

19 April 2016

Notice of Motion, Cr Mayne: Early motions lodged for MAV State Council, 13 May 2016

Motion

That the Future Melbourne Committee:

1. Note the schedule of early motions, included as Attachment 1, lodged by member councils for consideration at the MAV State Council meeting on 13 May 2016.
2. Consider and resolve on matters contained in motions lodge to date.

Background

Early motions lodged by member councils have been distributed to allow for discussion and refinement of motions before State Council meets on 13 May 2016. Member councils have until 22 April to modify and resubmit motions. The attached schedule includes the following of early motions:

Motion 1. Public Library Funding Submitting Council: Boroondara City Council	Submitting Council: Banyule City Council
Motion 2. Assistance Dogs Registration Fee Submitting Council: Boroondara City Council	Motion 18. Sound Barriers Submitting Council: Cardinia Shire Council
Motion 3. State Emergency Service Funding Submitting Council: Central Goldfields Shire Council	Motion 19 VicRoads and VicTrack Submitting Council: Cardinia Shire Council
Motion 4. Metro Planning Levy Submitting Council: Manningham City Council	Motion 20. Green Investment Option Submitting Council: Nillumbik Shire Council
Motion 5. Universal Access Submitting Council: Manningham City Council	Motion 21. Improved Approach by VicRoads In Regards To Road Safety Objectives Submitting Council: Baw Baw Shire Council
Motion 6. Affordable Housing Submitting Council: Manningham City Council	Motion 22. Need for a Federal Independent Commission Against Corruption Submitting Council: Melbourne City Council
Motion 7. VCAT Planning Decisions Submitting Council: Manningham City Council	Motion 23. Fees payable to the Victorian Civil and Administrative Tribunal by local governments 27 Submitting Council: Melbourne City Council
Motion 8. Electoral Voting System - More Than One Vacancy Submitting Council: Maroondah City Council	Motion 24. School Crossing Supervision Submitting Council: Mildura Rural City Council
Motion 9. Cash in Lieu of Carparking Provision for Planning Schemes Submitting Council: Maroondah City Council	Motion 25. Local Government Executive Officer Remuneration Submitting Council: Mildura Rural City Council
Motion 10. Railway Station Carparking Submitting Council: Maroondah City Council	Motion 26. MAV Governance and Performance Submitting Council: Bayside City Council
Motion 11. Cost of Local Government Elections Submitting Council: Maroondah City Council	Motion 27. Review of Disability Parking Scheme Submitting Council: Moonee Valley City Council
Motion 12. Distribution of Tax Revenue Submitting Council: Northern Grampians Shire Council	Motion 28. Rate Capping Advocacy Campaign Submitting Council: Whittlesea City Council
Motion 13. Food Safety Policy Submitting Council: Bayside City Council	Motion 29. Eradication of Lobed Needle Grass Submitting Council: Whittlesea City Council
Motion 14 State Government Funding For Services Submitting Council: Surf Coast Shire Council	Motion 30. Affordable Housing Advanced Through State Planning Policy Submitting Council: Whittlesea City Council
Motion 15. Reform Program with the State Government Submitting Council: Surf Coast Shire Council	
Motion 16. Municipal Emergency Resourcing Program Funding Submitting Council: Yarra City Council	
Motion 17. Flood Management Strategy for Port Phillip and Westernport (FMS)	

Moved: Cr Mayne

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Motion 1. Public Library Funding **Submitting Council: Boroondara City Council**

Motion:

That the Municipal Association of Victoria continue to press and lobby the Victorian Government for improved recurrent and capital library funding, including an urgent review of the current funding mechanisms to return to an equitable funding model between local and State Government.

Submitting Council Rationale:

Public Libraries are one of the most significant community services in Victoria with a highly valued role in community cohesion and lifelong learning, reinforcing the Victorian Government's "education/learning state" goals. To ensure that the local communities can continue to benefit from high quality library services, the State Government must collaborate with local government and commit to equally funding public libraries, rather than the Victorian Government remaining a minority partner as is currently the case.

Public libraries are at the centre of community life and have evolved with the community's need for digital services and safe, inclusive neighbourhood places. They are highly valued by the community as welcoming, non-judgemental public meeting spaces and readily accessible information hubs with free access to books, the internet, global learning opportunities and social engagement.

The demand for library services is rapidly changing. The community expects longer operating hours, expanding community programs, access to new technologies and reliable fast wifi services. These demands have significant cost implications for the strategic development and operation of library services.

In past decades, the Victorian Government has played an active role in providing grants for public libraries to fund the delivery of library services and supported the redevelopment of library buildings. However, the Victorian Government's funding for this important community infrastructure is diminishing. The current funding model fails to take into account the real cost of inflation, population increases and resulting demands on services, additional information communication technology (ICT) needs, book infrastructure and staff expenses.

Local Government supplies the majority of public library funding with approximately \$5 for every \$1 received from the Victorian Government. At Boroondara City Council, this equates to 16.6% of operational funding, with Council assuming 83.4% of the cost of running library service operations. This is an unsustainable model which will be tested in the new rate capping environment, introduced by the Victorian Government. Without a substantial increase in recurrent and infrastructure grants, the evolution of libraries as a key destination for information, connection and learning will not occur. Instead, services will decline and our communities will be disadvantaged.

To continue the important role libraries perform in improving literacy outcomes, developing social capital and reducing social inequality, it is vital that the MAV State Council strongly advocates to the Victorian Government to commit to the long term funding of library services and reduce the disparity between local and State Government contributions. The outcome of this advocacy should realise a return to the 50:50 funding partnership between local and State Government for its public library services.

Furthermore it is important that the Victorian Government funding is not tied to any one aspect of delivery of the library service. Each local government needs to assess the need of its communities within their municipality and provide a flexible response to meet those needs. The Victorian Government should continue to provide this flexibility in their funding arrangements with local government.

