4</sup> National Heart Foundation (2014). Active Healthy Kids Australia Report Card

<sup>5</sup> Past trends and future projections in overweight and obesity (2014). Baker IDI Institute

- b) Supporting these programs and the subsequent evolution of policy with the enabling infrastructure for evidence based policy design and coordinated implementation.

The Agreement was announced by the Council of Australian Government (COAG) on 29 November 2008 and builds on COAG's existing Australian Better Health Initiative and the National Reform Agenda's Type 2 Diabetes initiative, and supplemented the National Healthcare Agreement by funding programs that will improve health outcomes and reduce pressure on the healthy system in the long term.

In May 2014 the Federal Government budget announced the abolition of the National Partnership agreement on Preventative Health (NPAPH). This agreement totalled \$367.9 million over four years.

One of the many impacts of this decision was the cessation of funding for the Healthy Together Victoria initiative. Healthy Together Victoria aims to improve peoples' health where they live, learn, work and play by taking a dynamic systems approach to preventing chronic disease. Healthy Together Victoria applies a concentrated, coordinated prevention effort across 14 Local Government pilot areas across Victoria.

Following the Federal budget and abolition of the NPAPH the previous State Government committed to the funding of the Healthy Together Victoria initiative up until 30 June 2015. The current State Government has not committed to continue this funding beyond June 2015.

**Healthy Together Victoria is an economically viable and cost effective approach to addressing obesity.** HTV is based on the best evidence in prevention. HTV has the fundamentals of, and improves on, the best Australian and international programs, including in **Australia (Colac)**, France (Epode), the US (Shape Up Somerville). These programs demonstrated improvements in reducing obesity and/or the contributors of physical activity and healthy eating<sup>6</sup>. The HTV program has also gained recent international interest, including formal agreements being signed between the Victorian State Government and other international countries eg New Zealand.

**Systems level prevention:** In the absence of sustained, systems prevention funding to complement and bolster existing program based preventive health efforts it is unclear without Healthy Together Victoria how Australia's Governments will comprehensively address the rising rates of obesity and chronic disease.

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<sup>6</sup> Ensemble Prevenons L'Obesite Des Enfants (EPODE). Together, we can Prevent Obesity in Children. 2004. Paris, France: French Ministry of Health



# STATE COUNCIL MOTIONS

Past trends and future projections in overweight and obesity (2014). Baker IDI Institute  
National Heart Foundation (2014). Active Healthy Kids Australia Report Card  
Past trends and future projections in overweight and obesity (2014). Baker IDI Institute  
Ensemble Prevenons L'Obesite Des Enfants (EPODE). Together, we can Prevent Obesity in Children. 2004. Paris, France: French Ministry of Health

**Motion 8.2 Healthy together Victoria ongoing funding****Submitting Council: Whittlesea City Council****Motion:**

- That the MAV State Council call on the Federal Government to reinstate the National Partnership Agreement for Preventative Health (NPAPH) and associated health promotion/prevention funding to enable Local Government to deliver prevention initiatives such as the Healthy Together Victoria from 1 July 2015.
- That the MAV State Council call on the State Government to fund local government across Victoria to deliver preventative health programs such as the Healthy Together Victoria model.

**Submitting Council Rationale:**

- Chronic disease is a national issue of crisis proportions, and the number one cause of death in Australia<sup>7</sup>. The most accurate chronic disease predictor is overweight and obesity. Alarming 63% of Australian adults are overweight or obese, ranking Australia among the most overweight and obese nations in the world<sup>8</sup>. This figure is projected to reach around 83% of males and 75% of females aged 20+ by 2025<sup>9</sup>.
- For every dollar spent on health promotion and prevention five dollars in healthcare expenditure alone is saved.<sup>10</sup> Preventive health investment keeps people out of hospital, and is necessary to address the glut of chronic disease related hospital admissions currently and unnecessarily clogging up too many beds in the already stretched acute health sector.
- Lifestyle related chronic disease is rising, proportionate to rises in overweight and obesity across Australia. Chronic disease is not preventable via vaccination, but instead requires a multi strategy approach addressing health barriers at both individual and societal (or systems level) levels.
- A systems level approach to prevention considers the direct and indirect contributors to ill health and how they interact and influence each other and activates people, places, spaces and policy to improve healthy people and societies.
- Local Government is an ideal setting to drive systems level prevention. This has been proven over the last 3 years through the implementation of the Healthy Together Victoria initiative across 14 Local Government Areas across Victoria.
- Systems level prevention requires a continued investment by all tiers of Government, for population wide chronic disease reductions to be achieved, and the cessation of the systems level Healthy Together Victoria initiative will undermine this innovative and effective work.

<sup>7</sup><http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/3303.0~2013~Main%20Features~Leading%20Causes%20of%20Death~10001>

<sup>8</sup> Australian Bureau of Statistics. Australian Health Survey: First results 2011-12. Available from:

<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/034947E844F25207CA257AA30014BDC7?opendocument>

<sup>9</sup> Past trends and future projections in overweight and obesity (2014). Baker IDI Institute

<sup>10</sup> Dr Bruce Bolam, Victorian Health Promotion Foundation (VicHealth), Committee Hansard, 7 October 2014, p. 22

<sup>10</sup><http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/3303.0~2013~Main%20Features~Leading%20Causes%20of%20Death~10001>

<sup>10</sup> Past trends and future projections in overweight and obesity (2014). Baker IDI Institute





# STATE COUNCIL MOTIONS

MAV calls upon the State Government instead to fund every Victorian LGA to deliver the Healthy Together preventive health model as a matter of priority.

### Motion 8.3 Health promotion/prevention funding

Submitting Council: Knox City Council

#### Motion:

- That the MAV State Council call on the Federal Government to reinstate the National Partnership Agreement for Preventative Health (NPAPH) and associated health promotion/prevention funding to enable initiatives such as the Healthy Together Victoria initiative to continue from 1 July 2015.
- That the MAV State Council call on the State Government to re-invest in Healthy Together Victoria over the next three (3) years.

#### Submitting Council Rationale:

##### 1. Victorian Health status data:

- **63% of Australian adults are overweight or obese**, ranking Australia among the most overweight and obese nations in the world<sup>11</sup>. Australia and New Zealand experienced the largest absolute increase in adult obesity since 1980 (from 16% to 29%)<sup>12</sup>.
- Future projections of overweight and obesity indicate that by 2025 around **83% of males** and **75% of females** aged 20+ years will be overweight or obese<sup>13</sup>.
- Australian school children rank among the worst in the world for overall physical activity levels, with 80% not meeting the recommended levels.<sup>14</sup> In the 1960s 1 in 20 children were overweight or obese, by **2025 1 in 3 children will be overweight or obese**<sup>15</sup>
- \$58b is the estimated annual cost of obesity in Australia

##### 2. The Case for Prevention Investment:

###### National Partnership on Preventative Health (NPAPH)

This National Partnership Agreement was established to address the rising prevalence of lifestyle related chronic diseases by:

- Laying the foundations for healthy behaviours in the daily lives of Australians through social marketing efforts and the national roll out of programs supporting healthy lifestyles; and
- Supporting these programs and the subsequent evolution of policy with the enabling infrastructure for evidence based policy design and coordinated implementation.

The Agreement was announced by the Council of Australian Government (COAG) on 29 November 2008 and builds on COAG's existing Australian Better Health Initiative and the National Reform Agenda's Type 2 Diabetes initiative, and

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<sup>11</sup> Australian Bureau of Statistics. Australian Health Survey: First results 2011-12. Available from: <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/034947E844F25207CA257AA30014BDC7?opendocument>

<sup>12</sup> Ng M, Fleming T, Robinson M, Thomson B, Graetz N, Margono C, et al. Global, regional, and national prevalence of overweight and obesity in children and adults during 1980-2013: a systematic analysis for the Global Burden of Disease Study 2013. *Lancet*; 2014 May 28 [Epub ahead of print]

<sup>13</sup> Past trends and future projections in overweight and obesity (2014). Baker IDI Institute

<sup>14</sup> National Heart Foundation (2014). Active Healthy Kids Australia Report Card

<sup>15</sup> Past trends and future projections in overweight and obesity (2014). Baker IDI Institute

supplemented the National Healthcare Agreement by funding programs that will improve health outcomes and reduce pressure on the healthy system in the long term.

In May 2014 the Federal Government budget announced the abolition of the National Partnership agreement on Preventative Health (NPAPH). This agreement totalled \$367.9 million over four years.

One of the many impacts of this decision was the cessation of funding for the Healthy Together Victoria initiative. Healthy Together Victoria aims to improve peoples' health where they live, learn, work and play by taking a dynamic systems approach to preventing chronic disease. Healthy Together Victoria applies a concentrated, coordinated prevention effort across 14 Local Government pilot areas across Victoria.

Following the Federal budget and abolition of the NPAPH the previous State Government committed to the funding of the Healthy Together Victoria initiative up until 30 June 2015. The current State Government has not committed to continue this funding beyond June 2015.

**Healthy Together Victoria is an economically viable and cost effective approach to addressing obesity.** HTV is based on the best evidence in prevention. HTV has the fundamentals of, and improves on, the best Australian and international programs, including in **Australia (Colac)**, France (Epode), the US (Shape Up Somerville). These programs demonstrated improvements in reducing obesity and/or the contributors of physical activity and healthy eating<sup>16</sup>. The HTV program has also gained recent international interest, including formal agreements being signed between the Victorian State Government and other international countries eg New Zealand.

**Systems level prevention:** In the absence of sustained, systems prevention funding to complement and bolster existing program based preventive health efforts it is unclear without Healthy Together Victoria how Australia's Governments will comprehensively address the rising rates of obesity and chronic disease.

#### Supported by

Whitehorse City Council  
 Maroondah City Council  
 Banyule City Council

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<sup>16</sup> Ensemble Prevenons L'Obesite Des Enfants (EPODE). Together, we can Prevent Obesity in Children. 2004. Paris, France: French Ministry of Health

<sup>16</sup> Past trends and future projections in overweight and obesity (2014). Baker IDI Institute

<sup>16</sup> National Heart Foundation (2014). Active Healthy Kids Australia Report Card

<sup>16</sup> Past trends and future projections in overweight and obesity (2014). Baker IDI Institute



# STATE COUNCIL MOTIONS

Ensemble Prevenons L'Obesite Des Enfants (EPODE). Together, we can Prevent Obesity in Children. 2004. Paris, France: French Ministry of Health

## **Motion 8.4 Primary Health Care Partnerships**

**Submitting Council: Wyndham City Council**

### **Motion:**

That this State Council Meeting call on the State Government and Federal Governments to;

1. reinstate the National Partnership Agreement on Preventative Health to tackle the country's obesity and diabetes epidemic
2. through continued investment in local government, strengthen the role of Councils in creating supportive environments for health, as espoused in the Public Health and Wellbeing Act 2008.

This needs be fulfilled through a long-term commitment to funding all local governments for prevention into the future.

### **Submitting Council Rationale:**

- Victoria is facing an obesity emergency. Rates of overweight, obesity and preventable chronic diseases (such as Type 2 Diabetes) across Victoria, are very concerning and are predicted to significantly increase in the coming years.
- A long term investment in strengthening the prevention systems is required. International evidence suggests that prevention is more cost effective than responding to chronic disease in the health system. A 'systems approach' is recognised internationally as providing the only evidence of successfully intervening at multiple levels to tackle obesity.
- In 2008, State and Federal governments signed the National Partnership Agreement on Preventive Health (NPAPH) to address the increasing prevalence of preventable chronic diseases.
- In Victoria, the investment in the NPAPH led to the establishment of Healthy Together Victoria. As part of HTV, 12 Healthy Together Communities (HTCs) were funded to apply a concentrated and coordinated prevention effort across 14 local government areas. Together, these HTCs aim to reach approximately 1.3 million Victorians, 520 schools, 938 early childhood centres and 4,409 medium to large workplaces, targeting more healthy eating and active lifestyles.
- Funding for the NPAPH was cut by the Abbott Government in the 2014 Federal Budget mid-way through the agreement. The Victorian Government committed to providing funding until 30 June 2015.
- HTV is a world leading obesity prevention initiative that targets a population level change across workplaces, schools, early learning centres and other places where people gather.



# STATE COUNCIL MOTIONS

## **Motion 9. Reinstate country roads & bridges program**

**Submitting Council: West Wimmera Shire Council**

### **Motion:**

That the Municipal Association of Victoria call on the Victorian State Government to immediately reinstate the Country Roads and Bridges (CR&B) program as part of ongoing budget support to the 40 rural Councils currently undertaking significant and vital infrastructure works under the program.

### **Submitting Council Rationale:**

Many rural Councils in Victoria have been able make meaningful in- roads into the urgent infrastructure needs on country roads and bridges as part of this program over the past 4 years.

Works undertaken under the existing program has enabled rural Councils to address urgently needed priorities as part of the sectors ongoing push to narrow the asset renewal gap that impacts many rural Councils across the State. Without this funding, a considerable body of road and bridge works would have remained in the planning phase and not able to be undertaken.

The funding provided has enabled the sector to address a number of urgent rehabilitation or replacement works, along with major repairs, reseals or upgrades. The task to undertake this urgent work remains a work in progress. Without the continued funding and support of the State Government, the infrastructure gap will remain or potentially widen.

This program has provided similar benefit to the Federal Government Roads to Recovery program. The CR&B program needs to continue to give rural Councils the capacity to service the productive agricultural sector and its ability to grow and meet increasing demand for agricultural outputs.

## **Motion 10. Rural and Regional roads and bridges funding**

**Submitting Council: Mitchell Shire Council**

### **Motion:**

That the MAV State Council :

- Strongly advocates to the Minister for Roads and Safety and Minister for Ports that he upholds the Labor Government's election commitment to \$1b in funding for the repair and upgrade of roads in rural and regional communities over the next 8 years; and
- Seeks the Minister's commitment to work with eligible Councils and the MAV to develop the framework for the distribution of the funding in line with transparent criteria and prioritised need.

### **Submitting Council Rationale:**

The Country Roads and Bridges Program, which ran for a four year period between 2010 and 2014, providing up to \$1 million each per year to 40 rural Councils, ceases in June 2015. This funding added up to a total of \$160 million into Victoria's economy to improve the condition of roads and bridges in rural Victoria

In November 2013, in the lead up to the 2014 State Election, Labor announced Project 10,000 which promised \$1 billion in funding for the repair and upgrade of roads in regional communities. At the time of submitting this Motion for State Council consideration, the State Government was yet to provide clarity on how this election commitment will be delivered, and how the infrastructure needs of rural communities previously eligible for Country Roads and Bridges funding might be met under the new funding stream.

The annual allocation of \$1 million was a vital support that enabled rural Councils to maintain and restore existing road or bridge infrastructure in their region; works that would otherwise not have been delivered, due to restricted budgets and rates base.

The funding also enabled Councils to bring forward and deliver important road works that had been identified in long term capital works programs. These works maintained the local transport networks on which rural economies depend and have made a significant contribution to safety and amenity for residents and visitors.

In an environment of constrained financial outlook, reducing grant funding and rate capping, it is essential that rural and regional Councils have confidence in their ability to access roads and bridges funding so that the safety and viability of our rural communities is maintained.

