



Municipal Association of Victoria  
State Council, 30 October 2009

Resolutions Report

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## INTRODUCTION

The State Council is the governing body of the Municipal Association of Victoria. Members can submit matters of state-wide significance in writing not less than 28 days before the meeting. Motions are resolved on the majority of votes cast by members present in accordance with the MAV Rules 2008.

It is the MAV Management Committee's responsibility to define the detail of the broad policies, objectives and strategies determined by State Council. The Management Committee has considered each of the resolutions from the State Council meeting on Friday 30 October 2009 and determined how each resolution will be actioned.

This report provides member councils with feedback on the Management Committee's assessment of the resolutions from 30 October 2009 and the actions it has approved to progress each resolution. It should be read in conjunction with the MAV Strategic Plan 2009-10, which was endorsed at the previous meeting of State Council on 27 May 2009.

The Management Committee has determined that the advisory groups will play an important role in guiding and monitoring the implementation of State Council resolutions.

The terms of reference for the advisory groups target their activity on the priority issues facing local government as set out in the MAV Strategic Plan 2009-10. Their roles are to inform the MAV of councils' positions, issues and strategies identified in each region; support consultation with regional groupings of councils on current state-wide issues; and participate in the formulation of MAV state-wide policy positions and campaigns.

Councils appointed representatives to the MAV will receive a report ahead of the next State Council meeting scheduled for Friday 28 May 2010 on the implementation of the resolutions. This will identify the status of all the actions detailed in this report and any additional activity undertaken relating to the resolutions.

## ABOLITION OF THE EXISTING FIRE SERVICES LEVY

### **Resolution:**

That the Municipal Association of Victoria (MAV), undertake to prepare a submission on the abolishment of the existing Fire Services Levy, and further present this submission to the Victoria State Government, requesting that the State Government review the inequity of the existing Fire Services Levy and replace this Fire Service Levy with a more equitable broad based levy, to fund fire service delivery and operations in the State of Victoria.

### **Contact officer:**

Owen Harvey-Beavis

### **Relevance to Strategic Plan 2009-10:**

Consistent with the responsibility to coordinate a local government response to the Royal Commission into the bushfires.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

This issue potentially has a very significant impact on councils' financial position. In addition, any change to the fire services levy is likely to change the distribution of the burden of contributing to fire services.

The fire services levy, placed on councils within the Metropolitan Fire Brigade district, raises in excess of \$30 million per annum. Assuming revenue neutrality for MFB and CFA, it could be expected that successful implementation of the above motion will increase local government costs by over \$530 million per annum (approximately 10 per cent increase in revenue or 20 per cent increase in rates). Even if local government only acted as a collection agency, it is likely that significant administrative and political costs would be imposed.

If the levy were collected by the State, local government would still be severely negatively affected by the reduction in capacity to pay for many households.

The significant additional cost on local government would be slightly offset by lower insurance costs on buildings.

#### **(2) Number of councils affected by the issue**

All

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Could potentially be a divisive issue in the lead up to the 2010 state election and with clear and opposing positions between the major parties.

#### **(4) Immediacy of the issue**

There are two major reviews into the FSL – one by the Bushfire Royal Commission and the other by the State Government – which means the MAV will be required to develop a local government position on this issue immediately.

#### **(5) Likelihood of influencing an outcome in local government's favour**

Moderate. Local government will be seen as a key player within the debate around the FSL because a likely option will be for a property tax to be introduced, potentially collected by local government.

**Additional comments:**

**Other relevant resolutions (if any):**

The May 2009 State Council resolved that:

That the MAV request the State Government to impose a fire service levy on all rateable properties across Victoria to equitably fund fire services

**Recommended action(s):**

1. Hold a workshop for interested councillors and officers to discuss the MAV's response to the Bushfire Royal Commission discussion paper on the FSL
2. Develop a draft submission to the Royal Commission discussion paper
3. Circulate the above draft submission before completion
4. Develop a submission to the State Government Green Paper

## ADVERSE POSSESSION

### **Resolution:**

That the Municipal Association of Victoria State Council calls on the State Government to amend section 7B of the Limitation of actions Act 1958 to exempt all Council land from claims of adverse possession (in the same manner the State Government has protected all Crown Land, all Victorian Rail Track Land, all Melbourne Water Land and all Water Authority Land under the Act). This will ensure important community land such as roads, reserves and open space that has vested in Councils but where Councils do not have the resources to become the registered proprietor are also protected from claims of adverse possession.

### **Contact officer:**

Alison Lyon

### **Relevance to Strategic Plan 2009-10:**

Nil

### **Assessment against criteria for incorporating emerging issues:**

**(1) Magnitude of impact the issue is likely to have on councils and their communities**

Will have varying financial and resource impacts on councils.

**(2) Number of councils affected by the issue**

Not known

**(3) Political ramifications of the issue for effective intergovernmental cooperation**

None anticipated

**(4) Immediacy of the issue**

Current and continuing impact on affected councils.

**(5) Likelihood of influencing an outcome in local government's favour**

Preliminary discussion with Local Government Victoria suggests a preparedness to consider options for resolution of the issue.

### **Recommended action(s):**

1. Undertake further research to understand why the issue was not resolved when the council related adverse possession amendments were made in 2004;
2. Consider options for resolution and the likely capacity for options to be implemented

## AFFORDABLE HOUSING AND ROOMING HOUSES

### **Resolution:**

That the MAV develop, with councils and relevant state and federal government input, an Affordable Housing Local Government Strategic Framework to improve:

- councils ability to support affordable housing through various policy instruments including land use planning, development facilitation and advocacy.
- engagement of councils and integration of affordable housing objectives into council's policy and programs
- the share of Federal funding allocated to Victoria to support the provision of affordable housing recognition of the role of boarding/rooming houses as affordable housing, and the need to improve their regulation and management through planning, social impact assessment and neighbourhood consultation

Further, that the MAV make a formal submission to Consumer Affairs Victoria (CAV) and the Department Human Services (DHS) to provide additional resources to local councils to investigate and improve the standard of the increasing number of illegal and sub-standard legal rooming houses

### **Contact officer:**

Liz Johnstone

### **Relevance to Strategic Plan 2009-10:**

Directly supports the Planning and Building priority actions of:

- *Identify and pursue opportunities and improve awareness to make councils role in housing policy and provision more effective*
- *Scope and implement a project to better engage councils in urban planning issues, particularly regarding housing, transport oriented development and economic development*

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Significant current and future issue for councils to accommodate a rapidly growing population and maintain liveability.

Access to affordable housing has reduced.

The nature and number of rooming houses has rapidly increased.

#### **(2) Number of councils affected by the issue**

More than half of Victoria's councils – the urban and regional cities – are particularly affected but these issues affect all councils.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

The MAV and sector have demonstrated an ability to collaborate on rooming house issues and on strategies to improve housing affordability which should continue.

#### **(4) Immediacy of the issue**

Ongoing but not urgent.

#### **(5) Likelihood of influencing an outcome in local government's favour**

High – to better support councils understanding and response to the need for affordable housing – but low due to significant progress already made in terms of the regulation of rooming houses.

**Additional comments:**

Nil

**Other relevant resolutions (if any):**

Concerns about housing affordability and role of local government have been included in previous state council resolutions.

**Recommended action(s):**

1. That the MAV develop, with councils and relevant state and federal government input, an Affordable Housing Local Government Strategic Framework.
2. That this outcome be integrated into the housing growth requirements project workplan.
3. That consideration be given to a Housing Affordability Fund application to support this work, if a strong link to process improvement can be identified.
4. Work with DPCD and councils to improve the share of Federal funding allocated to Victoria to support the provision of affordable housing
5. Write to Consumer Affairs Victoria (CAV) and the Department Human Services (DHS) to provide additional resources to local councils to investigate and improve the standard of the increasing number of illegal and sub-standard legal rooming houses, additional to the CAV inspectors.

## AMENDMENT TO THE CATCHMENT AND LAND PROTECTION ACT

### **Resolution:**

That the MAV lobby the State Government to accept responsibility for the eradication of declared weed and pest animals on roadsides throughout the State and that Local Government does not accept this cost shifting by default.

### **Contact officer:**

Luke Murphy

### **Relevance to Strategic Plan 2009-10:**

The MAV Strategic Plan 2009-10 acknowledges that pest plant and animal control presents a major challenge for councils, and that the impact of climate change may increase the prevalence of some pest species.

The relevant priorities in the Strategic Plan include:

- Seek clarification of the legislative responsibility for pest plant management
- Inform the development of State Government policy directions for natural resource management.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Pest plants and animals pose significant issues for all land owners or managers including councils and their communities. They present environmental, economic and social risks by impacting on natural landscapes and ecological processes, reducing agricultural productivity and farm income, and can affect recreation and aesthetic values. Weeds can also contribute to fire risk by contributing to fuel loads.

#### **(2) Number of councils affected by the issue**

It is not known exactly how many councils may be affected by declared pest plants and animals on roads. Historically, the MAV has received correspondence from approximately 31 councils concerned specifically about the responsibility for weed management and State Government funding programs. In addition, accurate state-wide distribution and density mapping for all declared species at the appropriate scale is not available. Therefore, it is not simply a matter of multiplying the length of the roads within a municipality by a cost rate per kilometre for all councils to ascertain management costs.

The State Government's Invasive Pest Animal and Plant Policy Framework once adopted, is likely to assign 'priority levels' for the management of declared pest species in different locations, which may influence the experience of councils. The biosecurity approach will determine the State Government's investment and management decisions based on prevention and early intervention, eradication, containment and asset-based protection.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Section five of this report outlines the reasons as to why an outcome to this resolution is unlikely. Refocussing the MAV's discussions to advocate for the State Government to accept absolute responsibility for the eradication of declared weeds and pests on roadsides may impact on the work undertaken to date between the MAV, the Minister's office and the Department of Primary Industries (DPI), including the recent invitation to participate on the Minister's independently chaired working group.

The MAV Committee of Management previously endorsed the MAV submission to the Draft Invasive Plants and Animals Policy Framework which supported the principles of the biosecurity approach to pest management. The approach recognises that eradication of

widespread and established pest species is not feasible. Importantly, the submission articulated that the biosecurity approach must not default additional pest management responsibility onto local government.

#### **(4) Immediacy of the issue**

The management of pest plants and animals is an ongoing problem and increases during growing and breeding seasons if effective control is not implemented. Pest management continues to be a problem for councils that actively invest in management activities, and community engagement and education initiatives. It is a particular challenge for councils that have limited resources.

The current grants program for the management of Regionally Prohibited and Regionally Controlled pests on roadsides being delivered by DPI is an interim measure without prejudice for participating councils. The objective of the program is to manage the risks presented by these categories of pest whilst discussions continue regarding the issue of responsibility for their management. There is two years remaining in the current program.

#### **(5) Likelihood of influencing an outcome in local government's favour**

The likelihood of achieving an outcome for this resolution is limited because of the following reasons:

- There are four categories of declared noxious weeds under the *Catchment and Land Protection Act 1994* (CaLP Act) that assign management responsibility. The State Government is unlikely to assume responsibility for all declared pest species. The current categories and assigned responsibility are:
  1. *State Prohibited* – Weeds that do not occur in Victoria but pose a significant threat were they to enter the state, or are present in small numbers, pose a serious threat and can reasonably be expected to be eradicated from the state as a whole. The Victorian Government is responsible for their eradication.
  2. *Regionally Prohibited* – Weeds that are not widely distributed in a region, capable of spreading further and capable of being eradicated in that region. Land owners must take reasonable steps to eradicate Regionally Prohibited weeds in relation to their land.
  3. *Regionally Controlled* – Are weeds that are widespread but considered to be important in that region. Continuing control measures are required to prevent further spread. Land owners must take reasonable steps to prevent the growth and spread of Regionally Controlled weeds in relation to their land.
  4. *Restricted* – Is the lowest level where weeds are a serious threat to primary production, Crown land, the environment or community health and have the potential, if sold or traded, to spread within Victoria. There are no specific obligations under the CaLP Act for landowners to control restricted weeds; however they must not be sold or traded in Victoria.
- Eradication of all declared pest species is not possible, particularly for existing widespread and established species because of their extent, ecology and insufficient resources.
- The biosecurity approach will influence the State Government's investment decisions and priority level for pest management broadly. The biosecurity approach is more strategic and is based on risk management to determine where the Government's limited resources can be invested to achieve the best gain.
- The Government has not supported past calls to amend the current legislation.
- The Minister has previously stated that on the Government's view, local government is the land owner of local roads and therefore the assigned responsibility outlined above applies. However the complexity of the issue is now understood to be greater than initially anticipated, particularly regarding road ownership. This is appreciated by the Government and is the subject of continued discussions.

**Additional comments:**

The MAV has been actively working with the Minister for Agriculture, his office and DPI to resolve the issue of responsibility for the management of declared pests on roads. The Minister has invited the MAV to participate on an independently chaired working group to examine the fundamental questions of what the objective of roadside weed and pest animal management is, who is best placed to deliver it and how the legislation should be used to provide the best outcomes in context of wider biosecurity and land management policy development. Given the complexity of the issue, this is the appropriate forum to continue negotiations with the State Government to progress to an agreed outcome.

In addition, the Land and Biodiversity White Paper when released, is likely to outline the proposed legislative review to achieve improved natural resource management outcomes across the state. This review process may provide the opportunity for the issue of pest management responsibility to be included as part of a broader package of legislative change.