Motion 2. Assistance Dogs Registration Fee **Submitting Council: Boroondara City Council**

Motion:

That the MAV advocate to the State Minister for Agriculture to amend the Domestic Animals Act 2006 (the Act) to provide for an exemption for the payment of a registration fee for 'assistance dogs' as the Act currently does for guide dogs.

Submitting Council Rationale:

The Domestic Animals Act 2006 ("Act") recognises guide dogs by way of providing various exemptions, including an exemption from having to pay the usual annual registration fee. However, there is no such exemption available for 'assistance dogs' which perform similar support roles to that of a guide dog.

The Victorian Law Reform Commission considers an assistance dog to be a dog that has been specially trained to enable people with a disability to participate in all aspects of society.

In 2008 the Victorian Law Commission released a report – "Community Law Reform – Assistance Animals – 2008". In that report the commission recommends that the Domestic Animals Act and the Equal Opportunity Act be amended so as to recognise 'assistance dogs' and to ensure that legislative protection exists to enhance and protect the rights of owners of such animals.

While Section 15 (3) of the Act appears to provide scope for a Council to resolve to apply a refund in certain circumstances, there is no ability to exempt the payment of a registration fee.

The City of Boroondara is aware of a particular family within its municipality where their autistic daughter relies heavily on an 'assistant dog' which has been specifically trained for this purpose.

Given the common principle of supporting disability that exists between 'guide dogs' and 'assistance dogs', there is a strong case for introducing the same exemption from registration fees for 'assistance dogs as applies to guide dogs'.

Having to resolve each of these cases by referring the matter to Council for approval of a refund is neither efficient nor practical. It would be fairer and more efficient for the government to use its powers to create the required legislation by amending the Act.

Motion 3. State Emergency Service Funding
Submitting Council: Central Goldfields Shire Council

Motion:

That the MAV work with State Government to establish a review process to develop a funding model reflecting State Government responsibility for State Emergency Service (SES) funding.

Submitting Council Rationale:

On November 1st 2005, the VICSES was established as an independent Statutory Authority, which is governed by a Board, and is accountable to the Minister for Police and Emergency Services.

The enactment and change to a Statutory Authority, aligns the SES with other agencies such as Country Fire Authority (CFA), and thus becomes the responsibility of the State Government to provide the appropriate funding.

Present funding agreements, including the 1989 MAV/SES/State Government agreement, were made at a time when SES units were still reliant on local government, and, local government had control of its own income.

A funding model, reflecting State Government responsibility for the function, which provides consistency and certainty is required. An adaptation of the Fire Services Property Levy, for example, to an 'Emergency Services Levy' would achieve this.

Motion 4. Metro Planning Levy **Submitting Council: Manningham City Council**

Motion:

That the MAV advocate to the State Government to:

1. review the Metropolitan Planning Levy and its appropriateness given the introduction of the Fair Go Rate cap and consider granting an exemption for community facilities owned by Councils.
2. reimburse Councils for their fair share in “implementation of key planning initiatives to ensure quality growth and development of the Melbourne metropolitan area”.

Submitting Council Rationale:

It is time for the State Government to give Councils a ‘fair go’ by reviewing the Metropolitan Planning Levy (MPL) and consider granting an exemption for community facilities owned by Councils.

The MPL commenced on 1 July 2015. New provisions in the Planning and Environment Act 1987 require a levy payment prior to making a planning permit application for developments valued at over \$1 million within metropolitan council areas. The MPL must be paid before lodging a planning permit with Council, by obtaining an MLP Certificate which is only valid for 90 days, adding further administrative delay and cost to development projects. If the Certificate expires before lodgement, a new certificate and fee applies.

Although the MPL aims to “improve the planning system and facilitate implementation of key planning initiatives to ensure quality growth and development of the Melbourne metropolitan area”, it can be demonstrated that it has become a potential barrier to growth and development:

- The MPL rate is set at \$1.30 per \$1000 (or 0.13% of the whole value of the development) for affected projects. For an \$18 million community facility the Levy payable by Council is \$22,000. It is not appropriate for rate payer or grant monies to be paid to the State Government rather than be invested in better local facilities.
- Councils pride themselves on delivering quality services and facilities for local communities in an efficient and effective manner. Achieving this goal is highly challenging in an environment where the core business of Council is being significantly stretched through ongoing cost shifting from State and Federal governments.
- As Victoria’s population is projected to increase continuously to 7.6 million in 2031 and 9.8 million in 2061, it is imperative that the State Government work in partnership with Local Government, rather than taxing the growth of community facilities.

Successive State Governments have continually failed to increase fees that Councils can charge for planning permits, leaving ratepayers to effectively subsidize development costs. Council requests that the State Government review the MPL and its appropriateness in view of the above, as well as call for a substantial increase to planning permit fees either through the MPL or via a separate process

Motion 5. Universal Access

Submitting Council: Manningham City Council

Motion:

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

1. continue the funding of the Universal Access to Early Childhood Education Program (15 Hours of Kindergarten)
2. 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 2017.

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.

Motion 6. Affordable Housing
Submitting Council: Manningham City Council

Motion:

That the MAV call on the State Government , in particular the State Minister for Housing, the Minister for Planning and the Minister for Community Services, to provide additional stimulus funding to registered housing services to work in partnerships with Councils to support vulnerable residents, particularly those with a disability.

Submitting Council Rationale:

As a key determinant of health within the social model of health framework, affordable housing is a priority for many local governments throughout Victoria.

Affordable housing requires a wide range of inputs and activity to ensure that the priorities remain firmly on the agenda for all levels of government, planners, developers and the wider community.

Although, there have been gains since 2010 with the economic stimulus funding increasing the supply of social housing, it has become evident through efforts to engage the State Government that affordable housing is not a priority.

Additional resources are required to create and develop affordable housing across the regions in response to a critical shortfall in social and affordable housing for the most vulnerable in our society. In addition, increased funding is required to establish appropriate and accessible housing for people with a disability to support and foster independent living.

Motion 7. VCAT Planning Decisions **Submitting Council: Manningham City Council**

Motion:

That the MAV advocate to the State Governments to :

- review the Victorian Civil and Administrative Tribunal Act 1998 regarding the recent allowance for a time penalty to ensure an equitable and fair approach to the implementation of planning functions across the State.