Involving Councils in the development of the criteria for funding allocation is consistent with the commitment to partnership between State and Local Governments as outlined in the Victorian State Local Government Agreement



# STATE COUNCIL MOTIONS

## **Motion 11. Electronic gaming machines**

**Submitting Council: Kingston City Council**

### **Motion:**

That the MAV advocate State Government for a study into whether any features of electronic gaming machines exacerbate harmful addictions for problem gamblers.

### **Submitting Council Rationale:**

A number of studies have been conducted about the features of electronic gaming machines and problem gambling, but more specifically about their relationship to addictions.

Understanding whether features of electronic gaming machines are addictive or increase addictions would complement the knowledge base derived from other studies on this topic.





# STATE COUNCIL MOTIONS

## **Motion 12. Equitable Voting Rights at State Council**

**Submitting Council: Mildura Rural City Council**

**Motion:**

That members of MAV State Council resolve to modify voting arrangements as contained within Section 15 of the Rules of Association to reflect a one vote entitlement per eligible Council.

**Submitting Council Rationale:**

Mildura Rural City Council contends that each eligible Council (ie paying an annual subscription to the association) should have equal voice in determining matters before State Council and as such, the current 2 vote per larger and 1 vote smaller council arrangement is inequitable and less representative.

## **Motion 13. Voting at State Council meetings and Board elections** **Submitting Council: Melbourne City Council**

### **Motion:**

That State Council recognises that:

1. Best practice representative voting at State Council and in MAV Board elections involves full consultation with council colleagues before determining a voting position.
2. Where practicable on major decisions, a formal council voting position for the representative should be adopted.

### **Submitting Council Rationale:**

The MAV Rules of Association (Rules) provide for membership, appointments and operation of the MAV, State Council and Board activities. Part 7 of the Rules, outlined below, provide for obligations of representatives and Board members and makes reference to the approach to be undertaken by representatives when voting at State Council including consultation.

*“7.2. A representative must:*

*7.2.1. attend every meeting of the State Council and if he or she is unable to attend a meeting, must encourage the council’s substitute representative to attend;*

*7.2.2. if present, vote on every matter under consideration by the State Council, in accordance with either the resolution of his or her council or the view of the majority of the Councillors where known, unless prohibited from doing so;*

*7.2.3. provide regular reports to his or her council on matters discussed and considered by the Association and on the decisions made; and have regard to any codes or guidelines published by the Board that relates to his or her functions as a representative.”*

The current practice does not provide for the highest governance standards and leads to significant inconsistency in the approach taken by representatives when voting on matters before State Council.

Part 7.2.3 refers to codes and guidelines to assist representatives. This, along with a review of expectations of representatives, should be an area of significant focus for the MAV and will lift the standards and consistency when considering issues of State significance to local government. A review to allow a representative to best reflect the position of his/her Council should also address the timing of availability of State Council business papers and recognition of the general approach of Victorian Councils with formal committee and council meeting cycles.



# STATE COUNCIL MOTIONS

## **Motion 14. Disclosure of contractual arrangements for Key Management Personnel**

**Submitting Council: Melbourne City Council**

### **Motion:**

That State Council authorises the MAV board to include in all future MAV annual reports, commencing with the 2014-15 financial year, the following additional information on a separate page about the background and contractual arrangements of the Chief Executive Officer and the four next most senior MAV executives:

1. year first joined MAV
2. professional background before joined MAV
3. current position
4. start date of current contract
5. finish date of current contract
6. total remuneration paid, including from any external appointments approved by the MAV board.

### **Submitting Council Rationale:**

As the peak body representing 79 councils, the MAV should lead the way in setting high standards of transparency and accountability in relation to operations. One way in which the MAV could demonstrate this is by disclosing contractual arrangements of senior executives. This is something which the cities of Melbourne and Manningham have undertaken in recent years as part of transparency enhancements in relation to operations.

At the moment, MAV only discloses Key Management Personnel as a lump sum grouped in with directors. It was \$1.12m in the 2013-14 annual report.

More than 2200 Australian public companies are required by law each year to include in annual reports numerous pages of information on their remuneration practices.

### **Consolidated Motion 15. VAGO recommendations**

**Submitting Councils: Frankston City Council, Banyule City Council, Melbourne City Council, Yarra Ranges City Council, Bayside City Council**

1. That the MAV requests that the Minister for Local Government ensure that any review of the Municipal Association Act:
  - a. recognises that the Victorian Constitution Act provides that local government is a distinct and essential tier of government;
  - b. recognises MAV is an independent entity governed by its own Board and a membership driven peak body; and
  - c. be undertaken in full consultation with the MAV and the sector.
  
2. That the State Council endorses the MAV Board's resolution dated 6 April 2015 (below) in response to the VAGO Report, including proposed progress reporting to the local government sector.

#### **MAV Board Resolution - VAGO**

*It was moved on the motion of Crs Altair and Byatt that the Board:*

- *Note the breadth of the matters that the MAV must address arising from the VAGO Report. These matters include:*
  1. *The ongoing independence of MAV;*
  2. *Review of the Municipal Association Act;*
  3. *MAV operations and governance;*
  4. *Monitoring and evaluation of support activities; and*
  5. *Maintenance of effective working relationship with State Government.*
  
- *Note the important and serious nature of the matters raised in VAGO's Report and resolves to fully address and appropriately respond to all matters raised in the Report with the objective of:*
  1. *ensuring that the Board's governance reflects better practice;*
  2. *ensuring the MAV's performance reflects better practice;*
  3. *building confidence among all MAV members and relevant stakeholders in relation to all aspects of the MAV's performance and governance; and*
  4. *achieving the highest standards of governance and organisational performance in the interests of effectively serving Victorian local government and the broader public.*
  
- *Recognise that the report has identified a number of areas in which the board could improve its oversight and governance of the MAV and that the Board commits itself to using the matters raised in the Report to strive to become an exemplar of governance practice.*
  
- *Reaffirm its strong commitment to responding in a positive way to the recommendations contained in the VAGO report and acknowledges the work undertaken to date, and will, at the 1 May 2015 Board meeting:*

1. *Approve a response to the VAGO correspondence of 31 March which includes an Action Plan by MAV;*
  2. *Approve a detailed Board Action Plan (the Board Action Plan to be a standing item on the Board agenda);*
  3. *Agree that appropriately skilled independent advisers be engaged, where appropriate, to advise the Board and/or the organisation on matters arising from the Report; and*
  4. *Consider Board approval of necessary unbudgeted expenditure in 14/15 and inclusion of funds in 15/16 Budget.*
- 
- *Note there will be communications to members articulating MAV's commitment to, and progress on, the recommendations in the VAGO Report at Regional Meetings, the Metropolitan Forum, Rural and Regional Forum, State Council, CEO Forum, at a meeting specifically relating to the VAGO Report for interested councillors and officers and in MAV written updates.*
  
  - *Report to the May 2015, October 2015 and May 2016 meetings of MAV State Council on its progress in responding to the Report.*
  
  - *Note that the President will regularly advise all councils of progress to date by the MAV on the VAGO Report and will provide updates to the State Government.*

**Motion 15.1 VAGO recommendations**  
**Submitting Council: Frankston City Council**

**Motion:**

That this Conference calls on the Board of the Municipal Association of Victoria (MAV) to hold the CEO of the MAV accountable for implementing the changes and improvements specifically related to the MAV's governance and management as contained in the Victorian Auditor General's (VAGO) report on "Effectiveness of Support for Local Government", with the establishment of a detailed timetable and plan, to deliver on all the recommendations by no later than 31 December 2015 to the satisfaction of the Victorian Auditor General. This plan should also include regular reporting on progress against the plan, not less than once every two months, to all Mayors and CEO's of member Councils.

**Submitting Council Rationale:**

The recently released VAGO report titled "Effectiveness of Support for Local Government" indicates some clear challenges in the support provided to the sector by both the MAV and Local Government Victoria.

Of most concern are the findings and recommendations within the report relating to the governance and management of the MAV, and its somewhat cavalier response to the VAGO recommendations.

It is noted that the Local Government Sector will operate in a more effective and collegiate way with the support of the MAV, and in compliance with the myriad of regulations and statutes with effective monitoring through Local Government Victoria.

It is transparently clear from the report that the effectiveness and efficacy of the MAV's support for Councils is constrained by poor governance and management practices. This is not acceptable for the peak representative body of organisations that are required to be governed and managed appropriately and effectively by law. The MAV, as the representative body of the Local Government sector must be held to the same standards of management and governance as its member organisations. It is readily apparent from the report that this is currently not the case.

Had the MAV's response to the Auditor General been more accommodating and accepting of the recommendations in the report, there may not be a need for this motion. However, the nature and tone of the response indicates an unwillingness to embrace the recommendations, which, after all, could only lead to better representation for the sector. The response, in fact, would appear to suggest that the MAV is a law unto itself.

Accordingly, it appears there is no option but to hold the management of the MAV, through its Board and CEO, responsible and accountable for the implementation of the recommendations as detailed in the report.



# STATE COUNCIL MOTIONS

## **Motion 15.2 The Victorian Auditor General's Report on the Effectiveness of Support for Local Government** **Submitting Council: Banyule City Council**

### **Motion:**

That the Municipal Association of Victoria continue to work proactively to implement the recommendations that apply directly to them from the Victorian Auditor General's report on the "Effectiveness of Support for Local Government" and keep members informed of the progress being made to implement the recommendations of the report.

### **Submitting Council Rationale:**

The Victorian Auditor General's Office (VAGO) tabled its report on the Effectiveness of Support for Local Government in the Victorian Parliament on the 26 February 2015. The audit assessed the effectiveness, efficiency and economy of the support provided to councils by Local Government Victoria (LGV) and the Municipal Association of Victoria (MAV).

The Auditor General found that neither LGV or MAV are able to "clearly demonstrate how their support activities contribute to the effective and efficient operation of Councils. Both LGV and MAV need to strengthen their focus and outcome reporting and evaluation."

Banyule City Council endorsed the findings and recommendations from the Victorian Auditor General's review into the Effectiveness of Support for Local Government, noting the concerns that have been raised by the Municipal Association of Victoria regarding the first recommendation.

Banyule City Council contributes a significant amount of rate payer funds to the MAV in membership fees. Accordingly, Council has a very strong interest in ensuring that the MAV delivers value-for-money support and advocacy service to Victorian Councils.

It is encouraging to note that the MAV has softened its initial reaction to the VAGO recommendations and has taken the opportunity to proactively examine its governance, functions and processes to ensure it can continue to deliver the high-quality advocacy and support service that Victorian Councils require. To ensure transparency, it will be important for the MAV to continue to act on, monitor and regularly report back to member councils on the implementation of the VAGO recommendations.

### **Supported by**

Knox City Council  
Maroondah City Council  
Banyule City Council



# STATE COUNCIL MOTIONS

## **Motion 15.3 Improving level and standard of support to Victorian local government**

**Submitting Council: Melbourne City Council**

### **Motion:**

Jurisdictional issues to one side, the State Council acknowledges the Victorian Auditor General's Office performance review of the MAV in the report titled 'Effectiveness of Support for Local Government' and calls on the MAV Board and management to:

1. pro-actively accept the report's findings and implement a clear majority of its recommendations.
2. demonstrate its commitment for urgent action by including a comprehensive reform program in the MAV Strategic Work Plan 2015-16.

### **Submitting Council Rationale:**

The Victorian Auditor-General's Office (VAGO) performance audit report released on 26 February 2015 identified significant shortcomings in the effectiveness and operation of the MAV and Local Government Victoria. The report highlighted deficiencies in the MAV governance framework with particular reference to inadequate systems and processes consistent with contemporary standards of public administration.

As the peak body representing a membership of 79 Victorian councils, it is imperative that the measures and improvements recommended by VAGO are embraced and pro-actively implemented by the MAV Board and management. Adoption of the measures outlined in the report will improve the level of support provided to local government in Victoria and restore confidence in a peak body representing the tier of government closest to the community.





# STATE COUNCIL MOTIONS

## **Motion 15.4 MAV response to VAGO report** **Submitting Council: Yarra Ranges Shire Council**

### **Motion:**

That the MAV accepts and acts upon the recommendations of the Victorian Auditor General's Report into the effectiveness of support for local government

### **Submitting Council Rationale:**

The Victorian Auditor General has recently completed a performance audit to evaluate the support provided to local government by Local Government Victoria and the Municipal Association of Victoria (MAV). The audit outcomes report Effectiveness of Support for Local Government identifies a range of issues with the MAV's legislative and governance framework and its monitoring, evaluation and reporting in particular.

In response to these findings, the report makes a number of recommendations to both the Department of Environment, Land, Water and Planning and the MAV. Mr Rob Spence, the CEO of MAV, has since provided a response to the Victorian Auditor General stating that parts of the report are not soundly or fairly based and failing to accept the full suite of recommendations included.

Yarra Ranges views the audit as an objective, research based assessment of the MAV's effectiveness and that it provides a positive opportunity to improve the transparency, accountability and performance of the MAV. Yarra Ranges Council supports the important role played by independent statutory agencies such as VAGO in providing improvement platforms for public agencies, including councils.

The audit findings present a positive opportunity for the MAV to improve its effectiveness, performance and accountability. It is crucial that the MAV acts on the recommendations for the greater good of the sector and the communities that we serve.

**Motion 15.5 Victorian Auditor General's Office (VAGO) report on the Effectiveness of Support to Local Government**  
**Submitting Council: Bayside City Council**

**Motion:**

2. That this State Council notes that:
  - according to the Victorian Constitution Act 1975 local government is a distinct and essential tier of government; and
  - the MAV is an independent entity governed by its own Board and a membership driven peak body.
3. That the MAV requests the Minister for Local Government to ensure the above is specifically recognised in any review of the Municipal Association Act and that the review is undertaken in full consultation with the sector.
4. That the State Council endorses the MAV Board's resolution in response to the VAGO Report dated 30 April 2015, including proposed progress reporting to the local government sector.

**Submitting Council Rationale:**

The Victorian Auditor General Report on the Effectiveness of Support for Local Government includes a number of areas for improvement for both the MAV, and LGV. This included a finding that overlap existed between the roles of the MAV and LGV.

Whilst the VAGO addresses recommendations to the MAV and to the Department of Environment, Land, Water and Planning particular criticism was made in regard to a number of matters including:

- The need to ensure MAV activities and functions are "within its remit or align with its intended purpose".
- The adequacy of a number of MAV Governance policies, procedures and processes
- Lack of clarity about the applicability of several pieces of legislation to the MAV.
- Insufficient processes to assess MAV Board performance.
- Evaluation of MAV programs and activities including transparent performance assessment of outcomes.

The Victorian Constitution Act 1975 describes local government as a distinct and essential tier of government. The MAV is an independent entity governed by its own Board (this is recognised in Local Government Victoria's response to the Auditor-General and has been quoted by the Auditor-General in his report) and is a membership driven peak body.