**Other relevant resolutions (if any):**

June 2006 State Council Resolution:

Control of Roadside Weeds

- That the MAV make strong representation to seek that the State Government either amends the legislation regarding control of roadside weeds to clarify this is the responsibility of the abutting landowner, or revert the previous situation where the DSE was responsible for controlling roadside weeds, or properly funds councils to control them.
- That the MAV seek to clearly resolve the issue of responsibility for weed management on roadsides of undeclared and other roads managed by local government.

October 2006 State Council Resolution:

Responsibility for Weed Control:

- That the MAV calls upon the Government as a matter of urgency to amend the *Catchment and Land Protection Act* 1994 to remove from local government the unintended responsibility for weed control on roadsides; as arose through poor drafting of the Act.

May 2007 State Council Resolution:

Responsibility for Noxious Weeds

- That the MAV negotiate with the State Government to ensure that local government does not become by default, the authority responsible for the control of noxious weeds.

May 2008 State Council resolution:

Responsibility for weed management on roadsides

- That the MAV requests the State Government to create legislation to provide certainty surrounding the responsibility for control of weeds on local roads.
- That this legislation clarifies and reinforces the intention of the *Catchment and Land Protection Act* 1994 that responsibility for management of weeds on local roadsides rests with the adjoining landowner.
- That the MAV lobby the State Government to support landowners by adequately resourcing weed enforcement activities with a focus on roadsides and on private land.

May 2009 State Council resolution:

- That the MAV lobby the State Government to appropriately resource the Department of Primary Industries to enable it to effectively meet its enforcement obligations in respect of weed control on private property.

**Recommended action(s):**

1. Progress an outcome for the issue of responsibility through participation on the Minister for Agriculture's independently chaired working group for declared pest management on roadsides

## AMENDMENTS TO THE ROAD MANAGEMENT ACT

### **Resolution:**

That the MAV write to the Minister for Roads and Ports, seeking amendments to the Road Management Act 2004, to allow local Councils to carry out necessary works and charge Service Companies or Statutory Authorities who have failed to start or satisfactorily complete to the Council's standard, rectification or replacement works impacting on footpaths and walkways in State designated Activity Centres and areas of concern, within a prescribed period.

### **Contact officer:**

John Hennessy

### **Relevance to Strategic Plan 2009-10:**

Nil

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Will not have considerable financial or resource implications for councils

#### **(2) Number of councils affected by the issue**

Process change would include all councils

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Not applicable

#### **(4) Immediacy of the issue**

Not applicable

#### **(5) Likelihood of influencing an outcome in local government's favour**

A possibility

### **Additional comments:**

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. Place on hold for planned review expected in 12 months
2. Write a letter to the state Minister for Roads and Ports

## BETTER ACCESS TO SCHOOL BUSES

### **Resolution:**

That the MAV advocate for the State Government to streamline access to school buses for rural Victorians to better facilitate carriage of the general public, post secondary students and access to school buses in downtime by:

1. Appointing one government department to manage school bus policy and operations – ie Department of Transport;
2. Amending School Bus Contracts to better facilitate carriage of the general public and post secondary students;
3. Amending School Bus Contracts to facilitate access to school buses in downtime at marginal costs/community kilometres;
4. Amending school bus policy to facilitate post secondary students to be eligible for 'non government school student status';
5. Waiving the fee for a Police Check and Working with Children card;
6. Applying the State and Commonwealth Government's principles of social inclusion and climate change to the governance of school buses both at a policy and contractual level;
7. Allowing discretionary conversion of dedicated school buses to route services where there is no traditional public transport
8. Introducing accessible school buses where there is demand.

### **Contact officer:**

Claire Dunn

### **Relevance to Strategic Plan 2009-10:**

This resolution has direct relevance to a key objective of the strategic plan, which is to identify gaps in rural transport links, including public transport and advocate solutions.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

A positive outcome on the issue of access to school buses for rural Victorians would provide significant benefits to many councils and their communities as their transport options would improve.

#### **(2) Number of councils affected by the issue**

At present, a significant number of rural and regional communities experience transport disadvantage, due to their limited transport options.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

This issue highlights a complicated State government approach to the provision of education-related transport in rural and regional areas. The local government sector would like to see school bus travel extended to other members of the community to improve travel options for areas where the principal public transport network does not extend.

#### **(4) Immediacy of the issue**

Ongoing issue affecting communities now

#### **(5) Likelihood of influencing an outcome in local government's favour**

A positive outcome is within reach.

### **Additional comments:**

The MAV has already undertaken preliminary research into the transport services offered by councils to people within the community that cannot access either public or private transport options, and intends to undertake further research to build on this knowledge.

**Recommended action(s):**

1. Seek a meeting between the Department of Education and the Department of Transport to discuss the issues raised by this resolution.
2. Undertake further research in order to advocate for improved transport options for people in rural and regional communities.

## BUILDINGS ESSENTIAL SAFETY MEASURES

### **Resolution:**

That the MAV consider a sector-wide review and response to the Buildings Essential Safety Measures legislation and its compliance implications.

### **Contact officer:**

Liz Johnstone

### **Relevance to Strategic Plan 2009-10:**

This issue has little alignment with the Strategic Plan.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

This issue carries significant risk and financial implications for councils' asset management and their obligations under the Building Act.

#### **(2) Number of councils affected by the issue**

All councils are affected to varying degrees.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

This issue has public risk and liability implications and may impact on public confidence in the building system. The capacity of individual councils to respond varies greatly.

#### **(4) Immediacy of the issue**

Ongoing – not urgent

#### **(5) Likelihood of influencing an outcome in local government's favour**

Low. A strong evidence base demonstrating risk associated with councils inability to resource their obligations may lead to some relaxations of timelines or funding support. Significant resources would need to be allocated by the MAV to develop this evidence base.

### **Additional comments:**

Nil

### **Other relevant resolutions (if any):**

Yes - and an extension of time was made available to councils previously.

### **Recommended action(s):**

1. Write to the Minister for planning detailing the concerns held by councils regarding the Buildings Essential Safety Measures legislation and compliance.
2. Work with the Victorian Municipal Building Surveyors Group to identify training and other support needed by councils to improve the sectors response to the Buildings Essential Safety Measures legislation.

## COAG EARLY YEARS REFORMS

### **Resolution:**

The MAV advocate for

1. Full cost recovery to offset the impacts of COAG Early Years Reforms on service accessibility and affordability for families with young children
2. Clarity of roles and responsibilities for the planning and implementation of the COAG Early Years Reforms
3. Any costs and associated risks from the COAG Early Years Reforms are not passed onto local government or families, or result in diluting the role or powers of local government to serve the community
4. A partnership approach between local government and the State Government in planning for the new early years policy directions
5. To the State Government to provide full capital and operating funding of 3 year old kinder programs in line with funding for four-year old programs.

### **Contact officer:**

Clare Hargreaves

### **Relevance to Strategic Plan 2009-10:**

Resolution points 1- 4 are consistent with several priorities for Human Services in the MAV Strategic Work Plan for 2009/10:

*“Positioning local government to benefit from the re-alignment of responsibilities between federal, state and local government for ...early childhood... services.”*

*“Developing a partnership agreement with the State Government for delivery of education and early childhood services that, among other things, protects councils against cost shifting”.*

Resolution point 5, aiming for new funding and policy support for universal access for 3 year-olds to a kindergarten program, is not an identified priority direction for MAV in 2009/10.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

The results of the COAG and State reforms in early childhood are already impacting on council resources (particularly children’s services planning and management, infrastructure planning and delivery). Although project grants have been provided to all Victorian councils for early planning of some of the key COAG reforms, and capital grants from state and federal governments are accessible through a submission process, there is a greater impact on those councils which have a history of direct provision and management of early childhood education and care services.

Details of significant reforms are still rolling out and the impacts for council budgets (both operational and capital) are expected to continue into future years, particularly 2010-2013.

In regard to the resolution point 5, strong and persistent demand for “3 year old kindergarten” continues in many communities. In such areas there is pressure on the council to ensure availability of spaces and programs for 3 year olds. The reforms being undertaken by the State and Commonwealth are challenging the current shape and utilisation of all local children’s services centres, and in some cases threatening to squeeze

playgroups and 3 year old programs out of existing local facilities. All councils are being required to rethink their policies and capital works plans in the early years' area.

**(2) Number of councils affected by the issue**

The issues covered by this resolution impact on all councils.

**(3) Political ramifications of the issue for effective intergovernmental cooperation**

Advocating on the resolution points 1- 4 would reinforce current intergovernmental agreements and the Partnership Agreement between MAV and the State Department of Education and Early Childhood Development (signed in August 2009).

In regard to resolution point 5, the local government sector may be divided on this matter, due to differing levels of support by councils for 3 year old programs. Significant resource investment at the local level (for service planning & capital works management by councils) would still be required for implementation. There is also a risk that any push for specific funding of 3 year old "kindergarten" programs could be seen by COAG as a position which dilutes reforms aimed firstly, at improving the quality children's services for 0-6 year olds by successfully combining early childhood education and child care and secondly, increasing hours of kindergarten for all 4 year olds nationally. From the Victorian perspective, an argument could also be made that the State/Commonwealth should first fully fund 4 year old kindergarten (as occurs in some other states).

The case developed by the MAV would need to take into consideration these potentially competing objectives for funding, and demonstrate how COAG and MAV aims could be achieved simultaneously.

**(4) Immediacy of the issue**

Resolution points 1- 4 are timely, given that State and Federal government reforms are currently being rolled out and expected to continue to 2014 at least.

Resolution point 5 concerns new policy directions. The rollout of key COAG early years reforms are due to be reviewed in early-mid 2010, and the approaching State and Federal elections in 2010 provide the opportunity for advocacy with all political parties.

**(5) Likelihood of influencing an outcome in local government's favour**

The provision of early childhood education and care services in Victoria has traditionally been shared between all levels of government and the non-government sector, including private businesses. Therefore, local government achieving full cost recovery of all the COAG reforms is unlikely. However, the MAV has successfully positioned the Victorian local government case with both State and Federal Ministers to obtain maximum funding support and involvement of local government in developing innovative solutions with the resources available to Victoria.

In regard to the resolution point 5, preliminary discussion with State Minister and between Federal and State Ministers suggests that the proposal for further support of 3 year old programs may be given consideration, provided that the position pursued is not inconsistent with COAG aims for universal access to 15 hours of early childhood education.

**Additional comments:**

There is considerable international evidence regarding the positive impacts of early childhood education, which could support an MAV position for early childhood education reforms to be inclusive of 3 and 4 year old children, not simply focused on 4 year olds.

**Other relevant resolutions (if any):**

Nil

**Recommended action(s):**

1. MAV to write to the State Minister, Maxine Morand and Federal Minister, Kate Ellis on resolution points 1- 4.
2. In regard to resolution point 5:
  - MAV further develops a position for Victoria in consultation with councils, which is inclusive of 3 year olds and 4 year olds and consistent COAG aims for universal access to 15 hours of early childhood education, before children start school.
  - Position to be put forward to the State and Federal Governments in time for the 18-month COAG review of key early childhood reforms, mid 2010.
3. MAV to advocate on these matters during its scheduled quarterly meeting with the Victorian Minister for Early Childhood Development in December 2009.
4. MAV to raise these matters at its next meeting with the Secretary and senior staff at the State's Department of Education and Early Childhood Development.

## COMMUNITY EDUCATION PROGRAM DEVELOPMENT

### **Resolution:**

MAV to advocate to State Government to develop and deliver a community education program to raise awareness of communities, families and individuals of how to actively prepare for and minimise the negative impacts of emergency events in the face of the increased frequency and severity of emergency events.

### **Contact officer:**

Emma Fitzclarence

### **Relevance to Strategic Plan 2009-10:**

Informs emergency management priorities to:

- *Assist bushfire affected councils in their negotiations with other levels of government around recovery planning processes; and*
- *Work with councils and the state government to ensure an integrated bushfire recovery process that aims to build long-term community resilience and achieve better community outcomes.*

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Recovery is a slow and complex process for councils and communities. The recent bushfires demonstrate the significant financial and staff well-being costs for local government and the potential strain on council-community relations. Research links better informed and well-prepared communities with resilience and an easier road to recovery.

#### **(2) Number of councils affected by the issue**

All councils

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Consistent with integrated emergency management planning, advocated in Emergency Management Manual Victoria and the Integrated Fire Management Planning framework

#### **(4) Immediacy of the issue**

The fire season has already started, and parts of Victoria have already experienced conditions that trigger the new catastrophic fire danger warning.

#### **(5) Likelihood of influencing an outcome in local government's favour**

The MAV is a member of most state level emergency management planning committees, including the intergovernmental fire communications taskforce and the State Emergency Recovery Planning Committee

### **Recommended action(s):**

1. Raise issue at State Emergency Recovery Planning Committee, fire communications taskforce and other relevant committees.
2. Participate in working group if appropriate

## CONFLICTS OF INTEREST

### **Resolution:**

That the MAV advocate for a review of the conflict of interest provisions of the Local Government Act 1989 that results in provisions that:

- are clearly and concisely expressed so that they are straightforward to interpret by Councillors, members of Special Committees & Council Officers; &
- effectively and appropriately support local government decision making and operations.