Submitting Council Rationale:

In September 2014, changes to the Victorian Civil and Administrative Tribunal Act 1998 allowed applicants to seek reimbursement from Council of application fees in cases where there is a failure to make a decision within a prescribed time (usually 60 days).

Since that time a number of applicants have successfully appealed to the tribunal for the reimbursement of the fee, with the tribunal stating that ‘increased workload to Council planning departments is not a justification for lengthy periods of delay of individual applications’.

Council supports an efficient and timely assessment of planning applications. However, the reality of population growth and the impact on local infrastructure has seen the number of applications grow substantially in areas across the State. Without the support of a subsequent increase in planning fees, the ability of councils to meet this growth within existing resources is challenging.

Further, where applications are proposing an increase in density to a particular site, careful assessment of the impact on limited resources and surrounds should be paramount. Rather than supporting Councils to deliver a careful and well-planned approach to planning, the blunt deterrent of a time penalty may constrain this consideration as well as misdirect limited planning resources into fees and away from the intended purpose.

Council advocates for a review of the change in view of an equitable and fair approach to the implementation of planning infrastructure and better guidance to be provided to Councils on when a fee will be penalty will be imposed on Council given the current environment..

Motion 8. Electoral Voting System - More Than One Vacancy **Submitting Council: Maroondah City Council**

Motion:

That the Municipal Association of Victoria State Council calls upon the State Government to request the Victorian electoral commission to report on the feasibility of implementing an optional preferential system based on senate reforms for elections with more than one vacancy.

Submitting Council Rationale:

Local Government elections where there is more than one vacancy utilise a form of preferential system of voting – quota preferential. Maroondah’s experience with these elections since 2008 for its three multi member wards - 3 wards x 3 Councillors total of 9 Councillors – is they attract large number of candidates with an exponential increase in informal votes.

Local Government has no capacity for above the line voting (except Melbourne & Geelong) and therefore a voter is required to complete all squares on the ballot paper in order of preference to be a valid vote. In 2012 where there were large fields of candidates it lead to large percentage of informal votes – Melton had 30 candidates in one ward for an informal vote of 11.25% and Casey 20 candidates for an informal vote of 9.62%. For the 2016 Council election it is envisaged that Maroondah will have fields of candidates between 15 to 20 in every one of the 3 wards, making a total of between 45 to 60 candidates. Informal votes are expected to be in the range of those experienced 4 years ago at Melton and Casey. Maroondah prior to 2008 had 7 single member wards and experience informal rates of just over 3%.

One of the cornerstones of a democratic society is to have an electoral system that is fair and easily understood. Regrettably quota preferential is a complex system. Candidates for Maroondah are required to obtain a quota of 25% +1 of votes to be elected and votes are transferred at percentages of a full vote. This is difficult to explain and does not compare favourably with simple preferential - used for single member wards – where a candidate is elected with 50% + 1 of votes and preferences are allocated at their normal full value of 1.

The reforms to Senate voting are designed to cease the practice of minor parties being able to have a candidate elected with extremely low percentages of first preference votes. The reforms are twofold pertaining to above the line voting – 6 preferences indicated – and to below the line voting with a minimum of 12 preferences required.

It is the below the line reforms that are envisaged would be of benefit to the Local Government sector. The Australian Electoral Commission was required to adapt the system to fit not only the 6 States with 12 Senators elected but also the 2 Territories with 2 Senators elected. It would therefore appear quite reasonable to deduce that these reforms could be adopted to the various scenarios in Local Government relating to re vacancies to be filled for multi member wards and unsubdivided municipalities.

For instance, it may be that for the election of 3 Councillors voters as a minimum only need to indicate 3 preferences rather than complete the total ballot paper. This would substantially decrease the informal vote but would have the downside of ballots “exhausting” towards the conclusion of a count.

The motion does not call for the introduction of such a system but merely seeks a report from the Victorian Electoral Commission on the appropriateness of such a system for Local Government.

Motion 9. Cash in Lieu of Carparking Provision for Planning Schemes
Submitting Council: Maroondah City Council

Motion:

The Municipal Association of Victoria State Council calls on the State Government to amend the planning and environment act 1987 to introduce a quick and simple "off the shelf" cash in lieu of carparking provision for planning schemes to address the long term problems of developments where adequate car parking cannot be provided onsite

Submitting Council Rationale:

The importance of increasing development in Activity Centers to drive economic and social outcomes across Melbourne is highlighted as one of the key goals of Plan Melbourne (Refresh).

The ongoing rising demand and cost of land in activity centres is resulting in many developments being lodged at Council with significant car parking shortfalls beyond the requirements of planning schemes, even though these rates have recently been further reduced to acknowledge the better public transport options available in Activity Centres.

Council's are often left with no option but to pursue the carparking required through lengthy negotiations with developers or through VCAT, with either approach being uncertain and costly for all parties.

While Council's can conduct centre by centre car parking plans and seek to implement planning scheme overlays for cash in lieu contributions, such an approach is exceedingly inefficient and time consuming when each Council may have a dozen activity centres of various sizes and other competing areas of strategic planning importance.

As such the introduction of an "off the shelf" cash in lieu of carparking provision for planning schemes will afford the State Government an opportunity to improve the efficiency of the planning system while also assisting in implementing one of the key goals of Plan Melbourne (Refresh).

Motion 10. Railway Station Carparking **Submitting Council: Maroondah City Council**

Motion:

The Municipal Association of Victoria State Council calls upon the State Government to recognise that parking pressures from rail stations extend beyond rail parking facilities and impact upon land use peripheral to stations, which in turn impacts upon localised parking issues, and that in response state government:

1. Provides additional or better parking infrastructure at stations; and
2. Considers a strategic approach to land use around stations that:
 - Improves multi modal integration and travel demand management; and
 - Encourages walking and cycling for rail patrons within 2km from a station

Submitting Council Rationale:

Generally, as the managers of roads and land beyond rail stations, Councils are being put under more and more pressure with respect to parking management, given that often parking demand at train stations well exceeds supply.