The MAV Board has advised all Victorian Councils of its resolution in response to the VAGO Report. In discussion with the MAV, the Mayor and Chief Executive Officer believe the MAV State Council can by resolution further strengthen recognition of local governments and the MAV's independence from State Government whilst endorsing the need for MAV governance to be of the highest possible standard. The recommended resolution will support this approach.

## **Motion 16. Rating exemption for charitable land**

**Submitting Council: Bass Coast Shire Council**

### **Motion:**

That the MAV request the Minister for Local Government to support the amendment of the Local Government Act 1989 to include a definition of 'charitable purposes' that clearly excludes the conduct of substantial commercial activities by charitable bodies.

### **Submitting Council Rationale:**

This motion was submitted for consideration at the MAV State Council meeting held 25 October 2013. The State Council adopted the motion at that meeting.

Requests to the State Government to action the resolution were not successful. As such we again submit this motion to re-affirm sector support and trigger approaches to the new State Government.

The Local Government Act 1989 exempts land used exclusively for charitable purposes from the payment of Council rates. Even where land is used to carry on a business for profit, it is exempt from paying rates where such use is necessary for or incidental to, a charitable purpose. The Act does not define the term 'charitable purposes'.

Bass Coast Shire Council has expressed concerns there might be charitable organisations in the Shire that are currently exempt from paying rates, even though they might be conducting substantial commercial activities from their land.

In particular, there are many examples of charitable organisations conducting commercial operations that compete in the open market with non-charitable organisations and where the commercial activity is not directly related to the charitable purpose of the organisation. That is, the use is not for charitable purposes but the profit gained from the commercial activity is attributed to the purposes of the charitable organisations. It is not considered this was the original intent of the Local Government Act 1989 which should be for the actual use of the property, not the application of profit from the property.

In some instances, even though an organisation may be a charitable body, some of its activities can seem to be substantially commercial in nature. Where this happens, the charitable body can, and has argued the proceeds of these activities go towards the funding of its charitable activities and, as such, land used for such purposes, is considered to be used for 'charitable purposes'.

The lack of a clear definition of 'charitable purposes' in the Act can give rise to legal disputes that can be costly and also create a perception in the community that not everyone is contributing equitably to the rate burden.

The lack of definition makes it difficult to separate those charitable organisations that carry out minor commercial activities to those that might conduct substantial commercial activities.

Local government needs to seriously consider increasing its revenue base to meet community demand for services and infrastructure whilst also minimising the burden on the current rate base, particularly if restrictions on rate increases are imposed.

One such opportunity is to ensure equity where all commercial operations pay rates regardless of the taxable status of the owner.

## **Motion 17. Review of statutory requirements for council plan**

**Submitting Council: Banyule City Council**

### **Motion:**

That the Municipal Association of Victoria advocates to the State Government seeking a review of the current requirement for Councils to develop and adopt a four year Council Plan within 6 months of a General Election or by 30 June, whichever is the later. Any review of the Council Plan provisions should be done in consultation with Local Government and as a minimum should take into account the need for a reasonable period of time, at least one year, for a newly elected Council to be inducted, consult with the community, and to then set the strategic direction for the Council.

### **Submitting Council Rationale:**

The issue of the tight timeframes for the adoption of the Council Plan following a General Election, has been raised with previous State Governments. The only legislative concession made was to bring forward by one month, from November to October (every 4 years), the holding of General Elections.

However, the additional one month has not alleviated the problem faced by newly elected councillors who are expected within a few short months to become fully cognizant of the operations of Council, its processes, legislative responsibilities, to adopt a Budget and Strategic Resources Plan, and to then consult with the community and lay the strategic foundations for the next 4 years through the development and adoption of a Council Plan.

The enormity of this expectation is magnified where there is a significant change to the composition of a Council as a result of the General Election. It is not uncommon for Councils to have a change in up to half of its Councillors and would therefore require an extended induction period. Because of the very tight timelines, many councillors experience a sense that their involvement and engagement in the development of the Council Plan is at best cursory, or of needing to tick a box. This should not be the case when the Council Plan is meant to be the blueprint and guiding document for the term of the Council.

Given that the Minister for Local Government has indicated there will be a significant review of the Local Government Act in the near future, it is appropriate that any legislative review include consideration of realistic timeframes and process for development and adoption of the Council Plan.

### **Supported by**

Whitehorse City Council  
Maroondah City Council

## **Motion 18. Increasing participation by women in local government**

**Submitting Council: Melbourne City Council**

### **Motion:**

That State Council:

1. Endorses the Victorian Government's policy of at least 50 per cent female representation in future judicial and paid board appointments.
2. Notes that the MAV has never had a female president elected through the regular election cycle.
3. Notes with concern that the MAV board has only appointed one female to the current nine member MAV Insurance board, that no new directors have been appointed since 2009 and that the average length of service on the MAV Insurance board is more than 14 years
4. Authorises the MAV Board to commit funding and resources towards a campaign to lift female representation on councils after the 2016 council elections.
5. Encourages councils to actively lift female representation amongst the ranks of council CEOs and senior executives.

### **Submitting Council Rationale:**

The Victorian Government's recent announcement regarding appointments to government boards and the judiciary has reignited community discussion on level of representation by women in positions of political and community life. Premier Andrews has indicated that the long-term project will aim to achieve a level of no less than 50 per cent of female representation on future appointments to paid government boards and Victorian courts.

Female representation in local government continues to be a low level. In Victoria, only 34 per cent of councillors are women and this does not reflect the composition of local communities where women make up just over 50 per cent of the population. This is reflective of the trend occurring in parliaments of State and Commonwealth governments which show that women comprise less than one-third of all parliamentarians and one-fifth of all ministers.

As the tier of government closest to the community, local government has the opportunity of making inroads at a grass roots level. The MAV should demonstrate leadership by actively reviewing its approach and strategy of encouraging greater female participation in local government.

The 2014 National General Assembly (NGA) of Australian Local Government Association (ALGA) adopted a motion presented by the Melbourne City Council aimed at taking national action at increasing participation by women in local government. The resolution called on the ALGA Board to

1. develop a revised strategy aimed at increasing the level of participation by women in council elections throughout Australia
2. work with local government peak bodies in each Australian state and territory to implement a renewed campaign, aimed at increasing the level of participation by women, in advance of the next local government elections.

The motion now presented to State Council seeks to escalate and advance the work commenced following the 2014 NGA.

## **Motion 19. Definition of Councillor under Various Legislation**

**Submitting Council: Strathbogie Shire Council**

### **Motion:**

1. That the MAV seek clarity and changes to the Fair Work Act 2009 to include Councillor's in its definitions.
2. That the MAV seek clarity and changes from the Department of Social Security in relation to its definition of employee to include Councillors.

### **Submitting Council Rationale:**

There is two parts this motion the first being:

Through a couple of matters involving Councillor Conduct issues it is apparent that Councillors are not covered under the definitions of a worker under the Fair Work Act 2009, this is a grey area and needs clarification. Therefore Councillors are unable to bring proceeding under this jurisdiction which includes the likes of Bullying.

The second being:

Councillors that try and seek eligibility under the Employment Assistance Fund (EAF) are not deemed an employee by the Department of Social Services (who run Disability Employment Services). Regardless that a Councillor receives income, pays tax, are covered by Work Cover, and have superannuation paid by the Council does not meet the legal criteria for an employee.

The advice from DSS has been:

- Employment is defined under a specific government act, and requires that the person is provided with a letter of offer and / or a contract for a position of employment, and legally holds the status of employee. Local councillors are not considered (within this definition) to be employees.
- Victorian Accident and Compensation act is not considered adequate to provide a definition of employment (ie being covered by workcover does not mean you are an employee);
- Some Councils have sought special allowances to be able to pay superannuation – however it is not a 'normal' requirement of council payments, and payment of superannuation alone is not an adequate definition for employment.

**Motion 20. Change to the Local Government Act - Strategic Resource Plan**  
**Submitting Council: Boroondara City Council**

**Motion:**

That the MAV advocate to the Victorian Government to change the Local Government Act 1989 (the Act) to remove the retrospective impact on Councils future financial position introduced through the 2014 amendment to the Act in Section 126 (2A).

**Submitting Council Rationale:**

In 2014 the Local Government Act was amended to include a new Section 126 (2A). This resulted in the Strategic Resource Plan now being required to take into account services and initiatives contained in any plan adopted by a Council for the period covered by the Strategic Resource Plan.

The current practice in many local governments is that Council adopted plans and strategies provide guidance for future decision making or a statement of intent rather than a specific commitment to undertake works. The elements of each plan and/or strategy are considered annually during budget development and those aspects that can be funded within the limited resources of Council are prioritised in the budget for implementation.

Many Councils have in the past developed and endorsed plans and strategies relating to a very large number of issues addressed by Councils. Council adopted plans and strategies can have long durations with 10 year strategies being common place. Therefore Section 126 (2A) now captures decisions that were likely made by previous terms of Council and is therefore retrospective in its operation. Further, these previously adopted plans and/or strategies would now require significant Council resources to enact.

The legislation introduced in 2014 now changes the purpose of Council adopted plans and strategies and formally requires that all plans and strategies, and the proposed initiatives and services contained in these documents to be consistent with the resources available in the Strategic Resource Plan.

In summary, the impact of Section 126 (2A) is retrospective and requires current Councils to make available funding to enact actions that have been adopted by previous term Councils. This impacts significantly on the future capacity of Council's to develop documents for planning and strategic purposes without incorporation into future Strategic Resource Plans. The current legislative provision should be removed from the Local Government Act.

**Motion 21.. Change to the Local Government Act to end the requirement to advertise vacant senior officer positions in a newspaper**  
**Submitting Council: Boroondara City Council**

**Motion:**

That the MAV advocate to the Victorian Government to change the Local Government Act 1989 to end the requirement that a Council must advertise a vacant senior officer position in a newspaper circulating throughout Victoria.

**Submitting Council Rationale:**

Section 94B of the Local Government Act 1989 states that “a Chief Executive Officer may only appoint a person to be a senior officer after she or he has invited applications for the position in a notice in a newspaper circulating generally throughout Victoria and has considered all applications received by her or him that comply with the conditions specified in the notice.”

The cost to advertise in a newspaper is not cheap and there is evidence that an increasing proportion of job seekers prefer to use online resources, rather than newspaper resources, for job seeking.

Placement of a job vacancy advertisement in a Victorian newspaper represents a high and unnecessary cost to Council. The cost to advertise in The Age newspaper starts at \$2,070. Whereas the cost to advertise on the online job search site SEEK starts at \$218.

A high proportion of job seekers use online resources for job search activities.

Job seekers are accustomed to submitting a job application through an online process, and job seekers increasingly use the internet in job seeking activities. Online job search sites such as SEEK and networking sites such as LinkedIn are used by a cross-section of demographic groups. Indeed, Councils regularly use online job search sites in addition to newspaper advertisements in order to reach a more diverse applicant pool.



## **Motion 22. Ongoing funding for universal access to early education**

**Submitting Council: Manningham City Council**

### **Motion:**

That the MAV continue to advocate to the State and Federal Governments to :

- continue the funding of the Universal Access to Early Childhood Education Program (15 Hours of Kindergarten)
- make funding available to assist Council to upgrade any ageing infrastructure from which the Universal Access to Early Childhood Education Program is delivered

### **Submitting Council Rationale:**

The current National Partnership Agreement on Universal Access to Early Childhood Education is to due expire at the end of 2015.

Under the Agreement, the Federal Government funds 5 hours of kindergarten and the State Government funds the additional five hours, including a 35% community contribution through fees, fundraising and council support.

A recent review of universal access by the Productivity Commission found that 15 hours of kindergarten is essential to boosting preschool participation, supporting children's development and improving school readiness and recommended the Federal Government continue to provide funding.

The expiration of the agreement would put the additional hours in doubt for approximately 73,000 Victorian children as the Victorian Government has indicated that it may have to cut Early Childhood Education services if the national partnership funding is not extended.

Further, Council supports the ongoing operation of this program through Council owned facilities, but does recognise and seek funding to assist in upgrades of any ageing infrastructure to accommodate this vital State Government program.

Ongoing funding of the Universal Access to Early Childhood Education Program is urgently required to ensure all children can access high-quality, affordable early education and care in Victoria.



# STATE COUNCIL MOTIONS

**Motion 23. Kindergarten and Children’s hubs co-location with primary schools**  
**Submitting Council: Baw Baw Shire Council**

**Motion:**

That the MAV advocate for Kindergartens and Children’s Hubs to be co-located on Primary School Sites.

**Submitting Council Rationale:**

State Government Policy indicates that kinders should be co-located on primary school sites – this enables improved school readiness for such an important milestone in a child’s life. Using existing land/facilities also enables greater community benefit through good asset management.

For growth Councils this also produces a sensible way to meet the needs of rapidly growing communities.

## **Motion 24. Diesel emissions standards**

**Submitting Council: Maribyrnong City Council**

### **Motion:**

The Municipal Association of Victoria write to the State Environment Minister, The Hon. Lisa Neville, to firmly state the Government's position in support of stricter controls being implemented to the national Air Quality – National Environment Protection Measure (NEPM), currently under consideration by government.

In the interests of improving health outcomes and amenity in urban areas and especially in the inner west of Melbourne, where our communities are unreasonably subjected to very high concentrations of truck diesel emissions, council recommends that at minimum, variations to the Air Quality NEPM should include:

1. Making the annual average PM2.5 standard a compliance standard of 6ug/m3 rather than an advisory standard
2. Making the 24 hour PM2.5 standard a compliance standard of 20ug/m3 rather than an advisory standard
3. Establishing an annual standard for PM10 of 20 µg/m3
4. Improving the 24 hour standard for PM10 to 40 µg/m3
5. The completion of these reforms to be achieved by mid 2015

### **Submitting Council Rationale:**

The impact of diesel emissions on human health is of relevance to all Australians. The Senate Community Affairs References Committee on the Impacts on Health of Air Quality in Australia in 2013 called for further research to assess the levels of exposure to Ultra Fine Particles (UFPs) from diesel emissions on human health. The inquiry concluded that despite improvements in Australian air quality over the last two decades, air quality is still a significant problem in many parts of Australia. Some communities are much more affected than others, depending on how close they are to pollution sources.

The Committee tabled thirteen recommendations for further improvements in managing air quality and thereby protecting human health. The Committee recommended an exposure reduction-based approach to minimising exposure to air pollution, rather than meeting objectives and thresholds. This would mean greater protection for populations in areas of elevated pollution levels, such as transport corridors.

This motion is proposed to enable all Australian councils through the MAV to advocate that the recommended emissions standards that cover diesel be adopted by the State Government in Victoria in order to reduce adverse health impacts on our communities.



# STATE COUNCIL MOTIONS

## **Consolidated Motion 25. Planning Fees**

**Submitting Council: Moorabool Shire Council, Maribyrnong City Council, Kingston City Council and Banyule City Council**

### **Consolidated Motion**

That the MAV request a review of planning fees be commenced immediately to achieve a greater level of cost recovery and as an interim step on expiry of the current interim regulations in October that fees be adjusted to address the cumulative indexation shortfall since the fees were set in 2000.