### **Contact officer:**

Alison Lyon

### **Relevance to Strategic Plan 2009-10:**

The Strategic Plan includes monitoring the impacts of recent changes to the Local Government Act 1989 and seeking clarity where necessary in addition to supporting councillors to understand the new conflicts of interest provisions.

### **Assessment against criteria for incorporating emerging issues:**

**(1) Magnitude of impact the issue is likely to have on councils and their communities**

Significant governance implications for councillors.

**(2) Number of councils affected by the issue**

All councils

**(3) Political ramifications of the issue for effective intergovernmental cooperation**

The Minister has indicated a review will be undertaken.

**(4) Immediacy of the issue**

While the Local Government Victoria Discussion Paper should identify options for change and allow sufficient time for informed comment regarding the preferred way forward the concerns regarding the current provisions are such that legislative reform should occur as soon as practicable.

**(5) Likelihood of influencing an outcome in local government's favour**

High. Information evidencing the difficulties posed by the current conflict provisions should result in a positive outcome.

### **Additional comments:**

A threshold issue that has been raised during training and in a variety of other forums is the difficulty of understanding the conflict of interest provisions, minor 'interests' unnecessarily restricting councillors from representing their constituents and frustration at the lack of advice available from council officers or Local Government Victoria given that a breach of the provisions is an offence.

### **Other relevant resolutions (if any):**

The additional State Council resolution relating to Conflict of Interest provisions is intended to be addressed with the same action plan.

### **Recommended action(s):**

1. Convene workshops to respond to the issues raised in the Discussion Paper and to identify any additional matters that warrant consideration

2. Prepare a response for consideration by the Management Committee that would be the subject of broader consultation with the sector;
3. Campaign for change.

## DEFERRAL OF RATES

### **Resolution:**

Deferral of Rates Sec 170 for Hardship

That any proposed legislative change to extend Deferral of rates provision under section 170 of the Local Government Act must only be considered with the understanding that an appropriate third party funding arrangement is put into place to ensure that Councils cash flow is not adversely affected.

### **Contact officer:**

Owen Harvey-Beavis

### **Relevance to Strategic Plan 2009-10:**

Relates to the priority to examine rate affordability issues.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Moderate, with some councils indicating increasing concerns about the affordability of rates given the recent economic climate and the ageing population.

#### **(2) Number of councils affected by the issue**

All, but typically councils with lower socioeconomic characteristics and aged demographics are expected to face higher levels of rates affordability issues.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Nil

#### **(4) Immediacy of the issue**

An approach to change the Act would need to come from the MAV. There are no plans to do this.

#### **(5) Likelihood of influencing an outcome in local government's favour**

High

### **Additional comments:**

The MAV does not intend to advocate for changes to the Local Government Act to increase the capacity of councils to deliver rate deferrals for matters other than hardship.

The Rates Affordability Working Group is currently developing a policy position on potential options for councils in responding to rates affordability concerns. This group does not support an extension to the legislative regime to extend deferral provisions for non-hardship purposes.

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. Complete the development of a policy position of rates affordability through the Working Group

## DIGITAL TELEVISION BLACKSPOTS

### **Resolution:**

That the Municipal Association of Victoria advocate on behalf of all affected municipalities to have the Federal Communications Minister allocate funding to upgrade existing black spot relay technology to a digital form to ensure that there is equitable television reception provided across all Victorian municipalities.

### **Contact officer:**

Tony Gibbs

### **Relevance to Strategic Plan 2009-10:**

Nil

### **Assessment against criteria for incorporating emerging issues:**

**(1) Magnitude of impact the issue is likely to have on councils and their communities**

Should not have considerable financial or resource implications for councils

**(2) Number of councils affected by the issue**

Interface, regional and rural councils more likely to be effected

**(3) Political ramifications of the issue for effective intergovernmental cooperation**

Peripheral issue for local government, should be aware of change, timelines and where access to resources are available.

**(4) Immediacy of the issue**

Won't effect councils until second half of 2010. Mildura will be the first council to switchover in Victoria. Digital Switchover Liaison Officers will be appointed in regions as switchover approaches. Switchover won't be complete until end of 2013.

**(5) Likelihood of influencing an outcome in local government's favour**

Advice from the Department of Broadband, Communications and the Digital Economy that more evidence will be needed to fully understand the implications of the change in technology

### **Additional comments:**

A Digital Switchover taskforce has been established and has lots of useful information and resources. Link: <http://www.digitalready.gov.au/>

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. Further research to understand the magnitude of the issue is required
2. Inform ALGA of any issues relating to the digital changeover
3. Continue to support ALGA on developing a national position

## DROUGHT SUPPORT

### **Resolution:**

That the MAV advocate to the Victorian and Federal Government to provide continued and targeted support to farming families and rural communities to respond to the ongoing drying and drought condition

### **Contact officer:**

Nina Rogers

### **Relevance to Strategic Plan 2009-10:**

The Strategic Plan recognises that the dual effect of the financial crisis and persistent drought conditions, exacerbated by climate change, are having a significant impact on the viability of farming communities.

The Strategic Plan calls on the State Government to advocate for funding for drought affected councils to employ staff to assist the recovery and rebuilding of communities.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Farming communities across Victoria are experiencing hardship because of the combination of ongoing drying and drought conditions, with the global financial crisis and population change. Councils are experiencing increased service and local economic development pressures as a consequence.

#### **(2) Number of councils affected by the issue**

All rural and regional councils.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Low risk

#### **(4) Immediacy of the issue**

Immediate and urgent, but also ongoing in the short to medium term.

#### **(5) Likelihood of influencing an outcome in local government's favour**

Medium

### **Additional comments:**

The ongoing drying, as exacerbated by climate change, will place pressure on communities and councils for the long term. Therefore the challenge is to work through a process of structural adjustment to these conditions and to plan for their continuation.

### **Other relevant resolutions (if any):**

Funding for Drought Response Officers (May 2009)

1. That the MAV request the State Government to continue to fund Drought Response Officers from 1 July 2009 to provide ongoing support for drought-affected individuals and families in Victoria.
2. That the MAV urge the State Government to review drought conditions and any progress in drought recovery by 31 March each year and make an early announcement regarding the availability of ongoing funding for Drought Response

Officers so that affected staff and the communities they serve have certainty of ongoing support

3. Expand the Drought Response Officer Program to all municipalities that are drought declared but not in receipt of the service.

Drought Recovery (November 2007)

That the MAV lobby government to provide financial assistance to support the employment of community development workers in rural shires to assist with drought management and recovery.

**Recommended action(s):**

1. That the MAV seek a meeting with the Premier to raise this motion in the broader context of the State's climate change and growth of provincial Victoria agendas, and support for structural adjustment across regional and rural Victoria.

## ENVIRONMENTAL FLOWS

### **Resolution:**

The MAV seek a meeting with the Minister for Water to reverse the decision to remove water from environmental flows to the Murray, Goulburn and Loddon Rivers.

### **Contact officer:**

Luke Murphy

### **Relevance to Strategic Plan 2009-10:**

The MAV Strategic Plan does not specifically address the issue of environmental flow allocations for Victoria's river systems and in particular, the Murray, Goulburn and Loddon rivers. However, the environment priorities for 2009/10 include:

- Inform the development of the State Government's policy directions for natural resource management.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

The objectives of the Wimmera Mallee Pipeline project provides for the return of water savings as environmental flows to major river systems. The indirect impact of this issue on councils and their communities is related to pressure on environmental values and loss of amenity.

#### **(2) Number of councils affected by the issue**

It is not known how many councils may be affected by this resolution.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

There are no significant political ramifications associated with this resolution.

#### **(4) Immediacy of the issue**

A decline in river health and associated environmental values resulting from the continuing drought conditions places urgency on the need to return water to the environment.

The environment's share of water is legally recognised by the Environment Water Reserve (EWR) under the *Water Act* 1989. The EWR is the amount of water set aside to meet environmental benefits and can be held in storage and released to a river, it can be run-of-river flows and it can be groundwater.

#### **(5) Likelihood of influencing an outcome in local government's favour**

The likelihood of influencing an outcome for this resolution is considered low given that the Minister's decision was made within the provisions in the *Water Act* 1989. It is assumed that a triple bottom line approach was taken to balance the allocation of water for consumption, the environment and other non-consumptive uses, as outlined by the policy directions in the State Government's water White Paper *Securing our Water Future Together 2004*.

### **Additional comments:**

Twelve thousand megalitres of water traditionally supplied to the Wimmera Mallee region from the Goulburn Murray Irrigation District via the Waranga Channel, is to be part of a larger package of water savings to be directed to Melbourne. The 12,000 megalitres made available from the 9,000km Wimmera Mallee Pipeline works, was initially to be directed to boost flows for the Loddon, Goulburn and Murray Rivers.

The Minister for Water used provisions in the *Water Act* 1989 to qualify the water rights. Qualification of rights allows the Minister to declare a water shortage and over-ride existing water entitlements to reallocate water to priority uses.

In the longer term, a number of Government initiatives that aim to improve the Environmental Water Reserve (EWR) are underway. The development of the regional Sustainable Water Strategies will provide for improvements in the EWR and will guide investment for water recovery for the environment.

In addition, the State Government is currently developing the Victorian Strategy for Healthy Rivers, Estuaries and Wetlands (VSHREW), which will encompass a review of the existing Victorian River Health Strategy. The objectives of the strategy will include amongst others:

- Provide a common vision and integrated management of rivers, estuaries and wetlands in Victoria;
- Address the future conservation and sustainable management of rivers, estuaries and wetlands under the conditions of drought and climate change;
- Incorporate the directions of recent Victorian Government legislative amendments and policy into the management framework for rivers, estuaries and wetlands, in particular, those of *Our Water Our Future* 2004, the *Water (Resources Management) Act* 2005, *Our Environment Our Future* 2006 and the regional Sustainable Water Strategies.

The Victorian Investment Framework for Natural Resource Management Statement of Priorities 2010/11 identifies funding availability for the employment of regional EWR officers for the operational management of environmental water and input into planning processes. Specific focus areas will include, amongst others, the management of environmental water to provide drought refuge, protect critical habitat and to improve ecological health and resilience of high value areas.

These Government initiatives aim to ensure that an environmental water allocation is maintained.

**Other relevant resolutions (if any):**

Nil

**Recommended action(s):**

1. Write a letter to the Minister for Water to state the sector's concern about the decision to remove water from environmental flows for the Murray, Goulburn and Loddon Rivers.
2. Raise this motion with the Department of Sustainability and Environment through MAV participation on the stakeholder advisory group for the Victorian Strategy for Healthy Rivers, Estuaries and Wetlands.

## EROSION OF PLANNING ROLE AND FUNCTIONS

### **Resolution:**

That the MAV expresses its concerns to the State Government with the continual erosion and undermining of Council's planning responsibilities in the Victorian Planning System and call for the termination of the current policy which exempts from the normal planning process those social housing projects with Commonwealth Nation Building and Economic Stimulus Package funding.

### **Contact officer:**

Liz Johnstone

### **Relevance to Strategic Plan 2009-10:**

This resolution accords strongly with the Planning and Building priority action of: *Advocate the retention of local input in planning decisions, including local government's role as a planning and responsible authority, Development Approval Committees and Priority Development Panels.*

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Planning remains a significant source of community concern and industry frustration. The streamlined processes to facilitate the economic stimulus package has added to this tension.

#### **(2) Number of councils affected by the issue**

All

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

This resolutions reflects concerns about numerous and systematised breaches of the Victorian State Local Government Agreement.

#### **(4) Immediacy of the issue**

Current and immediate in the context of the state election.

#### **(5) Likelihood of influencing an outcome in local government's favour**

Low in terms of ability to influence the current streamlined development approvals process for social housing, and effort should be made to ensure these interim provisions are not ongoing.

### **Additional comments:**

The planning process improvement project is designed to improve practice in councils and build an evidence base to demonstrate that council processes are efficient and can be relied on as well as being continually improved.

### **Other relevant resolutions (if any):**

Many over several years

### **Recommended action(s):**

1. That the MAV President convey directly to the Minister for Planning its concerns to the with the continual erosion and undermining of Council's planning responsibilities in the Victorian Planning System and call for the termination of the current policy which exempts from the normal planning process those social housing projects with Commonwealth Nation Building and Economic Stimulus Package funding.

2. That the MAV work with councils to collect an evidence base so as to provide a context regarding call ins and streamlined processes and outcomes in terms of timeliness of decision making and built outcomes.

## EXTENSION OF COMMUNITY PLANNING FUNDING

### **Resolution:**

That the MAV lobby the State Government to continue the funding for Community Planning for at least another 3 years.

### **Contact officer:**

John Hennessy

### **Relevance to Strategic Plan 2009-10:**

Nil

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Most rural councils need financial support for community planning facilitators

#### **(2) Number of councils affected by the issue**

40

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Usually funded by DPCD from Community Support Fund

#### **(4) Immediacy of the issue**

Ongoing

#### **(5) Likelihood of influencing an outcome in local government's favour**

Previous discussions have been positive in a number of cases.

### **Additional comments:**

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. Write to Minister for Community Development
2. Review other possible funding sources

## EXTENSION OF NATURAL GAS SUPPLY

### **Resolution:**

That the MAV lobby the State & Federal Governments to extend the natural gas network throughout Victoria.