With the parking needs of businesses and residents, etc, who are close to stations being adversely impacted by commuter parking, Councils often have to implement restrictions and permit arrangements to achieve appropriate land use outcomes, whilst also having to constantly manage parking and respond to complaints about parking balances.

Compounding the issue, localised bus services generally do not run in an efficient and direct manner to train stations, and often there is a lack of time-tabling coordination between buses and trains.

Further, walking and cycling to stations seems to be underplayed by State Government in comparison with driving and parking, and land use around stations is seemingly outdated, with sprawling at-grade carparks no longer meeting the needs and demands of Melbourne's growing population.

Motion 11. Cost of Local Government Elections

Submitting Council: Maroondah City Council

Motion:

The Municipal Association of Victoria State Council seeks an assurance from the premier that in relation to the conduct of local government elections:-

1. The Victorian Electoral Commission (VEC) costs be restricted to increases equating to rises in CPI; and
2. The sole monopoly of the vec for election services be put aside to permit competition in the interests of competitive costing.

Submitting Council Rationale:

Maroondah City Council in the prevailing economic environment is highly conscious of gaining full value for its expenditure and is very concerned at the significant increases in costs of holding the 2016 Local Government elections – a 28% increase.

Costs associated with Council elections for 2008, 2012 and 2016 (projected by VEC) are highlighted within the table below. In 2008 general elections were held for the first time under the City's current three ward structure with each ward returning three Councillors for a total of nine Councillors. While Maroondah has had a relatively small increase in population and voter population over the 8 year period election costs have increased disproportionately. Increases in costs equate to 23% between 2008 to 2012 elections and an expected increase of 28% from 2012 to 2016.

2008	2012	2016
\$321,488	\$395,761	\$507,547

Recent amendments to the Local Government Act have positioned the VEC as the sole provider of electoral services for Council elections. Following amalgamation the Australian Electoral Commission and private providers tendered for electoral services and to allow such competition again would be in the interests of competitive costing.

Motion 12. Distribution of Tax Revenue

Submitting Council: Northern Grampians Shire Council

Motion:

That the MAV seek a more equitable distribution of tax revenue to maintain service level capacity in local government.

Submitting Council Rationale:

Recent funding reductions and reduced capacity to raise revenue will require an increase in grant funding from State or Federal Governments if rural Local Governments are to maintain human services and infrastructure capacity.

If funding isn't increased rural Local Governments are faced with severe service reductions as the difference is too large to deal with through efficiency improvements and other non-grant income sources. Over the last few years councils have experienced a few significant challenges to our most important revenue sources namely freezing of the Financial Assistance Grants (FAGS) and the introduction of the Fair Go Rates System (rate capping). Reductions in revenue and reduced capacity to raise additional revenue severely restricts local government's ability to continue to provide the services our community needs. The estimates for the FAGs funding freeze for Northern Grampians alone is \$576,000 over the 3 years and rate capping lost revenue over the same period is \$2,500,000. That's a reduction of planned revenue of over \$3,000,000 or 10 percent of our current budget. The Whelan Report highlights the issues of funding particularly in rural local government. The report states that sparse populations in large geographic areas with disproportionately large infrastructure to maintain, combined with low socio economic capacity of residents, makes rural local government extremely dependent on grant funding.

In Victoria local government has roughly 34 percent of the share of community and public assets for which it has control over and responsibility for, yet receives only 3 per cent of the tax dollar with which to maintain these assets as well as provide services. Without a greater proportion of funding from taxation and with compromises on the ability to obtain revenue through rates and municipal charges, local government will not be in a position to raise the dollars required to sustain current services let alone fulfil its long term asset management function.

Currently the split of the total tax revenues in Australia are 3% Local Government, 16% State Government and 81% Federal Government. One option available would be to allocate a percentage of GST revenue to fund the gap required by Local Government to maintain necessary services.

Motion 13. Food Safety Policy

Submitting Council: Bayside City Council

Motion:

That the MAV advocates the State Government to develop the statewide Food Safety Policy / Risk Management Strategy template as a matter of urgency.

Submitting Council Rationale:

Currently there is no state wide Food Safety policy/risk management strategy covering inspections and enforcement of food regulation in Victoria.

The Department of Human Services indicated in 2008 in response to a Victorian Competition and Efficiency Commission (VCEC) inquiry into food regulation in Victoria that they would take a leadership role by developing a food safety policy/ risk management strategy template that will be available to all local governments.

The template was to emphasise the importance of each council's role in providing information and advice to food businesses, address surveillance strategies and broad circumstances in which the various enforcement mechanisms will be used to encourage compliance.

Delivering this initiative will enable all Victorian Council's to deliver a fair, consistent and transparent food safety service to the community.

To date this has not occurred and we seek MAV support in advocating to the State Government to implement this initiative as a matter of urgency.

Motion 14 State Government Funding For Services

Submitting Council: Surf Coast Shire Council

Motion:

That the MAV continue to advocate to the State Government to appropriately fund services that are state government responsibility that are delivered by local government.

Submitting Council Rationale:

The State Government introduced the Fair Go Rates system which included a rate cap increase at 2.5% late in 2015. Like councils around the state, Surf Coast Shire Council is preparing to meet the financial future the rate cap imposes.

For many years and in the lead up to introduction of the Fair Go Rates System, an increasing range of services that are State Government responsibilities have been provided by councils under shared funding agreements with the State. Research indicates that the State's contribution has reduced, stopped completely or not kept pace with costs. Examples of these services include school crossing supervisors, library services and the State Emergency Service.

More clarity is needed about which services are State Government responsibility and to what level they are being funded. It is timely that the local government sector engages with the State Government and gain a stronger commitment to appropriately share these costs.