## Motion 25.1 Planning Scheme Amendment Fees

Submitting Council: Moorabool Shire Council

### Motion:

- 1) That the MAV advocate for the following changes to the Planning and Environment Act and regulations required to ensure that:
  - The Planning scheme Amendment Process is removed from the Planning and Environment (Fees) Regulations so that Council's can implement cost recovery charges under the Local Government Act; or increased to a level that reflects the true cost to Council;
  - State agencies act as planning authorities for key processes such as the implementation of controls to manage natural hazard; and
  - That the State pay for Planning Panel costs for strategic / Council led amendments.
- 2) That the MAV work with Councils to document the true costs of amendments in order to provide evidence of the level of cross subsidisation within the Planning Fees Regulations in order to support the required changes.

### Submitting Council Rationale:

Under the Planning and Environment Act Councils have a core responsibility to process planning scheme amendments. The total fees and charges established under the Planning and Environment Fees Regulations are approximately \$2100 and include all actions, including notice (which may cost more than total fees received). It is estimated amendments in staff time cost between \$20,000 for a well prepared 'simple' amendment to \$100,000 for a complex amendment where technical documents must be sought, reviewed and converted into statutory controls and where significant policy / submissions are made.

The State has not reviewed the basis of the regulation since its gazettal in 1988. Since that date the complexity of the system has increased markedly, including:

- Removal of regional planning authorities to undertake wider strategic planning and scheme content;
- Marked decrease in Agencies acting as planning authority;
- Creation of Ministerial directions, including on form and content;
- Introduction of the VPPs which require detailed strategic planning;
- Introduction of the strategic assessment guidelines for all amendments;
- Reduction in the use of 20(2) and 20(4) amendments to correct errors.

In New South Wales Councils, Councils can set fees. In Singleton a rezoning which has complex issues or leads to more than 3 lot yield has a \$16,000 fee. In Lake Macquarie an initial fee for consideration is \$8,875 (\$798 in Victoria) and an initial payment of \$6,900 once Council agrees to commence the process. Once this second fee is exceeded the proponent is billed monthly for the time spent on the amendment (7 varying hourly rates). The Council charges market cost for any external consultant fees incurred and the advertising charge is \$1505 (included in the initial \$798 in Victoria).

In order to make a business case to Government regarding the inherent subsidisation by the Local Government sector of the planning scheme amendment process Council's require real data to outline the true costs of the process. One of the challenges for the sector in addressing this cost shifting is that there is often no data available on the actual time taken to process an amendment. The regulations were designed when there were regional planning authorities; no Victoria Planning Provisions and no strategic assessment guidelines



# STATE COUNCIL MOTIONS

or practice notes. The system is now more complex and the reporting requirements complex, however the basis of the fees have not been reviewed.

To be able to demonstrate the true costs of administering the system on behalf of the Minister Councils need to be able to provide evidence regarding actual time taken to process amendments of varying complexity. Given that a planning scheme amendment may take several years in the pre authorisation stage and over 12 months post authorisation it is unlikely that, in the short term, the true costs of a single process could be assessed by a single Council. As such the MAV is uniquely placed to assist Councils in creating the data required by working with Councils to keep a daily log of hours spent on different elements of the amendment process so that indicative costs could be determined. Moorabool Shire Council would be willing to assist the MAV in collecting this data.



# STATE COUNCIL MOTIONS

## **Motion 25.2 The Planning and Environment (fees) interim regulations 2014** **Submitting Council: Maribyrnong City Council**

### **Motion:**

That the Victorian State Government to immediately review the Planning and Environment (Fees) Interim Regulations 2014, increasing regulatory fees for planning applications, planning scheme amendments and other associated fees associated with the Victorian Planning System in line with CPI increases since 2009.

### **Submitting Council Rationale:**

The fees have not increased since 18 August 2009 whilst significant legislation changes have occurred to the planning system during this period, including changes to the Planning and Environment Act 1987, the Victorian Civil and Administrative Tribunal Act 1998 and the introduction of the VicSmart provisions placing further burden and pressures on Responsible Authorities for timely decisions and on existing resources. The increase in planning fees should reflect the Consumer Price Index (CPI) and will result in additional income being generated to planning departments.

## **Motion 25.3 Review of planning fees**

**Submitting Council: Kingston City Council**

### **Motion:**

That as a matter of urgency, the State Government increase the fees that are dictated by the Planning and Environment (Fees) Regulations and implement:

- a. An adjustment of planning permit fees by 18 per cent on expiry of the interim regulations (October 2015) to return planning fees to their real value; and
- b. A review of the 2008 draft Regulatory Impact Statement (RIS), its release for consultation and introduction of new fees to achieve a greater level of cost recovery.

### **Submitting Council Rationale:**

The Planning and Environment (Fees) Regulations were set in 2000 and were scheduled for review in 2010. Councils invested a significant amount of resources and goodwill to inform the development of a draft regulatory impact statement in 2008, well ahead of 2010 expiry but the review failed to progress. Interim regulations have been made annually since 2010.

Since 2000 there have been eight years in which fees have not been indexed. The lack of indexation has effectively created a transfer in the costs of planning from applicants to broader ratepayers. This results in a significant accumulated shortfall of \$17,632,876 million for councils (18 per cent).

The City of Kingston is of the view that it is still critical that a cost recovery objective drives the development of new planning fees. The significant cost burden that is placed on ratepayers by the planning system is not driving good development outcomes or a high level of constructive community engagement.





# STATE COUNCIL MOTIONS

## **Motion 25.4 Review of planning and environment fees**

**Submitting Council: Banyule City Council**

### **Motion:**

That the Municipal Association of Victoria seeks a State Government review of the Planning and Environment Fees to ensure they better reflect the cost of delivering statutory planning services and addresses a failure to increase fees since 2007.

### **Submitting Council Rationale:**

The Planning and Environment Fees have not been reviewed in several years with the last increase in fees effective 7 September 2009. As such, the increase in fees is falling well below Consumer Price Index for this period.

In this time, Councils have experienced a substantial increase in the number of applications that it receives per financial as well as an increase in more complex application types.

Additional resources are required to service an increased demand which includes the provision of additional permanent staff and the use of external contractors. The failure to review the fees to ensure that they reflect the increasing cost of delivering this service must be addressed.

Additional reporting requirements are placing greater pressure on Council Planning Departments to provide an efficient service. This includes the Local Government Performance Framework Reporting (LGPFRR) and the recent recognition in version 3 of the Planning Permit Activity Reporting (PPAR) that VicSmart or 'simple' application types must be dealt with in shorter timeframes. This will have the effect of indicating a drop in the performance of Council Planning Departments.

A reluctance for the current review of the Planning and Environment Regulations to acknowledge a more appropriate timeframe for a 'complex application' stream and continued neglect in the review of fees will be damaging for Council Planning Departments.

**Motion 26. Planning application fees**  
**Submitting Council** Glen Eira City Council

**Motion**

That the MAV calls on the State Government to increase town planning application fees for developments over \$500,000.

The fees should be increased to cover the cost of administering applications (including the cost of taking part in VCAT proceedings and administering conditions of permit) or to the levels set for VCAT, whichever is the higher.

**Submitting council rationale**

Town planning application fees are paid to Councils by developers and other applicants when they lodge their planning application. The purpose of the fees is to cover the cost of processing an application or an amendment for a planning permit or subdivision or to rezone land. The levels of these fees are set by the State Government.

However, the current fees do not cover the cost of processing developers' applications. The fees are set by the State government and have not been increased at all since 2009. As a result, ratepayers are subsidising multi-unit property developers by more than a million dollars each year.

By contrast, VCAT is funded by State government. To offset government costs, appeal fees have been increased markedly over the same period. Developers are covering a higher proportion of State costs but a lower proportion of local costs.

The State Government should increase the planning fees paid to Councils to cover the cost of processing applications or to the levels set for VCAT, whichever is the higher.

## **Motion 27. Increase of planning application fees and fines**

**Submitting Council: Baw Baw Shire Council**

### **Motion:**

That the MAV advocate for an increase in Planning Application Fees and Fines and that they be indexed to CPI (or another mechanism) annually.

### **Submitting Council Rationale:**

The Planning and Environment (Fees) Regulations were set in 2000 and were scheduled for review in 2010. Since 2000 there has been eight years in which fees have not been indexed.

Had the planning fees continued to be indexed based on the annual inflation rates, fees today would be approximately 23.3% greater. As a result of the Government's inability to complete the fee review and failure to index fees (as a minimum) has resulted in continual cost shifting to Councils and their rate payers to cover the loss in income associated with providing the statutory planning service.

In addition to the failure to index fees there has also been the continual shift of responsibilities to Council through changes to the Victoria Planning Provisions which has also increased the cost of delivering services. This has included but not limited to:

1. native vegetation/net gain
2. bushfire management overlays

In the current financial environment and given the Government's policy on rate capping Baw Baw Shire calls on the Government to stop cost shifting services delivery undertaken by Local Councils on behalf of the State Government by stealth and implement a full cost recovery model associated with planning fees which is annually indexed.

It is estimated that there has been a significant accumulated shortfall of \$17.6 million for councils.

The ability to recoup fees based on a full cost recovery model will enable Local Governments to resource its planning services to ensure that it is able to provide a more efficient service in its community while increasing development and economic development.

## **Motion 28. Apartment size standards**

**Submitting Council: Port Phillip City Council**

### **Motion:**

That MAV advocate to the Victorian Government and the Office of the Victorian Government Architect to work with Councils and other key stakeholders to review and deliver revised Victorian Apartment Design Standards to achieve better design outcomes including minimum apartment sizes for all residential developments across Melbourne.

### **Submitting Council Rationale:**

It is important to the liveability of Melbourne that apartments are well designed to meet the housing needs of residential communities.

One and two bedroom apartments need to be of sufficient size and layout to provide usable and comfortable spaces while accommodating basic furniture and providing circulation and storage space. They should be flexible and adaptable to accommodate changing circumstances of occupiers in the future. Apartment size has a significant impact on the use of the dwelling, its flexibility and long term adaptability. The size of an apartment is also often fundamental to achieving good levels of amenity including access to natural light and ventilation.

Preliminary research shows that the size of apartments in the City of Port Phillip is reducing with some new apartments having less than 40m<sup>2</sup> of floor space. Initial research indicates that having a minimum apartment size does not impact the property market, with cities including Sydney, Adelaide and London having minimum apartment sizes of 50m<sup>2</sup>. Further, if factored in at acquisition of the property, it will not impact on development viability or overall return on development / investment.

A better sized apartment means flexible design options for layout and opportunities for natural light through orientation that could result in reduced utility bills and therefore more affordable living on an ongoing basis. Flexibility provides the opportunity for people to stay in their homes as their needs alter with lifestyle changes, resulting in a less transient, more stable community which has positive community benefits.

The Victorian Government is considering these issues and the MAV could advocate in support of this.

## **Motion 29. Dwellings in the farming zone**

**Submitting Council: Latrobe City Council**

### **Motion:**

That the MAV State Council calls on the State Government to undertake a review of the State-wide planning policy regarding dwellings in the Farming Zone on lots of 40 hectares or greater with a view to making the minimum lot size for a dwelling regionally/council based.

### **Submitting Council Rationale:**

The current Farming Zone provisions require a planning permit to be obtained to construct a dwelling on a lot less than 40 hectares in the Farming Zone. This is an arbitrary figure that has been applied across the State and appears to have little regard to the varied nature of soil quality, topography or climactic conditions that affect each regional area. It is incumbent on rural councils to undertake their own strategic work to identify the appropriate minimum lot size for dwellings on land in the Farming Zone. Due to budget constraints and small rate bases, rural councils can find it difficult to fund such strategic work.

Over the past few years regional councils have faced difficult decisions regarding the development of dwellings in the Farming Zone on lots less than 40 hectares. Situations have arisen where the location and size of land holdings would support the development of dwellings in association with a farm use, however as the agricultural use is not considered "viable" for agriculture, the dwelling use is not supported under the state planning framework.

These days, land size is not the only factor reflective of agricultural productivity depending on which part of the state is under consideration. For example, in the Wimmera there are many cases of farming land that is considered unviable at 80 hectares; whereas in Gippsland, there are many opportunities to farm productively on 5-10 hectares depending on the activity and technology involved. Furthermore, in many cases a proposed agricultural use may be valuably contributing to agricultural production but may not necessarily be a viable farm; but nevertheless requires a dwelling.

Therefore the consideration of a use that results in the loss or fragmentation of "productive" agricultural land or where it would impact on surrounding agricultural activities is a narrow view of agricultural activity. When planning applications are submitted, these applications are generally refused by Council or if approved, refused by VCAT.

It is therefore prudent that the State Government review the standard lot size of 40 hectares for a dwelling in the Farming Zone with a view to applying lot sizes that are more applicable to particular regional areas/councils. A more area responsive approach would provide better tools for rural councils to make decisions regarding dwellings in rural areas.

## **Motion 30. Standard development contribution levies on infill development within established urban areas**

**Submitting Council: Knox City Council**

### **Motion:**

That the MAV call on the Victorian State Government, as part of the current review of the Victorian Development Contributions system, to introduce standard Development Contribution Levies for infill development on larger sites (1hectare and greater) within urban areas across metropolitan Melbourne.

### **Submitting Council Rationale:**

The rate of infill development across Melbourne's established neighbourhoods (urban areas) is now at an all time high as successive metropolitan strategies have sought to contain Melbourne's outward growth and maximise infill development.

Maximising infill development aims to create a more compact city where people have safe and convenient access to the goods and services they need for daily life within convenient distance to where they live. This includes a variety of housing choices, services, schools, parks and recreation opportunities and good walking and bicycle infrastructure.

The current DCP system is too complex and onerous. A standard/ uniform levy for new infill development in established urban areas (similar to the system proposed for Growth Areas and Strategic Development sites identified in Plan Melbourne), would offer alternative infrastructure funding options for Councils to facilitate the delivery of much-needed infrastructure to accommodate increasing densification in established areas.

### **Supported by**

Whitehorse City Council  
Maroondah City Council  
Banyule City Council

**Motion 31. Legislative change to asbestos removal in building demolitions**

**Submitting Council: Hobsons Bay City Council**

**Motion:**

That the Municipal Association of Victoria call upon the State Government to consider legislative change to the regulatory controls relating to the handling, removal and disposal of asbestos from building demolitions and works.

**Submitting Council Rationale:**

The system of regulatory control over the removal of asbestos from residential building demolitions is ineffective. The Victorian Workcover Authority (VWA) has jurisdiction over the removal of asbestos discovered during demolition but the framework for residential demolition requires improvement. The use of asbestos products in residential buildings presents a number of problems including health risks during removal, transport and disposal.

The VWA's role is to maintain workplace safety and it has stringent requirements relating to the handling and disposal of asbestos. These include that the VWA must be notified when a building containing asbestos is being demolished. Asbestos is to be removed by a licensed contractor and disposed of at a landfill licensed to accept the material. The Environment Protection Authority (EPA) Victoria controls the transportation and disposal of waste asbestos.

In terms of demolitions of dwellings, outbuildings and fencing, VWA's involvement is generally triggered by an incident or a complaint. Situations occur where VWA is not notified, a licensed contractor is not engaged and asbestos is disposed of inappropriately.