### **Contact officer:**

John Hennessy

### **Relevance to Strategic Plan 2009-10:**

Has implications for climate change and community development

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Will not have considerable financial or resource implications for councils

#### **(2) Number of councils affected by the issue**

Some 150,000 Victorian homes do not have access to natural gas. The number of councils is not yet finalised.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Is an opportunity for intergovernmental cooperation

#### **(4) Immediacy of the issue**

Is an ongoing issue

#### **(5) Likelihood of influencing an outcome in local government's favour**

The homes now without natural gas are the harder to justify cases, but there is scope to make inroads into the number of houses without access.

### **Additional comments:**

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. Write a letter to the state Minister for Energy

## FINANCIAL SUSTAINABILITY FOR COUNCILS

### **Resolution:**

That the Municipal Association of Victoria reaffirms its commitment to the unanimously passed resolution and rationale of 2007 which stated:

*“MAV asks the State and Federal Governments to immediately commit to finance the ongoing roles of Local Government in an ongoing, permanent, predictable way. This requires ‘formula funding’. The formula should use Municipality attributes similar to those used in the calculation of FAG or R2R amounts. It is most important that the entitlement to funding is a right and not a Grant.”*

and pursues this issue vigorously.

### **Contact officer:**

Owen Harvey-Beavis

### **Relevance to Strategic Plan 2009-10:**

Consistent with the actions to increase local government funding

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Significant financial implications for local government, particularly for rural councils facing the most significant financial stresses.

#### **(2) Number of councils affected by the issue**

All

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Clear priority issue for intergovernmental cooperation.

#### **(4) Immediacy of the issue**

Immediate

#### **(5) Likelihood of influencing an outcome in local government’s favour**

Previous discussions with both the Commonwealth and State Governments suggest that a departure from grants based funding is highly unlikely to be entertained.

### **Additional comments:**

Nil

### **Other relevant resolutions (if any):**

This reflects a previous resolution of the State Council. In addition, several resolutions about the funding of various specific areas of council activity, such as school crossing supervisors, infrastructure, HACC and MCH have been passed in recent state councils.

### **Recommended action(s):**

1. Raise the matter with the ALGA during its strategic planning processes
2. Identify ‘formula’ funding as a potential issue for the MAV’s 2010-11 State Budget Submission

## FORUM ON RATE RELIEF FOR FARMERS

### **Resolution:**

That the MAV arranges a forum with interested parties and others including the Department of Primary Industry, Victorian Farmers Federation, Valuer General Victoria and the Municipal Group of Valuers to examine the current practices in the statutory property valuation and rating system in Victoria with the view of providing options of rate relief for farmers within the state with the view of providing option for the State or Commonwealth to fund rate relief for farmers within the state.

### **Contact officer:**

Owen Harvey-Beavis

### **Relevance to Strategic Plan 2009-10:**

Potentially consistent with the action:

Explore opportunities for reforming rating practices to take into account capacity to pay in the current economic climate

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Most likely to affect the distribution of rates within a municipality, rather than the total quantum.

#### **(2) Number of councils affected by the issue**

All rural, regional city and interface councils

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Nil

#### **(4) Immediacy of the issue**

The ongoing drought means this is viewed as a priority issue.

#### **(5) Likelihood of influencing an outcome in local government's favour**

It is very unlikely that the MAV will be able to advocate for direct funding support for agricultural providers from the State and/or Commonwealth Government. There may be opportunities for reform to the valuations regime to be entertained by the State Government.

### **Additional comments:**

The MAV is currently examining issues around rating affordability for residential properties. Some of the work around this matter may be of direct relevance to this motion.

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. Convene a forum of interested councillors and officers to discuss rural rating matters

## GRANT FUNDING EQUITY

### **Resolution:**

That the Municipal Association of Victoria (MAV), on behalf of the Local Government Sector in Victoria, continue to lobby the Victorian and Federal Government for a fairer share of Grant funding on an ongoing basis.

### **Contact officer:**

Owen Harvey-Beavis

### **Relevance to Strategic Plan 2009-10:**

Consistent with the priority to:

Continue advocating that Commonwealth funding to councils should be increased to one per cent of its revenue base and an escalator introduced reflective of the cost structures of local government, such as the Wage Cost Index

### **Assessment against criteria for incorporating emerging issues:**

**(1) Magnitude of impact the issue is likely to have on councils and their communities**

Very high

**(2) Number of councils affected by the issue**

Small rural councils most acutely affected

**(3) Political ramifications of the issue for effective intergovernmental cooperation**

Clear priority issue for intergovernmental cooperation.

**(4) Immediacy of the issue**

Current

**(5) Likelihood of influencing an outcome in local government's favour**

Varies, depending on the particular grant funding program. High for some State Government funding areas where there has been historic cooperative approaches between the two sectors, such as MCH and HACC. Moderate for some Commonwealth areas, such as in the Community Infrastructure Program, while it is low for other areas, such as seeking untied funding support.

### **Additional comments:**

### **Other relevant resolutions (if any):**

Similar to the following resolution from the October 2009 State Council meeting:

That the Municipal Association of Victoria reaffirms its commitment to the unanimously passed resolution and rationale of 2007 which stated:

*“MAV asks the State and Federal Governments to immediately commit to finance the ongoing roles of Local Government in an ongoing, permanent, predictable way. This requires ‘formula funding’. The formula should use Municipality attributes similar to those used in the calculation of FAG or R2R amounts. It is most important that the entitlement to funding is a right and not a Grant.”*

and pursues this issue vigorously.

### **Recommended action(s):**

1. Identify areas for improved grant funding, such as public libraries, in the MAV's 2010-11 submission to the State Budget
2. Raise the issue of improved grant funding through the ALGA at its annual strategic planning sessions
3. Continue to undertake analysis on the financial strength of local government
4. Continue to measure the costs of key local government services, such as HACC and MCH

## GRANTS COMMISSION

### **Resolution:**

That MAV State Council calls upon the Government of Victoria to examine the impact of the extant Grants Commission formula for the funding of local government to redress the inequity dealt local Councils with a high non-resident populations.

### **Contact officer:**

Owen Harvey-Beavis

### **Relevance to Strategic Plan 2009-10:**

Nil

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

For councils with a high non-resident population, the methodology used by the Victorian Grants Commission is likely to have a significant negative consequence. However, any review of the Victorian Grants Commission funding methodology is zero sum, so any increases in funding support are offset by losses from other Victorian councils.

#### **(2) Number of councils affected by the issue**

Typically coastal councils are the most affected by this issue, but all councils could potentially be affected to some degree.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Low. The State Government does not have clear views at a political level about the funding methodology of the Victorian Grants Commission.

#### **(4) Immediacy of the issue**

It is an ongoing issue.

#### **(5) Likelihood of influencing an outcome in local government's favour**

Unknown. This matter has been raised unsuccessfully on a number of occasions, however, there has never been a united local government position that councils with high non-resident populations should be provided with a higher proportion of grant funding. This sector wide view may increase the feasibility of influencing the State Government.

### **Additional comments:**

Nil

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. Raise the matter with the Executive Officer of the Victorian Grants Commission
2. Write to the Minister for Local Government

## GREATER CONTROL OF FILLING ON COUNCIL EASEMENTS IN PRIVATE PROPERTY

### **Resolution:**

That the MAV advocate on behalf of all Victorian Councils for amendment to the Local Government Act 1989, to give Council's greater control of the placement of fill upon Council drainage easements within private properties and clarification on the process to have illegal filling removed.

### **Contact officer:**

Alison Lyon

### **Relevance to Strategic Plan 2009-10:**

Nil

### **Assessment against criteria for incorporating emerging issues:**

**(1) Magnitude of impact the issue is likely to have on councils and their communities**

Unknown financial implications for affected councils

**(2) Number of councils affected by the issue**

Not known

**(3) Political ramifications of the issue for effective intergovernmental cooperation**

Nil

**(4) Immediacy of the issue**

Current and continuing impact on affected councils

**(5) Likelihood of influencing an outcome in local government's favour**

Preliminary discussion with LGV suggests a preparedness to work with the MAV to identify an appropriate resolution.

### **Recommended action(s):**

1. Conduct further research to understand the magnitude of the issue for councils
2. Work with LGV to identify an appropriate resolution path
3. Advocate for resolution implementation

## HEALTH REFORM

### **Resolution:**

That the MAV actively lobby the Australian Government for greater dialogue directly with Victorian Local Governments in relation to the proposed health reforms associated with the *Draft Building a 21st Century Primary Health Care System: A Draft of Australia's First National Primary Health Care Strategy*.

### **Contact officer:**

Clare Hargreaves

### **Relevance to Strategic Plan 2009-10:**

This resolution informs the human services and public health priorities to *“Position local government to benefit from the re-alignment of responsibilities between federal, state and local government for aged care, early childhood, disability and mental health services, and maintain local government’s role as the primary provider of Home and Community Care services in Victoria.”*

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

The broad scope of the federal health and primary care reforms could result in significant financial and resource implications for all councils. Specific service areas which may be most affected include Home and Community Care (HACC), the Maternal and Child Health Service and immunisation.

#### **(2) Number of councils affected by the issue**

All councils are affected by this issue.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

While the Commonwealth intent to improve the effectiveness and sustainability of the health and primary care system is welcomed, there is minimal detail in the current reform documents regarding the roles of the states and local government. The MAV strongly supports the continued role of the State in the management and implementation of health reforms in Victoria, given the strong planning partnership which has been successfully developed with local government. The ongoing role of Victoria councils in both health prevention and primary care service delivery will be affected by the outcomes of dialogue with the Commonwealth and State around models and funding for Victoria.

#### **(4) Immediacy of the issue**

This issue may affect council budgets in the medium to longer term.

#### **(5) Likelihood of influencing an outcome in local government’s favour**

The MAV achieved some success in influencing outcomes in the lead up to the 2008 COAG process in regard to the mooted aged care reforms. An agreement was reached with the Prime Minister’s office which acknowledged the role and investment of Victorian councils in HACC. The Prime Minister and Health Minister also indicated that they wanted to build on the strengths of the local government and community health system in Victoria, when questioned by the MAV at a recent consultation session. The Commonwealth is demonstrating that it won’t necessarily use a ‘one size fits all’ approach across the jurisdictions, for example, in rolling out the early years reforms through the State, which indicates that a service system solution which meets Victorian conditions could be jointly developed.

**Additional comments:**

The MAV held a forum in October for all councils to discuss the health reforms, at which the Commonwealth and State and other key stakeholders presented. The MAV has prepared a response to all the related Commonwealth health and primary care reform reports, to proactively position Victorian local government in the intergovernmental dialogue.

**Other relevant resolutions (if any):**

Nil

**Recommended action(s):**

1. Submit MAV response to Commonwealth consultation on health reform to the Hon. Minister for Health and Ageing, Nicola Roxon, and copy to ALGA.
2. Re-assert position agreed with the Commonwealth prior to COAG in 2008, regarding the position and investment of local government in Victoria, and align with State and other key stakeholders in putting forward case for Victoria.

## HENRY REVIEW OF TAXATION

### **Resolution:**

That the MAV categorically reject any recommendations arising from the Henry review of taxation that diminish each local government's fundamental right to set and collect its own rate revenue.

### **Contact officer:**

Owen Harvey-Beavis

### **Relevance to Strategic Plan 2009-10:**

Nil

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

If this recommendation were made, it would have a significant and negative impact on local government by undermining its fiscal autonomy.

#### **(2) Number of councils affected by the issue**

All

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Significant, as it would make local government financially dependent on the Commonwealth Government.

#### **(4) Immediacy of the issue**

The Henry Report is likely to be released publicly in 2010.

#### **(5) Likelihood of influencing an outcome in local government's favour**

Unknown.

### **Additional comments:**

The MAV will raise significant concerns about any proposal for centralised tax collection and setting if the Henry Review recommended it. The proposal has been raised by the Assistant Treasurer, however, it is unclear whether the Review is seriously considering this matter.

The ALGA has already categorically rejected the proposal to centrally set the tax rate.

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. Await the final Henry Report
2. If it contains recommendations in line with the above, issue public media statement against the proposal
3. If it contains recommendations in line with the above, seek meetings with both the State and Commonwealth local government Ministers
4. Raise this matter with the ALGA through its annual strategic planning session

## IMMUNISATION

### **Resolution:**

That the Municipal Association of Victoria call upon the Federal and State Governments to provide funding to Councils to administer all vaccines provided by the Department of Health.

### **Contact officer:**

Rosemary Hancock

### **Relevance to Strategic Plan 2009-10:**

Nil.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Requirements for councils to deliver more and more vaccines to children does have financial and resource implications for councils, however given that immunisations are already budgeted, planned and undertaken on a routine basis, the addition of new vaccines to be delivered at existing visits (which is how most new vaccines tend to be added to the free list of vaccines councils provide as part of the National Immunisation Program) is an incremental marginal cost. The costs of providing new vaccines is only dramatically significant when councils are asked to undertake a mass vaccination program. The MAV is not aware of any mass programs currently being planned.

As a result, funding for immunisation services provided by councils is a case of underlying, ongoing costs that Victorian local government has borne historically.