Motion 15. Reform Program with the State Government
Submitting Council: Surf Coast Shire Council

Motion:

That the MAV seek a commitment from the State Government to work in partnership with the sector on a reform program in response to the challenges and opportunities presented by the Fair Go Rates system including initiatives in digital transformation and shared services.

Submitting Council Rationale:

It is timely for local government to closely analyse how it delivers services under the Fair Go Rates system. MAV can play a pivotal role in gaining a commitment from the State Government to partner with the sector in developing a reform program to meet challenges and realise opportunities the Fair Go Rates system brings.

There is no doubt local government needs to harness the digital future to deliver more efficient services that better meet the needs of customers. Shared services between councils, other levels of government and other organisations can also be considered a way of improving the way governments at all levels delivers services.

With the Fair Go System in place, local government needs to work in partnership with the State Government to deliver this reform.

Motion 16. Municipal Emergency Resourcing Program Funding
Submitting Council: Yarra City Council

Motion:

That this State Council call on the State Government to fund all Victorian Councils via the Municipal Emergency Resourcing Program in order to support them in Emergency Management planning and preparation.

Submitting Council Rationale:

Since 2010, the Victorian Government has provided annual funding of \$4.6 million to 64 Victorian councils within Country Fire Authority districts to fulfil local government emergency management responsibilities; the State Government does not provide funding to 15 Victoria councils that sit outside of the CFA districts to fulfil their emergency management responsibilities.

The MERP funding was initially rationalised as a means to help CFA-based Councils implement the Victorian Bushfires Royal Commission recommendations. In 2015, an independent evaluation of the MERP was commissioned by LGV in partnership with the Municipal Association of Victoria. The evaluation report found that the funding, “continues to address a clear and demonstrable need within local government”. Despite the proven value of this funding, and despite the State’s ‘all-hazards’ approach to emergency management, the Victorian Government has not extended similar financial support to metro councils and continues to expect them to invest significant resources in emergency management planning and preparation.

We are seeking State Government funding to assist Yarra and all Metro Councils to effectively plan and respond to Emergencies. Insert rationale]

Motion 17. Flood Management Strategy for port Phillip and Westernport (FMS)

Submitting Council: Banyule City Council

Motion:

That the Municipal Association of Victoria (MAV) advocates for greater understanding and representation for councils as drainage authorities, as opposed to floodplain management authorities, particularly in catchment sizes of less than 60 hectares.

Submitting Council Rationale:

Melbourne Water recently wrote to councils and other flood managers seeking endorsement of the Flood Management Strategy for Port Phillip and Westernport (FMS). The main objective of the FMS is to improve flood management within the region by focusing on the collaboration of flood management organisations. To achieve the objectives, the strategy identifies and assigns a series of activities and responsibilities, some of which have been assigned to councils for delivery. This strategy is in line with the Victorian Floodplain Management Strategy at the state level and the Banyule area Flood Management Plan at the local level.

To date Banyule Council has made substantial progress on actions and responsibilities identified in Council's Flood Management Plan 2012. Banyule Council has completed a Stormwater Capacity Analysis identifying areas of overland flow and ponding during severe weather events across the municipality. This has informed Council's Stormwater Capital Works Program and has enabled the implementation of a special building overlay schedule (SBO2).

Within the activities and responsibilities assigned to councils and to Melbourne Water with the FMS, clarification needs to be sought on the roles and responsibilities of councils as the local drainage authorities, and Melbourne Water as the flood plain management authority. In particular, clarification around the legal status of the 60 hectare catchment limit.

Banyule City Council is therefore submitting a motion to the MAV on the appropriate responsibilities of drainage authorities and floodplain management authorities.

Motion 18. Sound Barriers

Submitting Council: Cardinia Shire Council

Motion:

That VicRoads be requested to ensure that when all future freeway sound barriers are constructed that appropriate plantings of suitable bushy native trees and shrubs are planted and maintained so that the ability for vandals to use these surfaces for graffiti vandalism is minimised, this saving VicRoads the cost of maintenance of these barriers.

Submitting Council Rationale:

Studies have proven that graffiti vandalism has a negative impact of property values of properties in the vicinity of graffiti targeted assets and the suggestions being put forward will lead to the lessening of the amount of graffiti appearing on these sound barriers.

It is acknowledged that the initial cost of the plantings will increase the funds required to be invested but will lead to long term cost savings in the reduced costs associated with the removal of this graffiti and vandalism

Motion 19 VicRoads and VicTrack
Submitting Council: Cardinia Shire Council

Motion:

That VicTrack and VicRoads be called upon to effectively maintain their assets so that graffiti and other vandalism is removed in a timely manner, and the value of properties in the vicinity of vandalized assets are not adversely impacted.

Submitting Council Rationale:

To lessen the visual impact of graffiti and vandalism it is imperative that such graffiti and vandalism is removed in a timely fashion.

Thus improving the perception of safety for all rail users.

Motion 20. Green Investment Option
Submitting Council: Nillumbik Shire Council

Motion:

That the MAV explore opportunities for development of financial investment instruments available to local government from banks and other authorised deposit-taking institutions, which would better enable councils to invest with those institutions that do not provide finance to the fossil-fuel industry, while still achieving the necessary standards of investment risk and return.

Submitting Council Rationale:

The purpose of this motion is to expand opportunities for local government to invest funds in a way that promotes an environment which is free of fossil-fuels.

At present, many of the financial investment options available to local government in Victoria are with banks or other financial institutions which provide finance to the fossil-fuel industry. This means that councils which invest with those institutions are indirectly supporting the financing of future investment in fossil-fuel industries.

Some Victorian councils have investment policies which give preference to those financial institutions which do not support the fossil-fuel sector. However there are limitations to what each individual council can achieve. Such policies impose restrictions on the number of institutions available to councils for investment, which can increase risk and decrease investment returns.

A collaborative approach across the sector could create a greater critical mass of investment funds, and encourage more banks and financial institutions to adopt fossil-fuel free policies, without compromising the risk and return of Council investments, and while still meeting legislated standards for investment.