Building surveyors who issue the demolition permit are in the best position to monitor safe demolition and disposal of asbestos from building demolitions. Currently, building surveyors do not accept this responsibility, which leaves a flawed system of self regulation by demolition contractors. Improved regulatory controls are required to assign responsibility to building surveyors.

There are a number of parties with a role to play in the handling and disposal of asbestos products from residential building demolitions. The building surveyor issues a demolition permit with conditions, which often states that asbestos removal must be completed by a licensed removalist and VWA must be notified of any work taking place. On the surface, this condition should be adequate to deal with any asbestos that might be present on a site. However, there is no requirement for follow-up by a private building surveyor, apart from a final inspection after the site has been cleared.

In practice the obligation to deal with asbestos in an appropriate way may be left to self regulation by the demolition contractor whose prime objective is to remove the building in the quickest time possible. This practice could be rectified by a mandatory pre-demolition inspection by the building surveyor who issues the demolition approval. The purpose of such an inspection would be to determine the presence of asbestos. In the event that asbestos is detected there should be a further obligation on the building surveyor to ensure that the asbestos is removed and disposed of in an appropriate way and that all necessary certificates to that effect are obtained.



# STATE COUNCIL MOTIONS

**Motion 32. Funding for activity centres**  
**Submitting Council: Maribyrnong City Council**

**Motion:**

That the Municipal Association of Victoria call upon the State Government to establish a standard development levy for Local Government to enable the effective coordination and funded delivery of infrastructure required for state significant urban activity centres.

**Submitting Council Rationale:**

As part of supporting the development of activity centres across metropolitan Melbourne there is a need to identify and fund the sequencing requirements for new development (including infrastructure provision, connections and public realm improvements).

Standard development levies would serve to minimise constraint and delay on new development whilst reducing large scale impacts on local governments financial capacity.



**Motion 33. Victorian Planning Provisions: Definition Clause 52.23 Shared Housing**  
**Submitting Council: Mildura Rural City Council**

**Motion:**

That the MAV review Clause 52.23 Shared Housing with the view to redefine its scope to ensure that the initial intention of the clause remains, while preventing the evident loophole being used to short cut the planning process. Such a review must ensure that neighbouring owners and occupiers have the ability to participate in the planning process; currently not available across the state.

**Submitting Council Rationale:**

The Mildura Rural City Council, in its role as the Responsible Authority for the Mildura Planning Scheme, has received a number of deeply concerning developments / uses within the municipality. Specifically these developments / uses concern the increase of the use of Clause 52.23 Shared Housing to circumvent the need to obtain a planning permit and its controls for the development of accommodation type developments / uses specifically to use land for backpacker / temporary accommodation in residential areas.

As the MAV will be aware, Clause 52.23 included in all planning schemes across the state, was created initially to prevent attempts to discriminate against groups seeking community housing, but more recently this provision has been utilised for the justification of not requiring planning permission for a number of different accommodation types including backpacker hostels.

Council has sought legal advice and researched various VCAT decisions surrounding this clause and has been advised that the clause at best is ambiguous and as originally intended generally encompassing in nature, a position also held by the tribunal and noted in case notes where this clause has been considered.

**Motion 34. Housing affordability**  
**Submitting Council: Yarra City Council**

**Motion:**

That this State Council request the MAV reiterate previous representations to the State Government to amend the Victoria Planning Provisions to provide for:

- a. an increase in the supply of affordable housing through direct provision and through inclusionary zoning for public, social and community housing; and
- b. minimum standards for apartments and units addressing size, cross ventilation for airflow, access to natural light, investigate provision for food waste, processing units, ceiling heights and access to suitable open space.

**Submitting Council Rationale:**

Motions on these issues have been passed at previous MAV State Council meetings in 2014 and while statements of support have been made by the relevant new Minister, ongoing representations are sought to achieve outcomes.

Re (a), Inclusionary zoning is a policy aimed at increasing the supply of social and affordable housing, by requiring that larger developments contain a set percentage of housing for low income peoples. In Australia, inclusionary zoning is used in NSW and South Australia and the level of affordable housing within the new development is set at around 10%. In some cases, a monetary contribution may be supplied in lieu of direct provision in a new development. In this case, the responsible authority would apply the funds to support affordable housing on another parcel of land or development.

Local governments are engaged in substantial work on housing policies and regional housing statements covering the issue of how to support the provision of housing to meet population growth and housing demand, and in dealing with impacts of homelessness in their communities. The supply of public and social housing has not and is not keeping pace with population growth, with lengthening waiting lists and an increasing problem of homelessness. Increase in supply is thus sought to meet the needs of those who are disadvantaged and vulnerable.

Re (b), The rapid growth in apartment development across Victoria has seen a significant number of apartments which are extremely small and sub-standard in size and amenity access. This has been highlighted in the media with adverse comparisons made with minimum standards overseas in Europe and Asian cities.

It is considered highly desirable that the State develop and apply minimum standards for apartments, flats and units to ensure these are adequate for health, and sustainable living.



# STATE COUNCIL MOTIONS

## **Motion 35. Council liability- VCAT planning decisions**

**Submitting Council: Maroondah City Council**

### **Motion:**

That the Municipal Association of Victoria State Council calls on the State Government to ensure:-

1. That VCAT take responsibility for the defence of litigation against planning determinations made by VCAT; and
2. The impost of the current cost to Victorian Local Government in defending such litigation is lifted from the sector.

### **Submitting Council Rationale:**

The cost of defending litigation against VCAT decisions in issuing planning permits is presently carried by the Local Government sector. This is viewed as an unreasonable impost especially as the determinations frequently overturn the originally planning decisions made by Councils.

A more equitable approach would be for VCAT to conduct this defence and so relieving Councils of the burden, or for the sector to be reimbursed for costs.

The incongruous situation of Council bearing the cost of such legal defence is exacerbated by the fees/levy that the State Government will collect from the newly introduced Victorian Planning Authority that will take effect from 1 July this year. The levy will be on planning permit application fees for a project in excess of \$1 million and it is projected the levy will raise an estimated \$17.1 million. The Authority has very little if anything to do with the planning process except collect a mandatory fee with no amount being channelled into the Local Government sector.

It is this source of monies – raised by the Victorian Planning Authority – that could be used to offset the costs to Council of defending litigation against VCAT decisions.

### **Supported by**

Whitehorse City Council  
Banyule City Council  
Knox City Council



# STATE COUNCIL MOTIONS

## **Motion 36. Municipal development contribution plan**

**Submitting Council: Maroondah City Council**

### **Motion:**

That the Municipal Association of Victoria State Council calls on the State Government to provide a clear process to enable municipalities to introduce a development contribution plan on a municipal wide basis.

### **Submitting Council Rationale:**

Currently, Development Contribution Plans (DCP) – a development infrastructure levy and/or a community infrastructure levy – do not apply across a whole municipality but is broken down into a series of charge areas.

Maroondah for instance has an existing DCP applicable to the Ringwood Metropolitan Activity Centre but not a municipal wide equivalent. The growing cost of infrastructure is an ever increasing impost upon Council's budget and an overall DCP would provide additional funding to make up for shortfalls between current income and the cost of infrastructure. It would potentially include capital infrastructure projects such as roads, drainage, footpath, streetscape works as well as community infrastructure projects, such as child care centres, Maternal and Child Health Centres and neighbourhood houses.

The infrastructure is required to cope with the growing population of the municipality and the consequential increased demand. The development contributions go directly towards projects which would be used by the development, because they are located in the same area.

A municipality would typically be broken down into 'Charge Areas' (generally by suburb). Each Charge Area would have a different list of projects, and so the required payment for each area would be different. In addition, there are a range of development categories (eg residential, industrial and commercial). To calculate the cost a party would be required to pay, there would be a need to identify the Charge Area in which a site is located, what type of development is proposed, and either the number of dwellings or the size of the commercial/ industrial floor area being proposed.

A Planning Panel recently (November 2014) provided support to Moreland City Council to pursue a municipal wide DCP. This suggests that the concept is a feasible and one that should be pursued.

### **Supported by**

Whitehorse City Council

Banyule City Council

Knox City Council



# STATE COUNCIL MOTIONS

## **Motion 37. Extension times to planning development permits**

**Submitting Council: Whitehorse City Council**

### **Motion:**

That the MAV State Council request the Victorian government to legislate to limit the number of times a development permit can be extended to a maximum of twice (i.e. 4 years) after the initial permit is granted. The legislation would provide clarity for both Councils and developers, and eliminate the need for any request to go to VCAT for a decision.

### **Submitting Council Rationale:**

Currently there is no limit on the number of times a development permit can be extended, and any Council refusal can be appealed at VCAT, which involves additional expense for both Council and a developer. Legislation which adopted a mandatory time limit would provide certainty for all concerned, and encourage development of a site, rather than land banking which currently occurs.

### **Supported by**

Knox City Council

Maroondah City Council

Banyule City Council

## **Motion 38. Changes to the VCAT Act – presumption of entitlement to reimbursement of fees**

**Submitting Council: Bayside City Council**

### **Motion:**

1. That the MAV State Council express its concerns to the Attorney General, Minister for Planning, and Minister for Local Government, in respect of the insertion of Section 115CA into the VCAT Act, pursuant to Section 36 of the Courts Miscellaneous Amendments Act 2014.
2. That the MAV State Council request that the Attorney General prepare legislation to remove Section 115CA from the VCAT Act.

### **Submitting Council Rationale:**

Section 115CA provides for a presumption that, in respect of an application for review of the failure of a Responsible Authority to decide upon a permit application within the statutory timeframe under the Planning and Environment Act, the applicant for review is entitled to an order that the responsible authority reimburse the applicant the whole of any fees paid by the applicant to the proceeding (ie. VCAT application and hearing fees).

This section was inserted into the VCAT Act pursuant to Section 36 of the Courts Miscellaneous Amendments Act 2014 and came into effect on 10 September 2014.

Councils were not directly consulted about this proposed change.

The change potentially exposes Councils to orders of significant quantum of costs. In effect this change is to move a significant part of the cost of provision of the VCAT services from the users and beneficiaries of that service, to ratepayers.

Councils, and the MAV have previously made submissions to reviews of the Planning and Environment Act and Regulations that the 60 day statutory timeframe was not sufficient to allow proper consideration of many types of more complex applications, in line with community expectations for consultation and engagement in the decision making process. The statutory timeframe has not been amended, and the DTPLI does not currently propose to amend the timeframe.

In response to the change, Councils will be forced to curtail engagement with applicants and objectors. It is likely that Councils will be motivated to refuse non-compliant applications at application outset to avoid failure appeals. This contrasts with the current approach of many Councils, which involves engagement, negotiation and consultation with applicants and communities to achieve appropriate planning outcomes. An increase in early refusals is likely to result in an increase in the volume of applications for review to the VCAT, and ultimately a greater drain on public monies (both Local Government and Department of Justice), and private resources, in respect of contested matters the VCAT that otherwise might have been resolved through Local Government processes.

**Motion 39. Concerns Regarding the Victorian Civil And Administrative Tribunal  
Submitting Council: Boroondara City Council**

**Motion:**

That the MAV advocate to the Victorian Government to:

1. Amend legislation to require the Victorian Civil and Administrative Tribunal (VCAT) to apply the local planning policies set out in municipal planning schemes.
2. Amend legislation to remove the requirement that Councils must reimburse an applicant's VCAT hearing fee for 'failure' appeals.
3. Review the substantial increases to VCAT application fees applicable to residents (objectors) seeking a review of a planning decision.
4. Amend legislation to provide VCAT with the power to impose fines for breaches of the Planning and Environment Act rather than relying upon the Magistrates' Court.

**Submitting Council Rationale:**

While planning legislations requires that VCAT consider local planning policies, it is not required to apply them. Local planning policies are important because they consider local issues and more closely reflect the views of the local community. Local policies are developed through a process of extensive community consultation and strategic planning work. However, Boroondara's experience is that often VCAT will set aside Council's planning decisions without having due regard for its local planning policies. Councils are best-placed to make planning decisions which affect its community. Boroondara considers that amendments to the relevant legislation requiring VCAT to actually apply local policy, rather than consider it, would result in planning decisions which better align with the views of the communities that Councils represent.

The recently introduced Section 115CA of the Victorian Civil and Administrative Tribunal Act is very concerning for Councils, as it means that they must reimburse an applicant's VCAT hearing fee (except the Major Cases List fee) for 'failure' appeals, unless certain exemptions are met. Importantly, this means that an applicant is automatically entitled to an order from the Tribunal requiring the fee to be reimbursed. Given the 60 statutory day restriction imposed on Councils, this incentive for applicants to 'clock-watch' and then lodge an appeal against the failure of the Council to make a decision flies in the face of Councils' role in working with applicants and objectors to reach effective planning outcomes.

Council strongly supports third party involvement in the planning system, including in the VCAT process. Council is however concerned that the substantial increases to VCAT application fees for objectors (currently set at \$986.40) are unfair and discourage objectors from seeking a review of Council decisions, reducing community involvement in the planning process.

Enforcement of planning requirements is complicated, costly and time consuming. One means of addressing this situation would be to give VCAT the power to impose fines rather than relying upon the Magistrates Court for this purpose. A change to the legislation to allow VCAT to issue fines in respect of enforcement matters placed before it would improve local government's ability to enforce planning schemes and to protect the community's safety and amenity.



# STATE COUNCIL MOTIONS

## **Motion 40. Freight movements**

**Submitting Council: Maribyrnong City Council**

### **Motion:**

That the Municipal Association of Victoria calls upon the State, Federal and Territory Governments to develop effective environmental controls on trucks to respond to the projected growth in port and industry movements of freight in western metropolitan Melbourne over the next 20 years and to introduce tougher compliance standards for diesel emission particulate matter (PM2.5) as a priority.

### **Submitting Council Rationale:**

This resolution relates to ongoing community concerns about transport related air pollution in western metropolitan Melbourne.

Opportunities include

1. Providing funding for reducing diesel emissions through the creation of an alternative fuels program, such as CNG and diesel/electric hybrid vehicles.
2. Fund a Clean Truck Program, in partnership with the State Government, around the Port of Melbourne terminals.
3. Introduce 8hr standards for diesel particulate matter (PM2.5 and PM10).
4. Encourage changes to State planning legislation that require 'sensitive use' facilities to be located well away from high traffic volume transport corridors.

Air pollution is a major concern for Maribyrnong City Council with health impacts on our residents arising from our geographic location with excessive numbers of diesel trucks and trains passing through its suburbs. Council has made ongoing commitments with regard to truck action and advocacy on this key issue.





# STATE COUNCIL MOTIONS

## **Motion 41. Transport Infrastructure in the western suburbs**

**Submitting Council: Maribyrnong City Council**

### **Motion:**

That the Municipal Association of Victoria calls on Victorian State Government to commit to the timely provision of major road and rail infrastructure in the western metropolitan region, including construction of the western section of the East -West Link to accommodate the transport needs of the growing population and the increasing freight movement across the western suburbs.