In relation to communities, they would be adversely affected if councils ceased to hold free immunisation clinics and if they were not able to be bulk-billed if they are immunised at an appointment with a GP. There would also be negative consequences arising if immunisation rates dropped and vaccine preventable diseases are more prevalent. However if additional funding was not forthcoming, it would not be likely to lead a council to cease their involvement in immunisation delivery.

#### **(2) Number of councils affected by the issue**

All councils have a statutory obligation under the Health Act 1958 of coordinating the immunisation of children living or being educated within their municipalities. From 1 January 2010 they will also have a responsibility under the Public Health and Wellbeing Act 2008 to "provide and coordinate" immunisations to children in their municipalities.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Councils in Victoria have historically been involved in immunisation service delivery, and have never been fully reimbursed by State or Federal Governments for this service. That said, more and more vaccines have been added in recent years to the National Immunisation Program which the Victorian Government expects councils to provide to children, including meningococcal vaccine, HPV, pneumococcal, varicose (chicken pox) and rotavirus vaccines.

Failure by the Federal and State Governments to not increase their contribution to council immunisation efforts will test councils support and cooperation in participating in immunisation programs in the future. It is noteworthy that the percentage of preschool children immunisations performed by councils in Victoria has dropped from 47% in 2004 to 44% in 2009.

Victoria, and to a lesser extent South Australia, are the only states where local government is significantly involved in immunisation delivery. This has made it difficult to argue a case in national arenas for increased funding to local government.

**(4) Immediacy of the issue**

Affects councils now.

**(5) Likelihood of influencing an outcome in local government's favour**

The MAV has been advised by the Immunisation Branch at the Victorian Department of Health that it is reviewing immunisation funding to councils, and that it is seeking to redirect money that it has been giving out in incentive payments to a new model of funding involving a set price for all vaccines. It is currently testing this proposition with its local government advisory group.

If this proposal were to proceed more councils would receive more funding for immunisation services than the thirteen councils which received top-up payments in 2008/09.

It is unlikely that the State Government will significantly increase funding. It considers that it has already injected a considerable upgrade in funding to councils in 2005, when the state doubled its support with a \$1.3 million additional funding, and it is unlikely a similar injection would be likely to flow as a result of renewed advocacy. The MAV is aware from its regular dialogue with the Immunisation Branch at the Victorian Department of Health that Victoria tries to seek as much funding as possible from the Federal Government for immunisation service delivery when new vaccines are proposed.

Given that funding provided by the Federal Government directly to local government has remained static since the mid 1990's at \$6 per encounter to councils to register the details of immunisations provided with the Australian Childhood Immunisation Register (ACIR), there may be an opportunity to seek an increase of funding from the Federal Government for this purpose. There is only a small likelihood of this occurring, however, as the Federal Government tends to support dissemination of vaccines through the GP Immunisation Incentive Program.

**Additional comments:**

Routine immunisation funding has not been raised by many councils in the last couple of years as a matter of priority.

Boroondara City Council notes in the notes to the State Council Resolution that the State Government also expects councils to administer the new Boostrix program for all new parents of babies born after 15 June 2009, to assist in reducing the incidence of whooping cough in the community. This is not correct, the MAV has been advised by Department of Health it is up to councils to decide whether or not they provide this service.

It is important to note that the question of mass immunisation programs being delivered by councils in the event of a pandemic is a separate issue, and that the usual emergency management funding arrangements would come into play in relation to councils' capacity to provide vaccinations to the community over and above their statutory obligations.

The extent to which MAV pressures the Federal Government requires thoughtful consideration, because seeking more funding for local government will also bring with it the responsibility for local government to be actively involved in immunisation services for new vaccines. The H1N1 (swine) flu vaccine is an example where councils appear to be mostly happy not be heavily involved in its dissemination, and it would not be in councils' interest for the Federal Government to reverse its current position about the dissemination of this particular vaccine.

**Other relevant resolutions (if any):**

Nil

**Recommended action(s):**

1. Write to the Victorian Minister for Health, and including the following points:
  - noting the State Council Motion
  - seeking Victoria's support for the cost of delivery of immunisations delivered by local government to be increased when new vaccines are considered
  - consider promoting at national committee levels a review of ACIR payments given that payments have been static for over 10 years.
  
2. Write to the ALGA including the following points:
  - noting the State Council Motion
  - requesting ALGA to raise this matter with the National Immunisation Committee, at which it has observer status.

## INCREASE IN POLICE NUMBERS AND RESTRICTION ON LATE LICENCES

### **Resolution:**

Due to the community concerns about emerging violence in the wider community fuelled by alcohol, that the State Government be requested to:

- increase police numbers in Victoria by at least 3,000 personnel;
- review the hours of late licences; and
- allocate more resources for monitoring licensing provisions so that the service of alcohol to those who are inebriated be diminished.

### **Contact officer:**

Owen Harvey-Beavis

### **Relevance to Strategic Plan 2009-10:**

Broadly consistent with the priority to advocate for measures and initiatives to improve community safety, particularly for young people

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

There are very strong issues with the perception of crime and violence in some municipalities, particularly where it is related to alcohol.

#### **(2) Number of councils affected by the issue**

All

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

There are opportunities to work cooperatively with the State to achieve common objectives

#### **(4) Immediacy of the issue**

Current

#### **(5) Likelihood of influencing an outcome in local government's favour**

Unlikely to achieve an increase in police numbers. May have the capacity to influence the hours of late licences and the monitoring of licensed provisions.

### **Additional comments:**

### **Other relevant resolutions (if any):**

### **Recommended action(s):**

1. Write to the Minister for Police and Emergency Services
2. Write to the Minister for Consumer Affairs

## INCREASE THE LEVEL OF ETHICAL PURCHASING BY LOCAL GOVERNMENT

### **Resolution:**

That the MAV provide advice to all councils about introducing ethical purchasing guidelines by undertaking a cost / benefit analysis of the current MAV bulk purchasing arrangements on behalf of councils.

### **Contact officer:**

Alison Standish

### **Relevance to Strategic Plan 2009-10:**

This resolution is in alignment with this item in the MAV Procurement section of the Strategic Plan:

Deliver forums and conferences, visiting speaker programs, training programs and advice and support to improve the procurement capacity and practices of local councils

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

This resolution will have some financial and resource implications for councils as staff will need to be informed of ethical purchasing considerations and how to incorporate them into their tenders and purchases.

#### **(2) Number of councils affected by the issue**

All 79 councils

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Nil

#### **(4) Immediacy of the issue**

Ongoing

#### **(5) Likelihood of influencing an outcome in local government's favour**

Not applicable

### **Additional comments:**

MAV Procurement currently includes environmental criteria in all its tenders, however, they can be reviewed to ensure they meet with current best practice guidelines. There is also scope to broaden these to include other ethical considerations, such as social factors.

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. Incorporate ethical purchasing specifications in all MAV Procurement tenders
2. Review MAV Procurement's existing environmental criteria
3. Encourage councils' participation in the ECOBUY program
4. Provide a training session for councils on how to incorporate ethical purchasing guidelines into their procurement activities

## INFRINGEMENTS COURT

### **Resolution:**

That this State Council request the MAV to make strong political representations to have the Infringements Court prioritise the recovery of outstanding infringement revenue due to local governments including consideration of temporary loss of licence, a loading on vehicle registration fees, or other measures to operate as an incentive for payment of outstanding infringements

### **Contact officer:**

Owen Harvey-Beavis

### **Relevance to Strategic Plan 2009-10:**

Nil

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

For inner metropolitan councils, this is a very significant issue. Historically, the MAV understands that in excess of a hundred million dollars in infringements remain unpaid.

#### **(2) Number of councils affected by the issue**

Metropolitan councils are most acutely affected.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

This issue remains a shared goal given the State has unpaid fines totalling in the hundreds of millions of dollars.

#### **(4) Immediacy of the issue**

Immediate

#### **(5) Likelihood of influencing an outcome in local government's favour**

Improvements to the infringement management system remain ongoing, with the roll out of the registration non-renewal occurring. The MAV is confident of achieving improvements in this area. It is unlikely that the State will introduce new sanctions in the near future.

### **Additional comments:**

Nil

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. Meet with the Infringements System Oversight Unit to express the concern about the collection rate and the need for improved sanctions
2. Raise the issue at the next Infringements Standing Advisory Committee

## INTERGOVERNMENTAL RELATIONS

### **Resolution:**

1. That the MAV register its strongest condemnation of the State Government's lack of transparency and haste to pass Bills through Parliament that severely affect our democracy, our rights of appeal and the diminution of Local Government, particularly in relation to planning.
2. Council is concerned about the lack of consultation on the Planning Amendment Legislation Bill, the Transport Facilitation Bill, V56, Public Parks Bill and Land Value Bill, amongst others.
3. The MAV, with the support of the VLGA, call an urgent meeting with the Premier and/or relevant Ministers to obtain a commitment from the State Government that it will work with individual Councils to resolve issues that affect communities

### **Contact officer:**

Alison Lyon

### **Relevance to Strategic Plan 2009-10:**

Implications for a number of Strategic Plan objectives.

### **Assessment against criteria for incorporating emerging issues:**

**(1) Magnitude of impact the issue is likely to have on councils and their communities**

Significant policy, strategic and financial implications for councils

**(2) Number of councils affected by the issue**

All councils

**(3) Political ramifications of the issue for effective intergovernmental cooperation**

The principles of the Victorian State Local Government Agreement should be reinforced with the State and used to underpin the position that local government should be consulted on all legislation that impacts it irrespective of whether local government is required to administer or enforce new primary legislation or new revised regulation.

**(4) Immediacy of the issue**

Current and continuing impact

**(5) Likelihood of influencing an outcome in local government's favour**

Difficult to predict and likely to be depend upon the approach of individual Ministers and departments.

### **Recommended action(s):**

1. Write to the Premier
2. Propose to the Minister for Local Government that the VSLGA commitments be extended to all legislation which impacts on local government.

## LOCAL GOVERNMENT BROADBAND

### **Resolution:**

Acknowledging the broadband intentions of the Federal Government, it is requested that the MAV State Council seek to facilitate the development of a common Local Government approach to the role of local government in the National Broadband Network (NBN) process.

In anticipation of the Federal Government 1 July 2010 timetable for introducing mandatory Fibre to the Premise (FTTP) to Greenfield estates, it is requested that the MAV State Council seek to support Councils who want to pre-emptively introduce subdivision planning requirements to require conduit in new estates before the 1 July 2010 timeframe.

### **Contact officer:**

Tony Gibbs

### **Relevance to Strategic Plan 2009-10:**

Broadband infrastructure will be critical to economic development, particularly in regional parts of Victoria. These areas are more heavily reliant on narrow economic drivers such as agriculture for wealth creation. The dual effect of the financial crisis and persistent drought conditions exacerbated by climate change is having a significant impact on the viability of farming communities. Local government has an important role in building community resilience by attracting infrastructure investments that support alternative economic opportunities in these regions.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Significant implications for councils in terms of council planning scheme. Will require councils to dedicate significant extra resources and skills to enforce.

#### **(2) Number of councils affected by the issue**

79 councils

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

The effectiveness of National Broadband Network will be determined through cooperation between federal, state and local government. It will create new responsibilities for councils in planning processes and in delivering broadband services to the remaining 10% of the population not served by the NBN.

#### **(4) Immediacy of the issue**

Could effect councils from as early as July 1, 2010 with the Greenfields Legislation. The NBN will take up to 8 years to implement up fibre to 90% of the population. There have been no announcements to date on delivering broadband services to the remaining 10% of the population not served by the NBN. The solution is expected to be a mixture of satellite and wireless services.

#### **(5) Likelihood of influencing an outcome in local government's favour**

Local government on the whole is very supportive of the commonwealth initiative as it has enormous potential benefit for local government particularly regional councils however there are points of concern that would need to be monitored:

- councils do not want to own fibre infrastructure assets or be responsible for ongoing maintenance or policing of open access arrangements;

- local government requires state planning policy legislation to be passed down and referred to in each local planning scheme because it does not have skills, resources or power to enforce telecommunications planning legislation;
- impact on new housing affordability arising from the increase in cost as developer will have to pass on increase in cost to buyers;
- cost allocation for Fibre to the Premise deployment in Greenfields (having to pay) versus Brownfield (not having to pay) presents equity issues;
- a regulated authority is best to manage the technical infrastructure and commercial standards.

**Additional comments:**

MAV recognises the importance of broadband connectivity to support domestic and commercial activities for social and economic benefits. The MAV has been working with councils and State government to position councils to benefit from the Federal investment. The State government has indicated preliminary support for the proposed approach which will improve the prospect of early deployment of the NBN to Victorian estates.

New housing estates are currently built without any above ground service infrastructure. The NBN intends to use existing above ground power infrastructure for optic fibre broadband infrastructure in established or brownfield estates. Such estates will be costly and difficult to retrofit, with retrofitting costs more than double that of installation at the subdivision stage. Councils are concerned that many new subdivisions will not be NBN ready due to developers seeking subdivision approval before 1 July 2010. History has shown that recently established brownfield areas are among the last places to access current telecommunications services.

**WIRED Working Group Proposal**

This proposal is based on previous work of the WIRED Development Consortium (WIRED) and the greenfield planning approach proven at the City of Whittlesea. It aims to attract optic fibre broadband infrastructure to new estates; ensure that infrastructure is scalable to meet future service needs; and create an open access network model for multiple and competing retail service providers utilising common infrastructure.