The MAV has previously established the Local Government Funding Vehicle to provide councils with more cost-effective borrowings. This motion proposes that the MAV now explore opportunities for development of financial investment instruments that can support an economic and environmentally sustainable approach for the sector.

Motion 21. Improved Approach by VicRoads In Regards To Road Safety Objectives

Submitting Council: Baw Baw Shire Council

Motion:

That the MAV lobby the State Minister for Roads and Road Safety, the Hon Luke Donnellan MP, for achieving a more common sense approach from VicRoads in its application of road safety objectives when local Councils seek to improve their streetscapes on State controlled roads.

Submitting Council Rationale:

The case in point is VicRoads insistence to install substantial bollards in a reduced speed zone to protect individual trees planted in adjacent parking bays along Howitt Street in Warragul, rather than consider other more practical and community focused options.



Motion 22. Need for a Federal Independent Commission Against Corruption **Submitting Council: Melbourne City Council**

Motion:

That the MAV State Council:

1. Supports the establishment of an independent Federal government agency with a specific mandate to investigate, expose and prosecute corruption in areas of public administration directly overseen by the Federal Government, including the conduct of Federal Members of Parliament;
2. Requests the MAV President write to the leaders of all political parties represented in the Federal Parliament informing them of the State Council's position.

Submitting Council Rationale:

Leading into a prospective 2 July 2016 Double Dissolution election triggered by the likely defeat of legislation related to trade union governance and corruption issues, there has been extensive public debate about the need for a broader Federal anti-corruption body.

All Australian states now have established independent integrity authorities to expose and prosecute state-based corruption. The lack of an equivalent Federal body is a gaping hole in the integrity system of public administration in Australia.

Public confidence in elected officials remains low in Australia and this would be boosted by a well-resourced Federal agency with a mandate to maintain high standards in public administration. At the moment, corruption issues in the Federal sphere are often referred to the Federal Police which conduct inquiries that provide little public visibility into the conduct in question.

An agency with powers to call witnesses, hold public hearings and issue public reports not necessarily associated with the laying of criminal charges would lift the standard of Federal government administration and provide assurance to the public that enough checks and balances are in place at all levels of government.

Victorian councillors currently operate under an integrity system which regulates behaviour far more closely than state and federal MPs on questions such as gifts, donations, bias and conflicts of interest.

In addition, councillors can be referred to the Local Government Inspectorate for investigation or be subjected to a Councillor Conduct Panel.

At the Federal level, there are much less integrity measures which apply to MPs, save for decisions taken by groups of MPs themselves in the two Federal Houses of Parliament or through the committee system.

Scrutiny of Federal MPs is often difficult to pursue. The situation currently even sees accredited media banned from filming or photographing any Senator who does not have the call.

Major policy reforms are often announced leading into elections (look no further than Victorian Labor's rate-capping policy), so now is an opportune time for MAV State Council to seek commitments from the major Federal parties to match the integrity regimes which operate in all Australian states.

Motion 23. Fees payable to the Victorian Civil and Administrative Tribunal by local governments

Submitting Council: Melbourne City Council

Motion:

That the MAV make a submission to the Department of Justice and Regulation in response to the proposed new fee structure for the Victorian Civil and Administrative Tribunal opposing the increased fees payable by local governments and advocating for a reduction in such fees.

Submitting Council Rationale:

The Department of Justice and Regulation has invited comments and submissions on a new fee structure for the Victorian Civil and Administrative Tribunal proposed to be introduced in the Victorian Civil and Administrative Tribunal (Fees) Regulations 2016.

<http://myviews.justice.vic.gov.au/vcat-fees-regulations-2016>

Submissions must be received no later than 5pm on Monday, 2 May 2016.

The Regulatory Impact Statement for the proposed new regulations indicates that 'the proposal is to restructure the Victorian Civil and Administrative Tribunal's (VCAT) fees so as to maximise cost recovery from larger corporate and government users...'

The major reason why a local government will initiate proceedings in the VCAT is in its capacity as responsible authority to apply for an enforcement order under section 114 of the Planning and Environment Act 1987 where a use or development of land is in breach of that Act, a planning scheme, a condition of a planning permit or an agreement under section 173.

Until July 2013, the filing fee for an application for an enforcement order was \$47 and no further hearing fee was payable.

In July 2013, the filing fee for an enforcement order increased to \$805.10 and a daily hearing fee became payable if the matter required more than one hearing day.

Under the current regulations, the filing fee for an enforcement order is \$986.40, there is no separate hearing fee for day one but a daily hearing fee of \$389.30 is payable for each of day's two to four.

The proposed new regulations would impose a filing fee for an enforcement order of \$1,112.20, a hearing fee for the first hearing day of \$458.10 and a further fee for each of day's two to four of \$458.10.

The iterative increase in the fees payable to the VCAT will act as a disincentive to local governments when performing an important statutory function.

Motion 24. School Crossing Supervision
Submitting Council: Mildura Rural City Council

Motion:

That the MAV convene a Reference Group of Local Governments to explore ways with VicRoads to ensure that School Crossing Supervision is fully funded, managed, staffed and supervised by the State Government by the commencement of the 2017 School Year.

Submitting Council Rationale:

School Crossing Supervision is not a core responsibility of local government and should be fully funded, managed, staffed and supervised by the State Government as is in the case of other State jurisdictions.

Local Government was originally involved to be a provider for the State Government and over time has absorbed more and more direct costs associated with providing this service. There are over 3100 school crossing supervisors assisting pedestrians of all ages on 3033 sites throughout Victoria.

Council is aware that VicRoads is trialling new safety measures in the Northern Grampians Shire, and the pilot program is part of a state-wide review of the School Crossing Supervisors Program to make it more sustainable while at the same time maintaining an appropriate level of safety.

Council understands that VicRoads claims that is working with "our partners at the Municipal Association of Victoria, the Department of Education, Councils and the community to deliver a long term solution that retains the appropriate level of safety,"

Motion 25. Local Government Executive Officer Remuneration **Submitting Council: Mildura Rural City Council**

Motion:

That the MAV raise concerns with the Minister for Local Government that intemperate comments about remuneration packages of Council CEO's is irresponsible and creating an impression of largess in the local government sector.