### **Submitting Council Rationale:**

The purpose of this resolution is to encourage the state government to focus urgent attention on the transport needs of the rapidly growing western metro region and the lack of an alternative river crossing to the congested West Gate Freeway. Container traffic movements from the Port is predicted to grow from 2 million TEU per annum to 8 million TEU in the next 15 years. Significant road and rail projects must be planned now to avoid significant gridlock in the west, high travel times and the high congestion and inefficiency costs to business. The previously planned western section of East - West Link is considered critical in helping to address the future transport needs of Melbourne's west.

## **Motion 42. Federal funding for urban public transport**

**Submitting Council: Wyndham City Council**

### **Motion:**

That this meeting call on the Prime Minister to:

1. prioritise funding of major transport infrastructure projects based on their merits and cost benefits, rather than whether they are road or rail projects and
2. establish funding mechanisms for urban public transport projects in addition to the Asset Recycling Fund

### **Submitting Council Rationale:**

The Prime Minister has regularly stated publicly that he wishes to be regarded as the infrastructure Prime Minister. This appears to in effect be limited by other public statements that the Federal focus should be on roads which would free up the States to fund urban public transport. The Federal government has said that financial inducements on offer for selling state assets could be used for urban public transport projects.

The quantum of funding required for major urban public transport projects is beyond the financial capacity of state governments, even if significant increases in Federal funding for roads freed up State resources.

Current and future State Governments will need financial support from the Federal Government for major urban transport projects. Victoria, New South Wales and the ACT all have major public transport infrastructure projects with business cases in need of additional Federal support.

Recently Jim Betts, CEO of Infrastructure NSW and former Secretary of Victoria's Department of Transport is reported to have said "I can't really understand the logic of saying we will only invest in a transport project if it involves bitumen as opposed to one that involves steel rails,"

"It seems to be arbitrary," he said of Mr Abbott's stance.

"I can't understand how public transport is somehow beyond the pale," he said. "It's a shame because particularly I would like to see bodies like Infrastructure Australia able to give modally agnostic advice."\*

\*Sydney Morning Herald 31/03/2015



# STATE COUNCIL MOTIONS

## **Motion 43. Public transport**

**Submitting Council: Port Phillip City Council**

### **Motion:**

That MAV advocate to the Commonwealth and Victorian Governments that governments at all levels commit to early investment and delivery of city shaping public transport infrastructure in areas of urban growth to build productive, liveable and resilient communities.

### **Submitting Council Rationale:**

Inner city councils are committed to working with our partners to ensure public transport infrastructure meets the needs of our communities in the context of an increasing population.

We are calling on the Commonwealth Government to support the delivery of vital urban commuter rail infrastructure, such as the Melbourne Metro project, rather than just funding road projects.

In addition, we need the Victorian Government to commit to progressing the Collins Street tram extension to service the 120,000 future resident and worker population in a redeveloped Fishermans Bend. This piece of infrastructure is essential to catalysing commercial and residential development in the area. State Government should also preserve other strategic transport corridors in the Fishermans Bend Urban Renewal Area so as not to close off future public transport opportunities.

**Motion 44. Improvement in public transport offerings in eastern Victoria**  
**Submitting Council: Baw Baw Shire Council**

**Motion:**

That the MAV advocate on behalf of Councils for significant improvement in the public transport offering in the east of the State, particularly for the growing Gippsland region, with a priority on increasing carriages (rolling stock) for the Gippsland line and bus lines through Baw Baw Shire, Bass Coast Shire and South Gippsland Shire.

**Submitting Council Rationale:**

The growing urban populations within established towns in these Shires will bring increased demand for enhanced public transport services. This is likely to be further emphasized as major community services are increasingly focused in the existing urban centres, even if augmented by mobile services.

A key demand is for enhanced rail connections to Melbourne and between the smaller and larger centres of our peri urban shires. The train service linking West Gippsland to Melbourne is a contributing factor to this population growth and migration. Extra carriages need to be provided to the Gippsland V/Line train services. Our community continues to experience significant overcrowding on V/Line train services on the Traralgon line, particularly between Warragul and Melbourne.

The increased price of fuel has also encouraged greater use of public transport. In fact there has been a 28% increase in patronage of the V/Line service from Warragul and Drouin stations between 2007/08 and 2009/10. This is an increase of more than 61,960 people per year or an average increase of over 169 people per day. Trains are now crowded when they leave Melbourne and are overflowing when they arrive in Trafalgar at the eastern boundary of the Shire. Many people cannot get a seat on the V/Line service from Melbourne to Warragul, particularly on the 15.23 and 16.10 services, and occasionally the 16.47 service from Melbourne. This has particular ramifications for the elderly, disabled and those with physical injuries who have to endure the 90 minute plus journey without a seat.

The services listed above are at 100% or near capacity according to information available from V/Line. This load factor is repeated on the morning peak services between 6.22 am and 7.22 am with 98% and 100% respective capacity according to V/Line.

We would also like to draw your attention to the Gippsland Regional Plan (GRP), a document outlining Gippsland's strategic priorities and endorsed by the Gippsland Local Government Network, Regional Development Committee and the Gippsland Regional Management Forum.

The *GRP* endorses the need to develop economic resilience in the region and supports the need to improve accessibility and connectivity, which in part is through the implementation of the *Gippsland Transport Strategy (GTS)*. The *GTS* focuses on improving intra-regional connectivity as a response to the challenge of population growth and the critical need to ensure people have access to jobs and services. Current V/Line services do not meet this need.

V/Line needs to increase the number of carriages and /or the number of train services during peak times. These are simple solutions that would meet the community's need for a safe and accessible journey to and from Melbourne.



# STATE COUNCIL MOTIONS

In addition, inter-town bus services are likely to experience higher demand in Baw Baw Shire due to the ageing population and concentration of regional level services in our larger regional towns such as Warragul, Drouin and Trafalgar. The lack of public transport in these areas, and more specifically north and south of the Princes Highway corridor and the Melbourne rail line, will be exacerbated by additional growth in these and surrounding areas.



# STATE COUNCIL MOTIONS

## **Motion 45. Driver training**

**Submitting Council: Yarra City Council**

### **Motion:**

That having regard to recent cyclist fatalities, this State Council requests the MAV to make representations to relevant Ministers and to VicRoads to require that driver training for motorists include focusing on the need for drivers to take more care when opening car doors, to be alert for cyclists.

### **Submitting Council Rationale:**

The recent death of two cyclists due to “car dooring” incidents, one on Sydney Road in Moreland, another in Glenferrie Road in Boroondara, highlight the need for improved awareness of cyclists by drivers and passengers when exiting motor vehicles and especially when opening car doors onto passing cyclists.

Apart from these two recent fatalities, there are multiple other cases of injury, including serious injury to cyclists in these circumstances.

The risk of injury posed by opening car doors suddenly into the path of oncoming cyclists is not considered to be adequately addressed in driver training or in compulsory questions for learner/probationary drivers when seeking to pass licence tests.

This is sought to be remedied.

## **Motion 46. Grade separation projects in activity centres**

**Submitting Council: Knox City Council**

### **Motion:**

That the MAV advocate to the State Government to ensure that those grade separation projects situated within activity centres are undertaken to optimise the delivery of economic development, community infrastructure, urban design and social benefit outcomes.

### **Submitting Council Rationale:**

The State Government has given a commitment that fifty grade separation projects will be delivered over the next eight years. Approximately one fifth of these projects are identified within activity centres as designated under Plan Melbourne. This situation presents a significant opportunity for the State's Grade Separation Authority to pursue two different delivery models to reflect the planning effort required to deliver activity centre aligned outcomes.

Where projects are not deemed to be in an activity centre area, an accelerated delivery model should be pursued. Those projects situated within an activity centre should proactively pursue planning outcomes which facilitate economic growth in the precinct, partnering with both the private sector and the community to deliver wider reaching benefits than simply a grade separation outcome.

Grade separation projects within activity centres have strong potential to deliver multiple outcomes which meet State Government objectives. These will however, be potentially lost if due consideration is not paid to achieving them. In particular, where significant planning work has been undertaken by Councils to achieve wider objectives, the Grade Separation Authority should be working to actively progress these outcomes through the delivery phase of the grade separation project.

### **Supported by**

Whitehorse City Council  
Maroondah City Council  
Banyule City Council



# STATE COUNCIL MOTIONS

## **Motion 47. Responsibility for local roads**

**Submitting Council: Mildura Rural City Council**

### **Motion:**

That the MAV State Council call on the Victorian State Government to take full financial responsibility for the maintenance and renewal of all local roads and bridges

### **Submitting Council Rationale:**

Mildura Rural City Council believes that given the state government's capacity to collect significant related income through mechanisms such as fuel taxes, road taxes, registration fees etc, and conversely, in light of the economic difficulties facing Councils, not the least of which will compound through rate capping restrictions, that financial responsibility for all local roads and bridges more appropriately sits at a state government level.





# STATE COUNCIL MOTIONS

## **Motion 48. Retail fuel price capping**

**Submitting Council: Colac Otway Shire Council**

### **Motion:**

That this meeting of the MAV State Council:

1. Notes that some areas of regional Victoria have consistently higher retail prices of unleaded petrol and diesel fuels and that in a number of cases such as in Colac there is no evidence that this price disparity is driven by delivery or other cost price.
2. Notes that the current regulatory regime and previous reviews of this regime have shown themselves to be manifestly ineffective in ensuring competitive retail fuel markets.
3. Resolves to write to national and state governments and the ACCC to advocate for consideration of local price capping or other appropriate measures where retailers cannot demonstrate an increase in local supply costs that would justify higher local prices.

### **Submitting Council Rationale:**

In towns such as Colac retail fuel prices are consistently 10-20 cents per litre higher than both larger and smaller towns in adjacent areas. The current competition regime has shown itself to be manifestly inadequate in terms of delivering competitive fuel prices to towns like Colac and the prospect of price capping may be the only other option to encourage more competitive practices in local markets.

There have been a number of reviews of and by the ACCC's fuel retail monitoring practices and powers with no discernable effect on fuel prices Colac. This enduring disparity distorts household spending away from more desirable uses, inhibits employment growth and social participation and retards economic development more generally in and around Colac.

## **Motion 49. Water authorities to work with peri urban and regional councils and developers**

**Submitting Council: Baw Baw Shire Council**

### **Motion:**

That the MAV advocate on behalf of Councils in Rural areas for Water Authorities to work with proactively with Councils and Developers to deliver much needed infrastructure in growing peri-urban and regional.

### **Submitting Council Rationale:**

Within Baw Baw Shire several localities are affected by local groundwater issues and will require investment in drainage management. This will require a holistic approach from developers, water authorities and government.

Investment in strategic infrastructure underpins the local economy and improves the lives of people across the region. One of the Baw Baw Shire Council's top priorities is to provide the right infrastructure, at the right time, in the right places, and in a way that represents best value for money and a sustainable use of resources. This can only occur when Councils, developers and water authorities (and other agencies) work together towards the same goal.

One of the Gippsland Regional Growth Plan's principals is about Regional Infrastructure – delivering timely and accessible infrastructure to meet regional needs for transport, utilities and community facilities. To achieve this networked objective there is a requirement to work with utility agencies to optimize access to drainage, water and sewerage to cater for a growing population.

The lack of timely and appropriate provision of community infrastructure has adverse social impacts on new communities. Developers and water authorities also have a responsibility to ensure that timely and connectable infrastructure is provided, as such these working partnerships are vital.

Proactive partnerships, planning and advice are required between all parties and should form the basis of the referral and request processes to water authorities by developers and Councils alike.



# STATE COUNCIL MOTIONS

## **Motion 50. Collection and expenditure of municipal landfill levies**

**Submitting Council: Kingston City Council**

### **Motion:**

That the Municipal Association of Victoria strongly advocate to the Hon. Lisa Neville Minister for Environment, Climate Change and Water, and the Environment Protection Authority to provide detailed accounts for the collection and expenditure of municipal land-fill levies since the levy was established and to seek direct funding to the development of green waste collection and composting processes.

### **Submitting Council Rationale:**

The Environment Protection Authority sets the fee and collection of municipal and industrial waste charges in Victoria. For the past four years, these rates have increased 10% per annum. Along with the EPA, municipalities have a shared commitment to the reduction of waste generated in Victoria however are not directly resourced through land-fill levies to undertake this task. A disclosure of the income and expense is sought to provide the Victorian community with clarity on this re-investment. Further, the increase in the collections of green waste requires investment in significant infrastructure to support the processing of these materials.

## **Motion 51. Noxious weed control**

**Submitting Council: Colac Otway Shire Council**

### **Motion:**

That this meeting of the MAV State Council:

1. Notes that the lack of effective enforcement on private land and control of noxious weeds on crown land over many years has resulted in many rural areas becoming increasingly infested with noxious weeds.
2. Resolves that the MAV will write to relevant State Members of Parliament to request proper enforcement of the requirements to control noxious weeds on private land and to also increase the resourcing of weed control on Crown land.

### **Submitting Council Rationale:**

Noxious weeds and pest animals affect the entire Victorian community, from individual landowners to whole industries. The effective management of these species by all land managers is an essential precursor to achieving advances in Victoria's agricultural and tourism industries, being competitive with other states, improving our sustainability and conserving our unique natural environments, all of which contributes to healthy, viable communities.

Under s20 of the Catchment and Land Protection (CaLP) Act, all land owners, including the Crown, public authorities and licensees of Crown lands, must, in relation to their land, take all reasonable steps to:

- avoid causing or contributing to land degradation which causes or may cause damage to land of another land owner;
- eradicate regionally prohibited weeds;
- prevent the growth and spread of regionally controlled weeds on their land;
- prevent the spread of, and as far as possible, eradicate established pest animals.

While the desire to effect change is apparent in State Government policy, and Council officers collaborate with State Government staff locally to bring about improvements and efficiencies in weed management programs on public land, the lack of sufficient resourcing for this area is evident state-wide.

Given the industries, environmental assets and communities that weeds impact and the well established economic costs of not controlling weeds, we call on the State Government to increase the current investment in weed management across the state to adequately resource both the enforcement of noxious weed management on

**Motion 52. Container deposit legislation****Submitting Council: Colac Otway Shire Council****Motion:**

That this meeting of the MAV State Council:

1. Resolves to support and actively pursue the implementation of a Container Deposit Scheme within the waste sector of Victoria noting the successful operation of the scheme in South Australia.
2. Resolves to write to the Minister for Environment, Victoria requesting further research be conducted on benefits of a Container Deposit Scheme, with an aim to implement a successful scheme which could be similar to the successful scheme which has been operating in South Australia since January 2012.
3. Resolves to have the following aspects taken into account in any further Container Deposit Scheme research:
  - b. Increased recycling
  - c. Reduction in littering
  - d. Less recyclable material going to landfill
  - e. Reduced recyclable in waste bin
  - f. Savings in landfill gate fee
  - g. Incentives to individuals, social groups, clubs etc.
  - h. Container Deposit Scheme working as a complimentary service to kerb side recycling service.
  - i. Possible job creation by implementation of Container Deposit Scheme
  - j. Community involvement and pride in boosting recycling
  - k. Container Deposit Scheme as an educational tool for young children
4. Resolves that the MAV refers any Container Deposit Scheme proposal to the Victorian Regional Waste Groups seeking input on the best ways for implementation of a Scheme.
5. Resolves that MAV will assist with any further research on the usefulness of a Container Deposit Scheme as related to rural, regional and city areas across Victoria, and assist with its implementation.