Through the WIRED project, the business case and strategy for FTTP was proven and technical specifications developed.

The Whittlesea approach included a planning scheme amendment to require ‘pit and pipe’ provision suitable for optic fibre deployment as part of the subdivision permit approval process. The pit and pipe architecture is based on a commercial design suitable for a variety of optic fibre architectures. The ownership of the conduit will pass to the carrier/NBN Co with access and use regulated by Federal agencies.

This will effectively bring forward the conduit requirement for new estates, with provision to dispense with this requirement in special circumstances and is a risk mitigation strategy to reduce the number of estates relegated to brownfield status, as would occur if approved in the interim period.

Councils are wanting to address the NBN initiative in two stages:

1. Stage one – Interim approach to ensure greenfields subdivisions are NBN ready, using local government planning schemes to require the provision of FTTP pit and pipe. (November 2009 – July 2010)

2. Stage two – Long-term approach to be formulated when the Federal government finalises its NBN approach, which may require State government policy changes and planning scheme changes to support ongoing NBN rollout. (July 2010 onwards)

The Stage One interim approach is a risk mitigation strategy. To ensure more new estates are NBN ready councils are seeking to change their planning schemes to bring forward the conduit requirement in new estates, with provision to dispense with this requirement in special circumstances as required.

The MAV is assisting these councils while exploring mechanisms to streamline this process for those participating councils and has commenced discussions with officers in DPCD, Growth Area Authority and Multimedia Victoria.

**Other relevant resolutions (if any):**

Nil

**Recommended action(s):**

1. Register support from participating councils
2. Gauge the volume of subdivision activity from supporting councils currently between now and April 2010
3. Develop with DPCD a preferred approach as to how to implement a planning amendment to require the provision of FTTP pit and pipe
4. Continue to inform ALGA of outcomes from NBN briefing sessions with councils;
5. Continue to support ALGA on developing a national position and a role for local government
6. Continue to forward publications from ALGA to councils and continue to support councils and improve their knowledge and understanding of the NBN

## METROPOLITAN COMMUNITY ARTS AND CULTURAL FACILITIES

### **Resolution:**

That MAV pursue with State Government the availability of funding for provision of metropolitan community arts and cultural facilities operating locally (as distinct from regional performing arts centres and galleries outside metropolitan Melbourne).

### **Contact officer:**

Clare Hargreaves

### **Relevance to Strategic Plan 2009-10:**

While this resolution has no direct reference in the MAV Strategic Plan, it is consistent with the role of the MAV in advocating on behalf of councils on funding issues impacting on community and cultural services and facilities.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Given the range of funding sources for arts and cultural facilities and programs, including revenue from ticketing / events and sponsorship as well as government project funding, further research would be required to determine the magnitude of this issue for metropolitan councils.

#### **(2) Number of councils affected by the issue**

This issue affects metropolitan councils.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Given that councils have for many years made the policy and funding decision to invest in these services and facilities for the benefit of the local community, this issue is unlikely to have any significant ramifications for intergovernmental cooperation. From the MAV perspective, however, there may be differing views amongst the 79 councils as to the overall prioritisation of arts funding.

#### **(4) Immediacy of the issue**

This is a current issue for metropolitan councils.

#### **(5) Likelihood of influencing an outcome in local government's favour**

In terms of intergovernmental advocacy, the approach to this issue would be similar to that undertaken for public library funding. The MAV's experience is that there is little likelihood of receiving additional recurrent funding from the State to keep doing 'more of the same'. Innovative approaches based on sound research are required to put a constructive solution forward to the State, which would incorporate an ongoing commitment by local government.

### **Additional comments:**

The Government is becoming increasingly interested in the role that arts and communities play in post-disaster recovery, and the efficacy of the health and wellbeing argument generally for improving community access to arts facilities. These facilities may not take the same shape as purpose built arts centres, and many small communities / neighbourhoods recycle buildings already. There are a number of council-owned or under-utilized buildings in some municipalities that could be put on the table. Councils proposing dollar for dollar program funding arrangements might also be attractive to the State.

### **Other relevant resolutions (if any):**

Nil

**Recommended action(s):**

1. Write a letter to the State Minister for the Arts, Lynne Kosky.
2. Convene a meeting between councils and the Cultural Development Network to identify innovative solutions to put forward to the State.

## NATIONAL WIND ENERGY FACILITY POLICY

### **Resolution:**

That the MAV State Council call on the Federal Government to expedite the formulation of a National Wind Energy Facility Policy that has specific guidelines which address:

- Evaluation of landscape amenity;
- Fixed minimum setbacks of 2 km from residences for noise considerations;
- All ancillary items such as transmission lines as part of the initial application;
- Potential for planning blight and payment of compensation on foregone development opportunities;
- Regular compliance testing of noise standards;
- Local Government's role and responsibility in compliance matters;
- The establishment of a national register of compliance issues and complaints against noise;
- The mandatory shutdown of wind turbines that fail noise compliance;
- Determining a compensation regime for damage to roads and infrastructure;
- The social impact of Wind Energy Facilities on small communities and compensatory measure to be applied; and
- Exacerbation of existing health conditions of residents currently residing within an area impacted by a Wind Facility

### **Contact officer:**

Liz Johnstone

### **Relevance to Strategic Plan 2009-10:**

Although not directly relevant to the Planning and building area of the strategic plan, many of the Environment actions relating to climate change adaptation may rely on expansion wind energy generation.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Moderate

#### **(2) Number of councils affected by the issue**

Predominately coastal and western Victorian rural municipalities.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

The approval of wind farms can be a divisive issue for local communities and the role of the State in the approvals process (but not ongoing monitoring and compliance) similarly divisive.

#### **(4) Immediacy of the issue**

Immediate - The Environmental Protection and Heritage Council (EPHC) has currently released for comment draft National Wind Farm Guidelines covering all phases of wind farm development, developed with the Local Government and Planning Ministers Council. The guidelines include technical aspects relating to: shadow flicker, noise - including prediction and post-construction monitoring of noise, impacts on landscapes, impacts on birds and bats and electromagnetic interference.

#### **(5) Likelihood of influencing an outcome in local government's favour**

Low – a preliminary assessment of the draft national guidelines would suggest that the level of specificity sought in the resolution is not contained in the draft.

**Additional comments:**

Wind energy has the potential to deliver a significant proportion of our future electricity needs and contribute to national greenhouse gas abatement objectives. Community acceptance of this technology is mixed and concerns about wind farm development - such as turbine noise and impacts on landscapes and threatened species has highlighted inconsistency in how these issues are dealt with nationally.

It should be noted that the development of green jobs and the opportunity to reduce emissions associated with energy generation is a key priority for some councils and other levels of government and yet for some councils they have significant community concerns about the number and cumulative impacts of such facilities.

**Other relevant resolutions (if any):**

Previous concerns regarding wind farms have been recorded in previous State council resolutions.

**Recommended action(s):**

1. That the MAV advise the Environmental Protection and Heritage Council (EPHC) of the resolution namely the need to:

- Evaluation of landscape amenity;
- Fix minimum setbacks of 2 km from residences for noise considerations;
- All ancillary items such as transmission lines to be shown as part of the initial application;
- Potential for planning blight and payment of compensation on foregone development opportunities;
- Regular compliance testing of noise standards;
- Local Government's role and responsibility in compliance matters;
- The establishment of a national register of compliance issues and complaints against noise;
- The mandatory shutdown of wind turbines that fail noise compliance;
- Determining a compensation regime for damage to roads and infrastructure;
- The social impact of Wind Energy Facilities on small communities and compensatory measure to be applied; and
- Exacerbation of existing health conditions of residents currently residing within an area impacted by a Wind Facility

2. That the MAV President advise the Minister for Planning of this resolution.

## NEIGHBOURHOOD SAFER PLACES

### **Resolution:**

That the MAV urgently seeks certainty of interpretation and responsibility regarding the identification, designation, operation, maintenance and signage of Neighbourhood Safer Places, together with advice on the manner by which Councils and the community will be informed on these matters.

### **Contact officer:**

Emma Fitzclarence

### **Relevance to Strategic Plan 2009-10:**

Neighbourhood Safer Places were recommended in the Victorian Bushfires Royal Commission Interim Report. This resolution is consistent with the MAV's strategic plan priority to coordinate a response to the Royal Commission into the 2009 Victorian bushfires.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Legislation was introduced to parliament in November 2009 making it compulsory for councils in CFA Regions to identify, designate, provide signage, maintain and annually assess the suitability of neighbourhood safer places (NSPs).

Where an NSP is on non-council land, any liability for death or injury arising out of its use as a NSP during an actual or threatened bushfire, transfers instead to the relevant municipal council.

The Bill provides a policy defence for councils in relation to two kinds of proceedings - those arising from death or injury caused by the use of an NSP, and those arising from death or injury from a council's failure to designate an NSP. This means that a council can raise the defence that it acted (or omitted to act) in accordance with a policy in its Municipal Neighbourhood Safer Places Plan, and that the policy was not so unreasonable that no reasonable council in its position could have made that policy.

#### **(2) Number of councils affected by the issue**

65 councils are located wholly or partly in the CFA area of Victoria

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

This is a breach of the Victorian State Local Government Agreement.

#### **(4) Immediacy of the issue**

Will affect councils from November 2009.

#### **(5) Likelihood of influencing an outcome in local government's favour**

The MAV has been working closely with the Victorian Government to progress implementation and provide maximum protection for councils.

### **Additional comments:**

The MAV has negotiated a policy defence for councils. Weekly updates have been sent to councils. Key messages and other collateral provide to councils to assist with public enquiries. The MAV has worked with stakeholders to assist with use constraint, consent and designation issues.

### **Other relevant resolutions (if any):**

Nil

**Recommended action(s):**

- Provide councils with a template Municipal Neighbourhood Safer Places Plan
- Send weekly updates to all CEOs
- Provide key messages and other collateral to councils to assist with public enquiries
- Continue working with other stakeholders to assist with use constraints, consent and designation issues
- Monitor implementation and assist with evidence at Royal Commission as appropriate

## NEW NEIGHBOURHOOD HOUSES

### **Resolution:**

That the MAV advocates to State Government for the provision of increased funding opportunities to support the operational costs of both establishing new Neighbourhood Houses across the State and funding of existing Neighbourhood Houses, which do not currently receive operating funding.

### **Contact officer:**

Clare Hargreaves

### **Relevance to Strategic Plan 2009-10:**

While this resolution has no direct reference in the MAV Strategic Plan, it is consistent with the role of the MAV in advocating on behalf of councils on funding issues impacting on community and cultural services and facilities.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

The majority of councils play a role in supporting neighbourhood houses and / or similar community facilities and services in their municipalities. Advocacy by the MAV and councils over the last ten years has contributed to improving the State's funding of coordination hours and capital investment in houses. This resolution seeks to increase the overall pool of State coordination funds to support additional houses (that may also seek support from / be supported by councils). Overall this issue will not have considerable financial or resource implications for the majority councils

#### **(2) Number of councils affected by the issue**

Not known

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

The State and local government have been jointly supporting and investing in neighbourhood houses for several decades. Councils generally have welcomed the significant injection of funding by the State which has occurred since 2000, and periodically discussions will occur between the State and local government regarding respective investment in this program. While some concerns continue to be expressed by councils regarding the viability of the program, this issue is unlikely to have any significant ramifications for intergovernmental cooperation.

#### **(4) Immediacy of the issue**

This issue may currently affect a small number of councils in considering their budget priorities for support to organisations such as neighbourhood houses.

#### **(5) Likelihood of influencing an outcome in local government's favour**

The State Department of Planning and Community Development (DPCD) advise that the Neighbourhood House program has focussed on providing a more adequate level of support to current houses, and given priority to funding new houses in growth and / or disadvantaged areas. DPCD indicate that this State policy direction is unlikely to change, and that any proposal submitted from the community would need to be linked to the relevant council's priorities to receive consideration. Proposals developed by councils for new community hubs (which could include a neighbourhood house component) are eligible to seek funding under the Community Support Fund. In summary, councils will largely be expected to develop and configure services in negotiation / consultation with the local community, within the existing neighbourhood house coordination resources.

A more strategic approach may therefore be for the MAV to propose to the Minister an overall review of DPCD resources and programs which may be available to assist councils in the establishment phase of working with community and neighbourhood groups, as outlined by the City of Moonee Valley in this resolution.

**Additional comments:**

The MAV acknowledges that the Victorian Government has recognised the vital work undertaken by neighbourhood houses to enhance community strengthening across the State. The Government has invested heavily in neighbourhood houses and intends to continue to do so. Recurrent funding in 2008/09 was \$19 million and in 2009/10 will increase to \$20 million.

In 2009 the Government committed a further \$3.7 million over four years for additional hours of coordination.

Recurrent funding for coordination of neighbourhood houses is as follows:

2007-08	\$18.5 million
2008-09	\$19.04 million
2009-10	\$20.2 million.

**Other relevant resolutions (if any):**

Nil

**Recommended action(s):**

1. Write a letter to the Minister for Local Government, Richard Wynne

## NEW WASTE MANAGEMENT ARRANGEMENTS

### **Resolution:**

That the continued operation of Regional Waste Management Groups as Statutory Authorities is endorsed and that proposals for their functions to be absorbed by Regional Business Units of Sustainability Victoria is rejected.