Submitting Council Rationale:

Comparatively, remuneration for public sector executives, including Council CEO's is established in accordance with very similar principles.

This is an extract from the Victorian Policy on Executive Remuneration for Public Entities in the Broader Public Sector.

Remuneration Principles

- 4.1 Remuneration packages should be sufficient to attract, retain and motivate senior executives of the quality required but should avoid paying more than is necessary for this purpose.
- 4.2 Remuneration levels for an organization should be positioned relative to other comparable organisations, especially those in the public sector and the same or similar industries. This requires awareness of what those comparators are paying and should take account of relative performance. Apart from the organisations' relative size, other factors such as the ease or difficulty in recruitment and retention, competition for special expertise and the risks, challenge and complexity of the business should also be considered.
- 4.3 Executive remuneration policy, particularly market adjustments and individual decisions should be sensitive to their potential impact, especially on pay employment conditions for non-executives in each organization and elsewhere in the public sector.
- 4.4 There are different executive "markets". This may mean that remuneration levels for any given work value may vary between different sub-sectors or disciplines. Decisions on remuneration for individual executives or groups of executives to meet particular market needs must not be used as a basis for movements in more senior executives or in the broader executive group.
- 4.5 Executive remuneration arrangements must be consistent with government policy in the following areas:
 - Contract of employment for up to five years
 - Total remuneration package (includes salary, cost to employer of motor vehicle, superannuation and other employment benefits, all to include associated FBT)
 - Assessment for annual performance incentive payment of up to a maximum of 17% or 20% of total remuneration package
 - Termination of contract provisions, etc

The current VPS Executive Remuneration Bands as at 1 July 2015 demonstrates that local government CEO's are generally well within these bands.

VPS Bands	Minimum	Maximum
EO-3	\$152,560	\$212,853
EO-2	\$189,952	\$304,034
EO-1	\$276,044	\$404,051

Motion 26. MAV Governance and Performance

Submitting Council: Bayside City Council

Motion:

That in response to the unprecedented challenges facing the local government sector:

1. This MAV State Council directs that the MAV Board initiates an independent review of the MAV's objectives, purposes, strategy and performance. This Review is to assess the MAV's capacity and performance against expectations befitting a modern, membership-driven peak body that is able to serve its constituency's diverse requirements, while delivering high levels of membership satisfaction.
2. The Review is to be overseen by a guidance or reference committee comprised of 2 Councillors (1 each x metropolitan and rural/regional), 2 current CEOs (1 each x metropolitan and rural/regional each) and 2 independent persons with recognised governance expertise.

The review's recommendations are to be presented to MAV State Council at the earliest opportunity, but no later than the first State Council of 2017.

3. Further, this review must include:
 - A comprehensive survey of membership satisfaction with and future expectations of the MAV.
 - A clear statement of expected performance against which the MAV can demonstrate its effectiveness over time.
 - Proposals for effective governance structures and processes, including consultation with the sector including the structure and process for election of Board membership
 - Examination of limited tenure for all Board positions and the Presidency.
 - Strong processes for the development of sector policy and advocacy strategies, and MAV organisational policies and strategies.
 - Reference to the Municipal Association Act Review and the MAV Rules so as to ensure the MAV's purpose, objectives, strategy and governance are effectively integrated
 - An examination of how MAV programs and initiatives, be they commercial or otherwise, are evaluated for performance and outcomes.

Submitting Council Rationale:

The Victorian local government sector currently faces huge challenges in an increasingly difficult environment. Individual local governments and the sector as a whole need strong leadership, vision and effective strategy to meet these challenges and to ensure continuing delivery of value to their constituents. Importantly, the sector needs to not only deliver but needs to be seen to deliver the highest levels of public value to Victorian communities.

These factors include:

- A. State government control over the major revenue sources for local government in the form of rate revenue (rate capping) and statutory fees determined by the State.
- B. State government ambiguity about whether local governments are to be accountable to their local communities or the Minister for Local Government;
- C. A declining local government share of National taxation revenue;
- D. Requirements to expand services for growing populations; and
- E. A damaging VAGO review outcome regarding the MAV and ongoing concerns for improved MAV capability and performance.

To properly and comprehensively address the matters that have been raised it is important that the MAV undertakes a fundamental once in a generation review.

A review of the Municipal Association's Act is being undertaken by the State government. This is not and should not be the complete answer to the MAV's role, its strategy and performance. The opportunity should now be taken to determine what the sector needs from the MAV and how the MAV structure and processes can best support performance.

An independent review that enables transparent and objective oversight of the MAV's role, strategy and performance is essential if such a review is to have the necessary credibility with all stakeholders. The motion proposes a means of doing that and also requires that the outcomes and recommendations need to be presented to State Council rather than the Board of the MAV. This again will ensure transparency and accountability to the sector.

Motion 27. Review of Disability Parking Scheme **Submitting Council: Moonee Valley City Council**

Motion:

That the Municipal Association of Victoria State Council advocates to the State Government to:

1. Review the efficacy of the current disability parking scheme and its application in terms of addressing need and equity for people with a disability and its application to an ageing population.
2. Review the criteria for allocation of disability parking permits with relevant authorities, e.g. Australian Medical Association and Vic Roads and in doing so, consider the impact data by gender, age and disability.
3. Refine the operations of the scheme including the renewal of accessible parking permits.
4. Lead a community education campaign for all Victorians including permit holders and doctors regarding the reasonable and appropriate use of disabled parking bays and permits.
5. Work with Councils and VicRoads to review and consider upgrade of parking bay designs and distribution both for on and off street parking.

Submitting Council Rationale:

As part of the consultation for the development of the City of Moonee Valley Disability Action Plan (DAP), residents identified the need for a formal review of the accessible parking bays within the City. As a result Council committed within the DAP to:

- Review the design and allocation of accessible car parking at key buildings and in activity centres to ensure design offers safe access to footpath amenity and sufficient spaces are provided.