**Submitting Council Rationale:**

The Container Deposit Scheme has been implemented successfully in a number of countries including 11 states of United States of America, Sweden, Norway, Netherlands, Belgium, Denmark where the rate of recycling ranges between 80% to 95%. Within Australia it is working successfully in South Australia which has reported the highest rate of recycling and least degree of littering amongst all states. The record indicates that there are significant advantages in implementation of Container Deposit Scheme.

The MAV commissioned a report on "The Financial Impacts of Container Deposit Legislation to Local Government in Victoria" and released their findings in May 2013, the MAV at this stage stated:

"The investigation, undertaken by consultancy, Equilibrium OMG, was a partnership between Sustainability Victoria and the MAV, to better understand the financial impacts of container deposits on local government. A total of 37 councils from across the state participated in the research, providing high-quality data, making the results of this analysis robust.

The analysis found that there would be winners and losers amongst Victorian councils, with the financial impact differing depending on an individual council's specific circumstances. In general, rural councils would be better off, as they pay for recycling collection and

reprocessing, whilst most metropolitan councils would lose revenue as they receive rebates from the recycling service.”

## Analysis of Colac Otway Shire

The research undertaken by Colac Otway Shire shows that whilst Council has an income stream from Recycling the income is less than transportation costs and thus a reduction in recycling quantities through implementation of Container Deposit Scheme could result in a cost saving.

Currently it costs approximately \$128 more per tonne to dispose of household garbage than recycling. Waste audits in the past have shown that approximately 20% of material in the waste stream is recyclable. If we could recycle even 25% of this material from the garbage stream the saving to Council would be significant. This is where the Container Deposit Scheme could be implemented as a complimentary scheme to the ongoing kerb side recycling services.

In addition to the above benefits the Container Deposit Scheme has the capacity of creating up to one thousand jobs within Victoria if implemented strategically and successfully. It will also provide a source of income to many in the form of small pocket money and will be well accepted by the majority of community.

**Motion 53. Emergency Management**  
**Submitting Council: Strathbogrie Shire Council**

**Motion:**

That MAV request Emergency Management Victoria to introduce a pre-approval process for urgent Emergency Recovery Works.

**Submitting Council Rationale:**

The Creighton's Creek community benefitted from a well-managed and well-resourced response to the bushfire event of December 16 – 24 2014. The Emergency was managed from the Shepparton Incident Control Centre (ICC), with an unprecedented strong and co-ordinated effort, involving CFA, DELWP, Animal Welfare, Police, Council and contractors, evident on the fire ground.

The objective of the Incident Controller was to restore some "normality" as quickly as possible so that residents could respond to their loss of property and stock.

The ICC closed on Christmas Eve and mopping up and response to flare-ups continued into the new year.

Council presented its assessment of damage to essential infrastructure to Treasury and VicRoads on January 7, 2015, gained approval from VicRoads on the same day, January 7, and commenced the recovery project.

During this time it became apparent to Council that the Community was not comfortable with the delay in gaining Treasury approval for the recovery work.

The main issues were the treatment of damaged roadside trees, the removal of debris from fence lines and replacement of water in tanks emptied by the CFA. The CFA assisted by authorizing Council to undertake some very urgent activity on trees during that period.

If the community expectation that recovery activity will immediately follow the emergency response is to be met, a predetermined approval is required for the recovery agent, in this case Council.

Options would include:

1. Treasury approval for Councils to undertake critical works needed to regain the "normality", or
2. Such critical works being approved by the Incident Commander as an extension of the response phase.

It should be noted that the benefit from predetermined approval would be available for fire and flood equally and possibly other emergencies.



# STATE COUNCIL MOTIONS

**Consolidated Motion 54. MAV is adequately resourced in emergency management to provide advocacy, and enable capacity building and collaboration**

**Submitting Council: Yarra Ranges Shire Council**

**Consolidated Motion**

The State Council seeks State Government funding for the Municipal Association of Victoria, to continue building the capacity of the local government emergency management sector and ensuring adequate representation of local government during this period of significant legislative and policy reform.



**Motion 54.1 MAV are adequately resourced in emergency management to provide advocacy, and enable capacity building and collaboration**  
**Submitting Council: Yarra Ranges Shire Council**

**Motion:**

That the MAV prioritise the resourcing of emergency management to ensure adequate representation of local government during this period of significant legislation and policy reform.

**Submitting Council Rationale:**

The Victorian Emergency Management sector is experiencing a period of significant change. Following the 2009 Bushfires Royal Commission, the 2011 Victorian Flood Enquiry, the Victorian Emergency Management Reform White Paper and the formation of Emergency Management Victoria, the sector is in a significant period of legislation and policy reform. Local government in Victoria has a key responsibility before, during and after emergencies, with responsibility areas scheduled to grow in the future.

Over recent years, the MAV has played an instrumental role in representing local government at numerous committees, State forums and working groups. They have played the role of chief advocate, building capacity and consistency across a historically fragmented sector.

The MAV received a significant State Government grant for additional staff following the Black Saturday Bushfires. This funding finished in June 2014. The State's emergency management reform program is expected to run through to the end of 2016. Significant changes to local government's legislated role are expected, particularly in planning, mitigation and recovery. The MAV's ability to advocate to the state agencies and support councils throughout this period will be severely reduced if the MAV cannot provide additional internal resources or source external funding.

Local Government, as individual councils, are excluded from a range of State level committees, discussions and policy development forums, as the MAV is classified as the only representative. The MAV are listed as stakeholders in the Victorian Emergency Management Manual Victoria, as representatives of local government on the following committees:

- State Crisis and Resilience Council, and the three SCRC subcommittees;
- Community Based Emergency Management Steering Group and Project Control Group;
- Melbourne Water Flood Strategy Project Control Board;
- Gender and Disaster Taskforce;
- Food Supply and Security SCN;
- State Emergency Management Team;
- State Fire Management Planning Committee;
- State Influenza Pandemic Planning Coordination Group;
- Victorian Emergency Animal Welfare Committee;
- Victorian Flood Warning Consultative Committee;
- Victorian Floodplain Management Strategy stakeholder reference group;
- Victorian Government Fire and Emergency Communications Committee;
- Victorian Mass Gatherings Network; and
- Vulnerable people in Emergencies program.

This list excludes numerous working groups in which the MAV participates.



# STATE COUNCIL MOTIONS

In consultation with MAV member councils, the MAV prepares submissions to State and Federal policy proposals, papers and legislative change. Sometimes this work is formal and processed officially (e.g. Productivity Commission Inquiry, Victorian Floodplain Management Strategy). There are also other working groups and policy proposals that MAV is excluded from, or not included fully. The MAV also attempts to influence these processes.

In consideration of these State policy and legislated expectations of local government, it is important that the MAV be resourced to adequately represent the sector.

**Motion 54.2 Funding for MAV Emergency Management capacity building**  
**Submitting Council: Whittlesea City Council**

**Motion:**

That in light of the emergency events experienced in recent years and the outcomes of the Victorian Bushfires Royal Commission and Floods Review & Inquiry, the State Council seeks the restoration of State Government funding of \$500,000 p.a. to the Municipal Association of Victoria, to continue the capacity building of the local government emergency management sector.

**Submitting Council Rationale:**

- Following the Victorian Bushfires Royal Commission (VBRC), the MAV received a substantial grant of up to \$500k p.a. over four financial years to employ up to five staff to support councils with the implementation of VBRC recommendations.
- The expanded EM team also initiated a six-project program (Improving Emergency Management in Local Government), with the agreement of State departments and agencies to develop a consistent local government approach to emergency management. The six project program comprised:
  - Policy & Role
  - Legislative change
  - Financial sustainability
  - Capability building
  - Shared services, and;
  - Performance measurement
- The grant supporting this program, Commission recommendations relevant to local government and the involvement of the MAV as the single voice of local government on state based committees, expired 30 June 2014 and since that time the MAV emergency management team has reduced to just over 1FTE.
- The reduced capacity has meant that MAV is in less of a position to initiate emergency management capability building projects and has less capacity to liaise with councils and their emerging 'clusters', attend regional forums and adequately represent the interests of local government. At a somewhat basic level, at the most recent Municipal Emergency Management Enhancement Group (MEMEG) meeting, the MAV announced it could no longer support the secretariat function of the group.
- The State's reform agenda, is reaching a critical point for local government. Legislation and policy review in 2015-16 is expected to include a review of the role of councils in emergency management. A consistent view from the sector is vitally important.
- The MAV also represents councils on the State Crisis and Resilience Council and its three sub-committees and at the numerous State emergency management committees and working groups. With current resource levels, it would appear unreasonable for the MAV EM team to effectively represent councils on this number of active committees.
- In order to ensure the best outcomes for the community, it is essential that Councils are engaged and sufficiently consulted throughout the reform period. It is also in the State's interest to ensure that local government is engaged through one voice; the MAV. On this basis, the State Government should restore funding to the MAV.



# STATE COUNCIL MOTIONS

**Motion 55. DTPLI – Chief Executive Officer Remuneration Survey**  
**Submitting Council: Bayside City Council**

**Motion:**

That the MAV State Council express its disappointment to the Minister for Local Government on the discontinuance of the CEO Remuneration survey undertaken by Local Government Victoria given the financial constraints imposed as a result of the proposed rate capping.

**Submitting Council Rationale:**

The local government sector were advised on 1 December 2014 by Local Government Victoria that the 2014 Chief Executive Officer Remuneration Survey is the last survey of that type that will be prepared by Local Government Victoria given that similar data on senior executive remuneration is also collected and provided by other firms under arrangements with a number of Councils. The survey result in its current form is extremely useful data when Councils are considering CEO Remuneration. The discontinuance of this survey will impose another cost shifting activity from the State Government back to local government, which is on top of the proposed rate capping proposal.

## **Motion 56. Open data policy**

**Submitting Council: Ballarat City Council**

### **Motion:**

Council across Victoria commit to adopting Open Data/Data Access policies to contribute to the information available on the data.gov.au website.

### **Submitting Council Rationale:**

Government Data, especially Local Government Data, is a resource that has until recently been largely untapped. Local Government collects a large range of data from council assets to planning applications. Developers, start-ups and organisations are seeing direct benefit of Councils that has thus far released data.

Benefits of opening Government data include:

- A transparent, accountable and open Government
- Creating innovative Councils
- Stimulating economic growth
- Community engagement
- Improve Government processes

As of April 2015, 8 Councils across Victoria are actively opening their data, including City of Melbourne, City of Greater Geelong, City of Ballarat, Golden Plains Shire, Alpine Shire, Manningham City, Wyndham City, and Corangamite Shire. Councils who have released data are seeing a drive in innovative uses for their data resulting in a more cost effective and efficient Council.

**Motion 57. Wood Encouragement Policy**  
**Submitting Council: Latrobe City Council**

**Motion:**

That the MAV endorse Latrobe City Council's Wood Encouragement Policy and accept it as a policy of the MAV.

**Submitting Council Rationale:**

Latrobe City Council recognizes the importance of the timber industry to the Victorian economy. Central to Council's commitment to job retention and creation is supporting significant local industry in order to secure jobs and leverage further investment in the timber industry. Council also recognizes that timber is a renewable and sustainable resource

In what is an Australian first for local government, Latrobe City Council adopted a Wood Encouragement Policy on the 15th December 2014. The Policy Goals are:

- To stimulate sustainable economic development within the Gippsland timber and wood products industry and encourage value adding products within the timber industry.
- To encourage the use of wood in the construction and fit out of Council buildings and infrastructure.
- To recognise all of the benefits that make wood a smart choice for Council buildings and infrastructure.
- To share information and encourage education regarding the benefits of using wood in construction and fit out of buildings and infrastructure.
- To demonstrate local and national leadership by enacting the Wood Encouragement Policy on Council buildings and infrastructure.
- To encourage the use of wood in demonstration projects across the municipality.
- To align with opportunities for state and federal funding.
- To reinforce Council's preference for quality wood buildings in the development of briefs for projects.
- To promote the industry as a renewable resource, capturing the environmental benefits of the resource.

Council seeks to promote the use of timber and timber engineered products throughout Victoria and the MAV is the appropriate organization to advocate to Local Government. Latrobe City Council is amenable to the MAV altering the wording of the Policy to reflect Victoria rather than Gippsland.

## **Motion 58. Children left in cars**

**Submitting Council: Moonee Valley City Council**

### **Motion:**

That the MAV State Council calls on the State and Federal Governments to support local governments in implementing a national safety campaign aimed at stopping children being left unattended in cars, including financial support for the strategic roll out of signage across appropriate local, state and federal government owned land.

### **Submitting Council Rationale:**

Although it is illegal to leave a child unattended in a vehicle in all states and territories of Australia, children continue to be put in danger and even are killed every year by being left in vehicles. The issue is not confined to any particular region or location and as such Local Governments across Australia are in the best position to lead the way on this important child safety matter. However, it is paramount that Local Government is supported in this endeavour by Federal and State Government partners as to responsibilities fall to all levels of government.

Children are increasingly being put in danger by being left in cars unattended. In Victoria, for example, Ambulance Victoria recorded 921 calls being made to it reporting someone aged under 13 was locked a car between 1 September 2011 and 31 August 2012. This figure increased to 1100 cases between September 2012 and 31 August 2013 and 1165 cases between 1 September 2013 to 31 August 2014. The vast majority of children were under four years of age. Numerous deaths have been recorded over the years. More than two thirds of incidences were in car parks, streets or public places. Local Governments, being owners or controlling various car parks and public spaces are in a special position to help in the campaign against children being left unattended in cars. However, the resources cannot come from it alone and it is considered that Federal and State Governments has a responsibility to assist in this issue.

## **Motion 59. Increase in social and affordable housing**

**Submitting Council: Whitehorse City Council**

### **Motion:**

That the MAV:

- a. Write to the State Minister for Housing, the Minister for Planning and the Minister for Community Services advocating for an increase in social and affordable housing through changes to the Planning Act.
- b. Write to the State Minister for Housing, the Minister for Planning and the Minister for Community Services advocating to release surplus and under-utilised State owned land for diverse housing development and through support for innovative approaches to social housing, with a focus on the Eastern Region of Melbourne, which has the lowest rates of social housing and housing affordability across the State.

### **Submitting Council Rationale:**

The Eastern Affordable Housing Alliance is an Alliance of the seven Local Governments in the Eastern Region of Melbourne and is Chaired by Cr Sharon Ellis (Whitehorse City Council). The aim of the Alliance is to advocate for increases in social and affordable housing across the Region.

Local Government can and does play an integral and facilitating role in the development of affordable housing at the local level and are well placed to articulate the Victorian Governments commitment to developing partnerships to maximise these opportunities so as to ensure the provision of appropriate and affordable housing choices to meet community needs into the future.