### **Contact officer:**

Ben Morris, Policy Adviser – Energy & Waste

### **Relevance to Strategic Plan 2009-10:**

Contributes towards the Environment priority to “*Inform the review of the regional waste management groups*”.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Waste management and resource recovery accounts for around 10% of the average council’s budget, often the single biggest line item.

#### **(2) Number of councils affected by the issue**

49 councils – rural and regional including Mornington Peninsula Shire.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

A review is currently underway and the views of local government sector are being sought.

#### **(4) Immediacy of the issue**

A review is currently underway with submissions due on the Draft Consultation Paper by 30 November 2009. The Victorian Government has indicated that ‘gap funding’ to the Regional Waste Management Groups, as they stand will not continue beyond 1 July 2010.

#### **(5) Likelihood of influencing an outcome in local government’s favour**

The Victorian Government has indicated strongly, in the Review of the Regional Waste Management Groups Draft Consultation Paper that achieving *Towards Zero Waste* outcomes is heavily reliant on local government engagement and support for new arrangements. Further, preliminary discussions with advisers indicates that the State wants to work with the sector to deliver the best outcome. However, it seems unlikely that the status quo will be maintained.

### **Additional comments:**

Nil

### **Other relevant resolutions (if any):**

Nil.

### **Recommended action(s):**

1. Lodge MAV submission to the Review with the State Government by 30 November.
2. MAV to continue discussion with the State Government to develop a mutually agreeable structure for regional waste groups, based on sector endorsed principles as presented in the submission.

## NON RATEABLE LAND

### **Resolution:**

That the MAV strongly advocate to the State Government for a review of section 154(2) (non-rateable land) of the *Local Government Act 1989* to achieve a strengthening of the taxation base of local governments.

### **Contact officer:**

Owen Harvey-Beavis

### **Relevance to Strategic Plan 2009-10:**

Nil

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

The financial implications to councils will vary, with some councils having very significant proportions of rate exempt land while others have fewer properties that fall into this category.

Some consideration will need to be given to how reciprocal taxation arrangements work with the State Government, given councils are land tax and payroll tax exempt.

#### **(2) Number of councils affected by the issue**

All

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Could become a highly political issue.

#### **(4) Immediacy of the issue**

Ongoing issue

#### **(5) Likelihood of influencing an outcome in local government's favour**

Unknown at this stage.

### **Additional comments:**

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. Write to the Minister for Local Government seeking a review of the criteria for rate exemption
2. Raise the matter at the MAV's meeting with the Minister for Local Government

## PHARMACEUTICAL BENEFITS SCHEME AND OPIOID REPLACEMENT THERAPY

### **Resolution:**

That this State Council request the MAV to make strong political representations to enable the medication for opioid replacement therapy (ORT) methadone and buprenorphine be provided under the Pharmaceutical benefits Scheme and that provision will be dispensed as medication and subject to the PBS Safety Net as is any other medication for chronic illness.

### **Contact officer:**

Clare Hargreaves

### **Relevance to Strategic Plan 2009-10:**

While the Strategic Plan refers to protecting vulnerable members of the community and supporting better access to services, local government is not directly involved in the issues of provision of medication to people who are addicted to drugs.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

This issue does not have financial or resource implications for councils, however it is of importance to a group of vulnerable community members.

#### **(2) Number of councils affected by the issue**

Community members could be affected by this issue in all municipalities.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

This issue does not have implications for intergovernmental cooperation.

#### **(4) Immediacy of the issue**

This issue currently affects vulnerable community members.

#### **(5) Likelihood of influencing an outcome in local government's favour**

This issue is not the direct responsibility of local government, therefore MAV advocacy with the Federal Government would serve to contribute to that being put forward by the range of key stakeholders on behalf of the community members potentially affected.

### **Additional comments:**

An estimated 41,347 clients nationally were receiving pharmacotherapy treatment on a 'snapshot/specified' day in June 2008, an increase of 2,504 since 2007. From 2004 to 2007 the figure remained relatively stable, after an increase of over 50% from 1998 (24,657 clients) to 2004 (38,741).

The proportion of these clients receiving Centrelink benefits – which would be the number that would need to be funded if this resolution were successful – would be a percentage of this figure. Estimates of “ability to pay” (from the Pharmacy Guild of Australia) are that up to 70% of people on ORT are unemployed – therefore about 30,000 people nationwide.

In terms of national equity, it is important that a federal solution is adopted, i.e. across Australia and in every region so there are no inequities between regions - or one state appearing to become the “drug addiction treatment state”.

### **Other relevant resolutions (if any):**

Nil

**Recommended action(s):**

1. Write a letter to the Federal Health Minister, The Hon. Nicola Roxon.

## PLANNING AND ENVIRONMENT ACT REVIEW

### **Resolution:**

That the MAV call on the State Government to include the following in the review of the Planning and Environment Act 1987:

- require permit applicants to obtain written consent for the application from the land owner prior to lodging a planning permit
- require Council to have regard to the comments of a referral authority and not be bound by them;
- require a referral authority when it refuses to grant consent to the issue of a planning permit to participate in a conciliation process when requested by the responsible authority
- require a referral authority to meet the costs incurred by Council in defending a decision at VCAT where a Council is legally obligated to make a planning decision based solely on an objection by a referral authority or authorities.

### **Contact officer:**

Liz Johnstone

### **Relevance to Strategic Plan 2009-10:**

Direct relevance to strategic plan 2009-10 in Planning And Building priority action of: *Develop a sector-wide position on what local government wants to achieve from the review of the Planning and Environment Act 1987 and advocate this position*

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Significant political issue for councils and an area of increasing cost to councils.

#### **(2) Number of councils affected by the issue**

All

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

The Planning area has seen a significant number of actions and modifications to processes that area clear breaches of the Victorian State Local Government Agreement and have led to reduced council powers in planning processes.

#### **(4) Immediacy of the issue**

Urgent – the Exposure draft is expected before Christmas.

#### **(5) Likelihood of influencing an outcome in local government's favour**

Low. The options papers to date have not provided for changes to referral role and status.

### **Additional comments:**

MAV has been working closely with councils and also DPCD to ensure multiple opportunities for councils to influence scope and content of changes proposed.

### **Other relevant resolutions (if any):**

State Council resolutions calling for a review of the Act as well as changes to various provisions have been made previously and formed the basis of the MAV submission to the Act review process.

### **Recommended action(s):**

1. That the MAV President convey this resolution directly to Minister Madden at the soonest available regular meeting.
2. That the MAV write to DPCD to include the following in the review of the Planning and Environment Act 1987:
  - require permit applicants to obtain written consent for the application from the land owner prior to lodging a planning permit
  - require Council to have regard to the comments of a referral authority and not be bound by them;
  - require a referral authority when it refuses to grant consent to the issue of a planning permit to participate in a conciliation process when requested by the responsible authority
  - require a referral authority to meet the costs incurred by Council in defending a decision at VCAT where a Council is legally obligated to make a planning decision based solely on an objection by a referral authority or authorities.
3. That the MAV include the above resolution in its response to the Planning and Environment Act review exposure draft.

## PLANNING FOR GROWTH AND PUBLIC LAND

### **Resolution:**

Recognising the importance of infrastructure and public land planning and management to support growth, service delivery and community well-being, the MAV calls for a:

- a more coordinated approach by state authorities with councils to public land planning, taking into consideration transport, open space needs, as well as social and economic needs.
- the assessment of possible uses for vacant or unused education department land to deliver on key metropolitan and regional State Government Policies, and for this land to be promptly and cost effectively made available
- standard community infrastructure development contribution for all infill development in existing urban areas
- recognition of the value of encouraging population growth in regional areas to the future efficiency of Australia's metropolitan centres and the need for future infrastructure investment planning which aligns expected population growth in regional centres with infrastructure investment.

### **Contact officer:**

Liz Johnstone

### **Relevance to Strategic Plan 2009-10:**

This resolution is consistent with the MAV strategic plan and can be progressed through various priorities in the Planning and Building area including: *Scope and implement a project to better engage councils in urban planning issues, particularly regarding housing, transport oriented development and economic development; Position rural and regional councils to actively inform and benefit from the State Government regional planning initiatives*

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

This resolution reflects key aspects of good strategic integrated transport and land use planning which, when done poorly results in societal disbenefits and inefficient use of resources often for many future generations.

#### **(2) Number of councils affected by the issue**

All councils with redundant or underutilised public land, and who are experiencing growth. – over half of Victoria's councils.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

May lead to improved efficiency and coordination across government resulting in a more positive perception of the sector by both government and business, as well as improved community outcomes.

#### **(4) Immediacy of the issue**

Ongoing – but not urgent.

#### **(5) Likelihood of influencing an outcome in local government's favour**

Any progress on these issues will be at best incremental. It should be noted that the MAV is active across many projects and policy areas and the resolution will inform our work and position in these areas.

### **Additional comments:**

Nil

**Other relevant resolutions (if any):**

State Council resolutions have previously recorded concerns regarding the sale and disposal of surplus government land and the planning, scheduling and funding of state provided infrastructure.

**Recommended action(s):**

1. Progress this resolution through submissions to Future Farms and Provincial Victoria processes.
2. Utilise the Housing Growth Requirements project to ensure that the capacity assessment methodology takes into consideration
  - a. transport, open space needs, as well as social and economic needs in a more coordinated way across agencies
  - b. the assessment of possible uses for vacant or unused education department land to deliver on key metropolitan and regional State Government Policies,so that targets are better informed and opportunities for cost effective access to identified land by councils are identified.
3. Commence discussions with the Department of Planning and Community Development and the Growth Area Authority to standardise community infrastructure development contributions for all infill development in existing urban areas
4. Ensure that the President conveys all state council resolutions directly to the Minister for planning in the regular bi-monthly meetings.
5. Continue to support Leading the Way and land use training for Councillors and Council officers.

## PREVENTING VIOLENCE AGAINST WOMEN

### **Resolution:**

That the MAV nominate to represent local government on the State Plan to Prevent Violence Against Women Advisory structures, with a view to advise the State Government on an appropriate model for embedding commitment across local government to preventing violence against women.

### **Contact officer:**

Clare Hargreaves

### **Relevance to Strategic Plan 2009-10:**

Under the State Public Health and Wellbeing Act 2008, councils undertake local population planning and facilitate primary health prevention strategies. This resolution informs the human services and public health priority to “support councils to incorporate new legislative requirements in their Municipal Public Health Plans”.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Key aspects of this strategy encompass cultural change in organisations and community education. It is not likely to have significant resource implications for councils.

#### **(2) Number of councils affected by the issue**

All councils and municipalities are affected by this issue.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Preventing violence against women is a ‘whole of community’, ‘whole of government issue’.

#### **(4) Immediacy of the issue**

All communities are currently affected by this issue.

#### **(5) Likelihood of influencing an outcome in local government’s favour**

The resolution calls for direct involvement of the MAV. The MAV is already providing advice to the Minister, the State Government and other key stakeholders such as VicHealth on this issue on behalf of local government.

### **Additional comments:**

Nil

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. Communicate the MAV commitment to working on this issue with the State at the December meeting with Minister Maxine Morand.
2. Facilitate a statewide forum with councils in conjunction with VicHealth.

## PUBLIC HOLIDAYS IN LIEU OF MELBOURNE CUP DAY

### **Resolution:**

That the MAV lobby the State Government on behalf of Victorian Councils to repeal amendments to the Victorian Public Holidays Act 1993 so that Councils may declare, in lieu of the Melbourne Cup Day public holiday, half- or full-day public holidays that apply to specific sections of their municipalities.

### **Contact officer:**

Alison Lyon

### **Relevance to Strategic Plan 2009-10:**

Nil

### **Assessment against criteria for incorporating emerging issues:**

**(1) Magnitude of impact the issue is likely to have on councils and their communities**

Potential community impacts on non-metropolitan councils that do not apply to the Minister for an alternative public holiday.

**(2) Number of councils affected by the issue**

Rural and regional councils

**(3) Political ramifications of the issue for effective intergovernmental cooperation**

Nil

**(4) Immediacy of the issue**

Current and continuing impact

**(5) Likelihood of influencing an outcome in local government's favour**

Not known

### **Recommended action(s):**

1. Discuss with Local Government Victoria
2. Determine options for resolution

## PUBLIC LIBRARIES GRANTS PROGRAM

### **Resolution:**

That MAV State Council:

Express its disappointment with the recent announcement of the 2009/2010 Public Libraries Grants Program - a minor increase in funding for libraries per capita of 2%, which falls substantially below cost increases and represents a further cost shift from the State to local government. Request the funding formula be reviewed and the State government contribution increased in response to the real costs incurred by libraries

### **Contact officer:**

Clare Hargreaves

### **Relevance to Strategic Plan 2009-10:**

The Human Services and Public Health priorities include:

*'position Victorian local government in the library funding campaign at the national level'.*

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

The MAV (in conjunction with the Public Libraries Victoria Network - PLVN) has convened a Summit on sustainability of public libraries to work in collaboration with both the State and the Commonwealth to position library services into the future and gain a commitment to investment by the three spheres. At present, increasing investment above CPI is being required of all councils annually to maintain library service levels and / or undertake growth / development of services. In terms of financial sustainability, there is scope for councils to increase their focus on containing costs through collective arrangements and sector development initiatives.