The consultation sessions with the community and the assessments of the existing accessible parking bays identified many prevalent and important themes. They include:

1. Insufficient accessible parking bays to cater for the sheer number of permit holders;
2. A mismatch in the distribution of accessible bays to areas people with permits come from and want to travel to;
3. The need for community education of all residents, including permit holders, doctors around the reasonable and appropriate use of disabled bays and permits by permit holders;
4. The need for more effective enforcement; and
5. The need for more efficient administration.

Taking part in community life is a human right. For people with a mobility disability or physical limitation, limiting their capacity to engage in simple everyday activities including shopping, dining at a café, or visiting places of interest within their chosen communities can have profound effects on health, wellbeing and ongoing mobility regardless of disability or life stage. Not being able to park and get out of their vehicle prevents people participating.

In prioritising parking needs, a systematic review of the accessible parking bay scheme is required across the State to provide guidance to support accessible and sustainable communities

Motion 28. Rate Capping Advocacy Campaign
Submitting Council: Whittlesea City Council

Motion:

That the MAV State Council direct the MAV to develop a 2018 state election advocacy program addressing the challenges faced by communities as a consequence of the State Government's decision to introduce a consumer price index rate capping regime.

Submitting Council Rationale:

The MAV along with various Councils, has been active in challenging the State Government over the rate capping regime introduced following the then Labor opposition's 2014 state election promise.

Currently, it is considered that the efforts undertaken by the municipal sector have had little impact on the opinions of the wider community, or on the Government's stance, despite the parlous financial state of many Councils around Victoria.

The sector needs to change its approach to rate capping and consider an advocacy campaign that can help influence a policy change on rate capping. Without a concerted and co-ordinated approach further efforts are unlikely to result in a reassessment of rate capping which will continue to exacerbate the long term financial viability of many Councils.

To advance this process it is suggested that the MAV, on behalf of the sector, co-ordinate or develop a 2018 state election rate capping advocacy campaign. It is recommended that a working party be established to assist in the development of the advocacy campaign and associated activities.

Motion 29. Eradication of Lobed Needle Grass

Submitting Council: Whittlesea City Council

Motion:

That the MAV State Council calls on the Victorian State Government to restore funding for the eradication program for Lobed Needle Grass.

Submitting Council Rationale:

Lobed Needle Grass is a state prohibited weed but highly restricted in distribution. It is unpalatable to stock and invades native grasslands and grassy woodlands.

Under Section 21(1) of the Catchment and Land Protection Act, 'the Secretary of DEDJTR must take all reasonable steps to eradicate state prohibited weeds from all land in the state'. The department however has been inactive in addressing Lobed Needle Grass for in excess of three years. Individual landowners are not empowered to manage the infestation and the department's website actively discourages landowners from attempting to control the weed.

In September 2015, Council sought clarification from the Minister for Agriculture regarding the department's approach to the eradication of Lobed Needle Grass. The Minister responded that the department is of the opinion that it cannot eradicate the weed given its ability to spread and difficulty in identification from other tussock forming grasses. The Minister stated further that Council should assist landowners in managing the weed.

This is seen as an abrogation of the State Government's responsibility and a transference of eradication and education costs to local government and to landowners, to manage a weed that the State Government has assessed as uncontrollable.

Motion 30. Affordable Housing Advanced Through State Planning Policy **Submitting Council: Whittlesea City Council**

Motion:

That the MAV State Council call on the State Government to:

1. Amend the Victorian State Planning Policy Framework (SPPF) to provide a clear definition of housing affordability and social housing.
2. Define housing targets for social and affordable housing, and prepare a metropolitan housing strategy to stipulate these targets.

Submitting Council Rationale:

Every person has a right to affordable, adequate and appropriate housing to enable their participation and sense of belonging in community life¹. It is critical for ensuring the health and wellbeing of individuals and families. Housing cost is a major living expense and high housing costs can decrease the resources available for food, clothing, education, recreation and health care².

Australian cities, Melbourne included, are facing an affordable housing crisis. There were 22,789 homeless Victorians in 2011, an increase of 21% from the previous census and that figure is most certainly still on the rise³. Despite a growing consensus on the urgency of the social and affordable housing deficit, there is little in the way of regular dialogue and policy direction from State Government⁴.

Local government has a role in facilitating the provision of affordable housing. We play a pivotal role in land use planning and housing provision and many Councils have created local policies to help increase the supply of social and affordable housing. However, Council capacity is limited without overarching policy direction and systemic support from the State and Federal Governments.

Currently, the Victorian State Planning Policy Framework (SPPF) requires planning for housing to include land for social and affordable housing. However, neither it or the Planning and Environment Act 1987, provide any definition of social housing or affordable housing⁵, nor are there any strong levers for Councils to address the development of affordable housing.

The State Government needs to define housing targets for social and affordable housing, and a Metropolitan Housing Strategy is a good place to stipulate these targets.

The impact of planning requirements on housing costs and the development process affects housing affordability. The limitations of current planning regimes prevent the uptake of greyfield precinct redevelopment and unless otherwise convinced, developers will continue to pursue well-tested, 'safe' approaches. Planning Schemes are limited because current provisions within the Act do not provide any guidance with respect to affordable housing provision. Setting metropolitan wide targets within a Metropolitan Housing Strategy would assist Councils to mandate more social and affordable housing and create a consistent approach across Melbourne⁵.

¹ City of Whittlesea, Social and Affordable Housing Policy and Strategy 2012-2016

2014, Housing and Local Government in Australia in the 21st Century, Chris Paris, Alan Morris and Andrew Beer

² City of Whittlesea, Social and Affordable Housing Policy and Strategy 2012-2016

³ Homelessness Australia website, <http://homelessnessaustralia.org.au/index.php/about-homelessness/homeless-statistics>

⁴ Transforming Housing Affordable Housing for All, Research Proposal, University of Melbourne

⁵ City of Whittlesea, 2015, City of Whittlesea Submission to Plan Melbourne Refresh