### **Supported by**

Knox City Council

Maroondah City Council

Banyule City Council



## Motion 60. Rural Living – Rural People, Equal Services

**Submitting Council: Buloke Shire Council**

### Motion:

That the MAV promotes the sustainability of small rural shires in Victoria by supporting the RURAL LIVING campaign. This campaign seeks agreement and support for the contention that all Victorians are entitled to a minimum set of local government services thus supporting rural living, the sustainability of rural industry and fairness in the provision of services.

### Submitting Council Rationale:

All Victorians should have access to levels of service that enable liveability and safety. All Victorians pay income tax, GST and rates and are entitled to a level of reciprocity in the service levels they receive.

The services set out in this document describe a minimum set to be provided by local government for communities. Most communities will have levels in excess of these but none should fall below them.

- A responsive and effective municipal council.
- All weather access roads to all inhabited residences.
- A road network that meets the needs of local industry.
- Kerbside waste and recycling services for all townships over 50 people
- Urban drainage systems to cope with a minimum 20 year rainfall event
- Footpaths to safety standards in the central business, hospital and school areas
- Access to public facilities including
  - o Recreation Reserve
  - o Functional Meeting Space
  - o Park and playground
  - o Public toilet
  - o Swimming pool
- Immunisation for children on a monthly basis
- Local statutory and strategic planning services
- Environmental health enforcement
- Enforcement of Local Laws and building regulations
- School crossing supervision on major roads
- Community planning on a community (town) basis
- One hour of HACC services every 2 weeks for eligible clients, e.g. domestic assistance, personal care or respite care.
- Weekly access to library books and services within a 50 km distance.
- Maternal and Child Health Services in all towns over 500 people.
- Access to an annual youth event.
- Transport to essential appointments for frail aged people.
- Meals on Wheels
- Child care and kindergarten services in all towns over 500 people.
- Municipal emergency services
- Access to business development information and support.

Small rural shires have major barriers to their capacity to provide basic services to their residents. These include:

- Lack of economies of scale
- Large distances and time required to deliver services.
- More people with lower incomes and other socio-economic factors.

- A higher proportion of aged people in the population.
- Lack of competition from service providers and suppliers.
- Difficulties in the recruitment of staff and skilled contractors.
- Frequent market failure resulting in premium prices for goods and services.
- Small population sizes and a consequent lack of capacity to pay for services.

To address these issues, local government has focussed positively on improving efficiencies, sharing services, innovative service provision and enhanced management. A great deal of progress has been made, and continues to be made, with many of these shires reaching high levels of efficiency but the lack of sustainability of small rural shires remains.

Despite these efforts, it is apparent the residents of these shires have inferior services and poor community outcomes and liveability. The residents of these shires make a considerable contribution to the nation's GDP, as well as paying rates and taxes, the same as their metropolitan colleagues, but do not receive the minimum level of services. This is clearly inequitable.

What this document seeks to do is not to suggest the changes and solutions that might remedy the problem but to seek agreement to the concept that all Victorians, including the residents of small rural shires, are worthy of a specific minimum set of service levels. It is not until agreement on this can be reached that the methods of achieving this outcome can be formulated.

**Motion 61. Western Hospital, Footscray upgrade**  
**Submitting Council: Maribyrnong City Council**

**Motion:**

That the Municipal Association of Victoria call on the State Government to fund the proposed revitalisation of the Western Hospital, Footscray, including relocation and expansion of the Emergency Department and a new in-patient precinct as outlined in Western Health's "Changing Health for a Changing West" initiative.

**Submitting Council Rationale:**

Western Hospital, Footscray, is an acute teaching hospital with approximately 360 beds. It provides the majority of acute elective and acute emergency services for Western Health. Patients are provided with a range of inpatient and outpatient services including acute general medical and surgical, intensive and coronary care, sub-specialty medicine, surgical services and related clinical support.

As the population of Melbourne's western suburbs continues to grow the demand on the Western Health services will continue to increase. For example, over the coming decade, births at Western Health are projected to exceed 7,000 a year and emergency care in Footscray is forecast to increase to exceed 40,000 cases a year.

The current Emergency department is half the size of what will be needed with projected demand into the future. A proposal to re-locate and transform the emergency department to double its size, and include access to a dedicated medical imaging suite and co-location with an admission and assessment unit will provide a seamless patient journey from Emergency to Inpatient Care.

Part of the original hospital from 1953, the "South Block" inpatient precinct at Western Hospital Footscray has been determined to be at the end of its useful life. Outdated, beyond re-use or renovation, the current buildings will need to be demolished and replaced to meet the complex and changing needs of the communities of the inner West.

The proposal for the revitalisation of Western Hospital Footscray is detailed in Western

Health's "Changing Health for a Changing West" initiative - comprehensive master planning process which was undertaken for all Western Health sites supported by the Department of Health.

The relative poor health status of both Maribyrnong and the western region, along with projected population growth provides strong support for enhancing and expanding the important tertiary health services.

## **Motion 62. Banning circuses with caged animals**

**Submitting Council: Surf Coast Shire Council**

### **Motion:**

That the MAV State Council strongly advocates to the State Government to introduce legislation to ban circuses with caged wild animals.

### **Submitting Council Rationale:**

Circuses with caged animals do not provide an environment that adequately supports the needs of many animal species. The RSPCA has campaigned for many years to stop the use of exotic animals, such as elephants, large cats and monkeys, because the requirements of circus life are not compatible with the physiological, social and behavioural needs of these animals. The RSPCA is opposed to the use of animals for any kind of entertainment, exhibition or performance where injury, pain or suffering is likely to be caused.

Almost 40 Councils around Australia, including Surf Coast Shire, have supported the position of the RSPCA by banning circuses with caged wild animals from performing on council owned land. Surf Coast Shire Council received an overwhelming positive response to the decision to ban circuses with caged animals on council owned land.

While the circus industry does have requirements under the National Circus Standards, and in the main these are followed by circus operators, a circus cannot provide an appropriate environment for many species of animals.

Performing circus animals are kept for prolonged periods in close confinement, in artificial social groups and are continually being transported between circus venues for the duration of their performing lives. The life of a circus animal leads to stress, boredom and often results in abnormal behaviours, such as repetitive pacing or swaying.

With MAV's support, Local Government can fulfil a role as a leader and provide a united voice on the important issue of animal welfare.



# STATE COUNCIL MOTIONS

## **Consolidated Motion 63. Census**

**Submitting Councils: Bayside City Council, Maroondah City Council, Wyndham City Council and Frankston City Council**

### **Motion:**

That the MAV strongly advocate to the Federal Government and all responsible ministers on behalf of all Victorian local governments that:

1. The 5 Yearly Census of Population and Housing be retained
2. The Australian Bureau of Statistics commit to the continued production of data at Statistical Area 1 (SA1) and Statistical Area 2 (SA2) standard geographies.



# STATE COUNCIL MOTIONS

## **Motion 63.1 Frequency of Australian Bureau of Statistics Census**

**Submitting Council: Bayside City Council**

### **Motion:**

That the MAV calls upon the Hon Chris Pearce MP Parliamentary Secretary to the Treasurer to continue the current frequency and funding of the Australian Bureau of Statistics Census across the nation.

### **Submitting Council Rationale:**

The current 5 year Census data is vital for local governments to plan for their communities and better understand the changing needs. Without this 5 year data it becomes inherently difficult for local government authorities to plan services and infrastructure. Local Government is the closest form of government to the people, therefore it is incredibly important that local government better understands their communities emerging needs. The current 5 years census data provides statistical evidence to assist local planning at the grass roots and enables significant life-long development opportunities to take place in our local communities. Being able to see how as a nation, state, local government authority, town or street has changed over time is incredibly powerful. The current 5 year Census is the most consistent, reliable dataset on the population and housing of all Australians at the finest detailed level.



# STATE COUNCIL MOTIONS

## **Motion 63.2 Census**

**Submitting Council: Maroondah City Council**

### **Motion:**

That the Municipal Association of Victoria State Council calls on the Federal Government to reject the Australian Bureau of Statistics (ABS) request to amend the census and statistics act to alter the frequency that the ABS is required to conduct a census from every 5 years to every 10 years.

### **Submitting Council Rationale:**

The Census of Population and Housing is the largest statistical operation undertaken by the ABS. It aims to accurately measure the number of people in Australia on Census Night, their key characteristics, and the dwellings in which they live.

The Census has been conducted since 1911 and the ABS is required to survey every household across the nation once every 5 years on the second Tuesday in August. The 2011 census cost \$440 million and the 2016 census is shaping as even more costly due to IT requirements with the moving to electronic lodgement and the need to upgrade the ABS's IT systems. One proposal is to replace the census with smaller sample survey.

Other Commonwealth countries have either gone down this path or are considering doing so. Britain axed its census but reconsidered deciding to hold every 10 years. Canada also axed its census and replaced it with a shorter voluntary survey with the subsequent data being described by statisticians as "garbage". New Zealand is contemplating 2 proposals either replacing the census or conducting it every 10 years than the present 5.

Data collected on Census night provides a comprehensive regularly updated and consistent evidence base. Without this evidence base planners, policy and decision makers will not have the means available to make the informed decisions required to maintain, progress and monitor the development, wellbeing, prosperity or sustainability of Australian communities.

Census information is used by all sectors of the community, from local, state and federal government to, large and small businesses, community groups and students.

The need for evidence informed decision making is well proven, resulting in increased effectiveness, reduction in harm, better resource allocation, enhanced cost-effectiveness/cost-benefit of investment, improved reach and enhanced accountability.

Decreasing the frequency with which the census is conducted; would greatly alter the capacity for informed decision making, therefore have a negative impact on all levels of government and communities within Australia.

### **Supported by**

Whitehorse City Council

Banyule City Council

Knox City Council

## **Motion 63.3 ABS Census**

**Submitting Council: Wyndham City Council**

### **Motion:**

That this meeting call on the Federal Government to continue to undertake a five yearly census of population and housing across the country.

### **Submitting Council Rationale:**

Councils across Australia rely on the ABS Census as the primary source of data and fundamental building block for planning programs and services at the local level. The level of detail available from the census at municipal, township and neighbourhood level is critical to the effective planning of programs and services delivered at the local level. Changes in demographic profiles in municipalities across the country, in a five-year period, are significant enough to warrant retention of this time period rather than undertaking them only every 10 years.

In municipalities with rapidly increasing or declining population, relying on census data that is up to 10 years out of date would make service planning extraordinarily difficult.

For example in the City of Wyndham, total population grew from 85,000 in 2001 to 161,000 in 2011. The population at Point Cook grew from 2,000 to 32,000 in the same period. Our Indian born population swelled from 622 to 8,094 between 2001 and 2011 alone. Waiting 10 years to find out what is happening would be unacceptable.



**Motion 63.4 Retention of the 5 yearly census****Submitting Council: Frankston City Council****Motion:**

That the MAV strongly advocate to the Federal Government and all responsible ministers on behalf of all Victorian local governments that:

3. The 5 Yearly Census of Population and Housing be retained
4. The Australian Bureau of Statistics commit to the continued production of data at Statistical Area 1 (SA1) and Statistical Area 2 (SA2) standard geographies.

**Submitting Council Rationale:**

The Australian Census of Population and Housing (Census) is of immense value to local governments as well as the residents, businesses and service providers that form communities. The Census is perhaps the most detailed dataset available to Councils on our local communities, and one of the only datasets that provides information at the smaller geographic units crucial to an informed and evidence based understanding of the opportunities and challenges experienced by residents.

Currently the Australian Bureau of Statistics (ABS) records the Census every five (5) years, with information released approximately ten (10) months later. It is generally accepted that the usefulness of Census information is reduced the older the information becomes, with significantly reduced applicability towards the end of the document's currency. It is therefore of some significant concern to Councils and communities across Australia that the ABS is proposing to produce the Census only every ten (10) years.

Ten year old data has almost no useful function, as communities change drastically in this time. Changes such as these affect the functioning of our local economies, the level of services provided to our communities, and our understanding of the lives of our residents. It is important to recognise that the Census currently provides a wealth of information aside from simply measuring the population.

Former Australian Chief Statistician Brian Pink noted that "the Census is a very powerful source of high quality information for a wide range of public and private decisions: where we build our schools and hospitals, our infrastructure development for roads, airports, etc. to private investment decisions such as where retail outlets and other services are located."

While the ABS has suggested that it will capture all required information through other means, media reports regarding the proposed new methodology signal that continued production of localised data would be impossible. Local government relies heavily on the data produced at Australian Standard Geographical Classifications statistical area 1, and statistical area 2. It is anticipated that this information would be lost under the proposed new methodology.

As indicated above this proposal is of significant concern to local governments across the country. It is therefore an appropriate issue for the peak-bodies for local government to advocate on. A response to the ABS from the Commonwealth Government is expected in late 2015.

**Late Motion 1 Review of the legislative and regulatory framework for mining development and exploration in Victoria**  
**Submitting Council: Greater Bendigo City Council**

**Motion:**

That the MAV advocate to the State Government for a review of the legislative and regulatory framework for minerals exploration and development in Victoria.

**Submitting Council Rationale:**

It is now more than 20 years since the former Mines Act 1958 went through a substantial review which culminated in the Mineral Resources Sustainable Development Act 1990 and its subsequent evolution during the 1990s. Whilst this represented a significant step forward it is questionable whether the framework continues to meet the standards and expectations of all parties, particularly the communities which play 'host' to these operations.

Greater Bendigo, like some other Victorian municipalities, has been well placed to observe the functioning of the Act and its regulations. The City is proud to acknowledge and appreciate that mining employs more than a thousand people directly and indirectly in Greater Bendigo. The municipality has witnessed the development of major mines at Costerfield and Fosterville and major underground development under the city itself.

The City is also well placed to comment on the operations of the Environmental Review Committees a tool favoured by successive governments to provide some community participation in to the monitoring of the environmental performance of mining and exploration companies. The City participates in the three ERC's associated with operations in Greater Bendigo – providing representation for the municipality and recruiting and appointing community representatives. Councillors chair all three ERCs.

Based on this experience, it is clear to the City of Greater Bendigo that if the minerals industry is to continue to thrive and to have a legitimate and respected place in the modern economy the community must have confidence in the regulatory process that guides and oversees it including:

- The adequacy of the Mineral Resources Sustainable Development Act to respond to changing community standards around environmental protection, local amenity and community consultation and participation in decision-making
- The creation of a simpler less cumbersome and confusing regulatory framework
- The quality and independence of environmental monitoring
- The powers, capability and independence of the regulators
- The capacity of the Environmental Review Committees to not only monitor performance but to influence behaviour for the better
- 

This is an important issue not just for Greater Bendigo but for numerous other communities around the state that are 'home' to the minerals exploration and development industry. The extent of the industry presence across Victoria is demonstrated by the fact there are 'mining inspectors' based at Ballarat, Benalla and Traralgon as well as Bendigo and Melbourne. And there would hardly be a parcel of freehold land in the state that is not covered by some form of exploration or mining licence.

Exploration and mining is taking place on a significant scale from the western district to Gippsland.



# STATE COUNCIL MOTIONS

And whilst we welcome the investment and economic benefits its brings, legislation and regulation must move with changing community attitudes, standards and expectations. It needs to recognise the bigger issues with health, communities, environment and not just economics.