#### **(2) Number of councils affected by the issue**

All councils and Regional Library Corporations

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Councils are seeking a partnership approach between the three spheres of government to investment in public libraries through the development of a national public library framework, in the spirit of the national Intergovernmental Agreement (IGA) and the Victorian State Local Government Agreement (VSLGA).

#### **(4) Immediacy of the issue**

Ongoing funding and cost sharing / shifting issue for councils

#### **(5) Likelihood of influencing an outcome in local government's favour**

In the advocacy experience of the MAV, the approach most likely to be successful is a collaborative agreement around shared goals, with funding contributions made on the basis of the continuing commitment by the State and local government to particular aspects of the library sector and service costs. A joint approach could then be made to the Commonwealth around potential funding investment in areas of national interest, e.g. broadband roll-out, social inclusion programs and so on.

### **Additional comments:**

The November MAV/PLVN Public Libraries Summit on the sustainability of public libraries aims to progress a framework for collaboration between the State and Victorian local government to position libraries into the future in the national context. A communiqué will be issued and discussed with the Minister for Local Government following the Summit.

**Other relevant resolutions (if any):**

Nil

**Recommended action(s):**

1. Raise at the MAV meeting with the Minister for Local Government, Richard Wynne which will progress the outcomes of the November MAV/PLVN Public libraries Summit.
2. Raise policy and funding issues at MAV meeting with Senator Ursula Stephens, Parliamentary Secretary for Social Inclusion.
3. Pursue financial sustainability through sector development and aggregated purchasing and similar arrangements to contain library costs.

## RAILWAY CROSSING UPGRADE

### **Resolution:**

That the MAV initiate discussions with the Victorian Government, Vic Roads, V Line and Vic Track to determine a mechanism for funding the upgrade of rail crossings.

### **Contact officer:**

Claire Dunn

### **Relevance to Strategic Plan 2009-10:**

A key priority of the Strategic Plan is to work with councils to assist them in meeting their obligations for rail crossing safety.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Given the majority of Victoria's railway level crossings intersect with local roads, this resolution is relevant to most councils in Victoria. While the closure of local roads that intersect with rail lines is an option for some councils, where alternative access roads do not exist, other councils must explore upgrade options to improve safety by installing active controls such as boom barriers and flashing lights.

#### **(2) Number of councils affected by the issue**

Most councils in Victoria but particularly rural and regional councils. Most level crossings within the metropolitan area are the responsibility of VicRoads.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

The MAV has developed a strong and cordial working relationship with all of the stakeholders identified in this resolution and as such, discussion of this issue is likely to be constructive.

#### **(4) Immediacy of the issue**

Need is immediate

#### **(5) Likelihood of influencing an outcome in local government's favour**

The State Government, through the Department of Transport, has committed to funding the closure of local roads that intersect with railway level crossings, and potentially, the upgrade of nearby gravel roads to bitumen in order to provide community access to good roads.

The State Government already funds an ongoing rail crossing upgrade program, with selection of crossings for upgrade based on risk.

Given the current economic situation, it is unlikely that the Government will be able to commit additional funds, beyond its current upgrade program and maintains a preference for closing local roads that intersect with crossings, in rural and regional areas where there are numerous crossings along the one corridor.

### **Additional comments:**

Nil

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. The MAV will seek a meeting with the Minister for Public Transport to discuss the issue of funding rail upgrades.
2. The MAV will seek a meeting with the parties identified in this resolution to identify alternative funding mechanisms for railway crossing upgrades, other than direct State Government funding.
3. The MAV will seek information from VicTrack detailing their current and future upgrade programs and seek to expand these programs to include more councils.

## RECREATIONAL WATER

### **Resolution:**

The MAV seek discussions with the Victorian Government to facilitate Water Authorities recoup the cost of recreational water through their customers.

### **Contact officer:**

Nina Rogers

### **Relevance to Strategic Plan 2009-10:**

(State relevance to strategic plan 2009-10 if any)

The MAV Strategic Plan acknowledges that decreased rainfall and increased evaporation will continue to challenge councils to find new ways of managing public open space. Recreational lakes, as the subject of this motion, could be considered a form of public open space managed in some instances by councils.

### **Assessment against criteria for incorporating emerging issues:**

(Provide brief assessment against each of the criteria listed in the Strategic Plan 2009-10 for prioritising emerging issues)

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Recreational lakes provide a wide range of community benefits, including amenity and environmental values, boating, fishing, water sport and sightseeing opportunities.

It has been commented that the drying of lakes, such as in the Wimmera Mallee district, may contribute to the movement of people out of a district. Recreational lakes can also attract tourism and an associated financial contribution to a municipality.

Where councils are not able to continue to afford to pay for water to fill recreational lakes, the aforementioned values and opportunities will suffer.

#### **(2) Number of councils affected by the issue**

It is not known how many councils pay for water for the filling of recreational lakes, nor how many lakes across Victoria.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Low – a mutual community concern to be addressed.

#### **(4) Immediacy of the issue**

Current and ongoing in the context of continued drying across much of Victoria.

#### **(5) Likelihood of influencing an outcome in local government's favour**

Low – there would seem to be little incentive for the State Government to change the current arrangements.

### **Additional comments:**

### **Other relevant resolutions (if any):**

**Recommended action(s):**

1. Write a letter to the Minister for Water, raising the resolution.
2. Seek a meeting with the Department of Sustainability and Environment Office of Water to raise the issue.
3. Seek a meeting with VicWater, as the peak body for Victoria's water authorities to raise the issue.

## RECYCLED WATER

### **Resolution:**

That MAV State Council promotes the availability of recycled water and to protect our coastal environments by banning the outfall.

### **Contact officer:**

Nina Rogers

### **Relevance to Strategic Plan 2009-10:**

The MAV Strategic Plan recognises that local government is increasingly playing a role in working with communities to encourage water conservation and advocating for new and secure sources of water to be made available to communities and industries to ensure the long term viability of regions. Recycled water is on such source.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

The wider use of recycled water provides a range of benefits to councils and their communities statewide. Foremost, recycling reduces pressure on potable supplies.

#### **(2) Number of councils affected by the issue**

All councils have the potential to benefit from greater use of recycled water, depending on where future recycled water schemes are introduced.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Nil

#### **(4) Immediacy of the issue**

Current

#### **(5) Likelihood of influencing an outcome in local government's favour**

This resolution comprises two parts a) support for greater use of recycled water b) banning of all outfalls (presume ocean outfalls).

Part a) is consistent with Government directions as articulated in the State Government's Water Whitepaper Securing Our Water Future 2004, and subsequent Sustainable Water Strategies.

Regarding the banning of outfalls, this is a desirable future outcome, however, is unlikely in the short to medium term as a statewide outcome. Individual outfalls may be decommissioned.

### **Additional comments:**

Nil

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. Write a letter to the Minister for Water stating the resolution.
2. Table the resolution at a future meeting with the DSE Office of Water, in the context of their recycled water review currently underway.

## REDUCING THE NEGATIVE IMPACT OF ALCOHOL CONSUMPTION ON LOCAL COMMUNITIES

### **Resolution:**

That the MAV advocate for the introduction of rigorous guidelines to assist local governments to better administer and balance the competing requirements under the current Liquor Reform Act 1988 and the Planning and Environment Act 1987, with regard to packaged liquor.

### **Contact officer:**

Owen Harvey-Beavis

### **Relevance to Strategic Plan 2009-10:**

Broadly consistent with the priority to:

Advocate for measures and initiatives to improve community safety, particularly for young people

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Moderate, with increasing expectations placed on councils that they take a more formal role in protecting amenity from the negative impacts of alcohol consumption.

#### **(2) Number of councils affected by the issue**

Typically most concentrated in inner metropolitan areas

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

There are opportunities to work cooperatively with the State to deliver better outcomes for local communities.

#### **(4) Immediacy of the issue**

Moderate

#### **(5) Likelihood of influencing an outcome in local government's favour**

Moderate

### **Additional comments:**

Nil

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. Write to the Minister for Consumer Affairs

## REVIEW OF BUILDING AND DISABLED CAR PARKING PROVISIONS

### **Resolution:**

That the MAV calls upon the Federal Government to review the Building and Disabled Car Parking Provisions in the Building Code of Australia and/or relevant Australian Standards, to ensure that improved provision is made for doorways and walk ways to allow for wheel chairs and walking frames and increased provision of car parking for disabled or elderly persons.

### **Contact officer:**

Liz Johnstone

### **Relevance to Strategic Plan 2009-10:**

Informs human services and public health priority to *“Monitor legislative proposals for establishing standards for accessing premises and their impacts for local government.”*

### **Assessment against criteria for incorporating emerging issues:**

**(1) Magnitude of impact the issue is likely to have on councils and their communities**

More rigorous standards will carry a compliance cost to councils and community.

**(2) Number of councils affected by the issue**

All

**(3) Political ramifications of the issue for effective intergovernmental cooperation**

There is a tension between policy interventions to reduce barriers to social inclusion and the costs that society is prepared to pay.

Resistance from the property industry to universal standards has been consistent.

**(4) Immediacy of the issue**

Current.

**(5) Likelihood of influencing an outcome in local government’s favour**

Low. There is a national intergovernmental agreement to uniform national building standards and so the views of the MAV and local government in Victoria will be considered in a national context.

### **Additional comments:**

The MAV has previously made a submission to the review of Building Standards relating to accessibility. Board member Cr John Chandler represents the ALGA on the Australian Building Control Board (ABCB).

### **Other relevant resolutions (if any):**

Consistent with previous resolutions about inclusion and accessibility.

### **Recommended action(s):**

1. That the MAV write to Minister Albanese, Minister for Infrastructure, Transport, Regional Development and Local Government to advocate for a review the Building and Disabled Car Parking Provisions in the Building Code of Australia and relevant Australian Standards
2. That Cr John Chandler table the above letter and champion this issue through the ABCB.

## ROAD FUNDING – CONGESTION ANALYSIS

### **Resolution:**

That this State Council request the MAV to make representation to Governments to introduce that all State and Federal Government funding of roads projects require an analysis of induced congestion impacts of the proposal and road accidents both as part of the project and downstream, as well as the costs of greenhouse gas emissions, and adverse impacts on social inclusion, liveability and health compared with commensurate public transport provision.

### **Contact officer:**

Claire Dunn

### **Relevance to Strategic Plan 2009-10:**

Implications for climate change and new road infrastructure. Consistent with the objectives outlined in the Transport Position Paper to reduce transport-related greenhouse gas emissions and road congestion.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

The resolution could potentially lead to changes in the balance between road and rail infrastructure investment, with likely implications for councils including reduced costs in the longer-term due to improved health and social outcomes.

#### **(2) Number of councils affected by the issue**

Unknown – depends on which road projects would be subject to such analysis.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

It would be inconsistent with some aspects of MAV advocacy, such as Roads to Recovery Funding and the recent local roads advocacy document with the State Government.

#### **(4) Immediacy of the issue**

Low as most major infrastructure projects have been allocated

#### **(5) Likelihood of influencing an outcome in local government's favour**

The State Government has already outlined its future road projects, contained in the *Victorian Transport Plan*, and as such, the Government may not express interest in subjecting these projects to congestion and environmental analysis, beyond the analysis that is usually undertaken with projects.

### **Additional comments:**

Nil

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. Write a letter to the Minister for Roads, outlining the intent of this resolution.
2. Seek information and explanation from VicRoads regarding any congestion / amenity / environmental analyses that is undertaken as part of road building
3. Seek advice from the MAV Transport and Infrastructure Advisory Group.

## SHARED USE OPPORTUNITIES

### **Resolution:**

That shared use opportunities between local schools and local communities are promoted and actively pursued.

### **Contact officer:**

Clare Hargreaves

### **Relevance to Strategic Plan 2009-10:**

The MAV plays a role in driving both the effectiveness and efficiency of local government community services. This resolution relates to the human services and public health priority to “*Develop a partnership agreement with the State Government for the delivery of education and early childhood services*”, and is focussed on greater shared use of passive and active open space.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

This resolution has the potential to make better use of the public funds available to local communities through joint place based planning. Mechanisms are required to ensure local government interests and objectives on behalf of the community are realised in any shared use proposals.

#### **(2) Number of councils affected by the issue**

All councils are affected by this issue.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

This issue is a practical example of intergovernmental cooperation which has the potential to achieve positive outcomes, although carries the risk of creating tension between the parties if sector interests are not able to be aligned.

#### **(4) Immediacy of the issue**

This is an ongoing opportunity to maximise the use of resources for the benefit of the community.

#### **(5) Likelihood of influencing an outcome in local government’s favour**

Shared use has been in place in a variety of forms over the life of both schools and councils. The current State Government has a strong policy position to increase shared use where appropriate and considered desirable by local communities. Mechanisms are being explored to promote and facilitate shared use by the Department of Education and Early Childhood Development (DEECD) in consultation with the MAV and other key stakeholders.

### **Additional comments:**

DEECD and the MAV signed a Partnership Agreement in August 2009 which provides the framework for a joint action plan. The MAV meets regularly with the Minister and the Secretary to determine priorities for joint work, with one of the aims being to develop mechanisms to improve the relationship and communication between DEECD, local schools and councils.

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. Agenda for MAV CEO / DEECD Secretary regular meeting in 2010.
2. Incorporate in MAV action plan with DEECD for 2010.

## STATEWIDE LOCAL GOVERNMENT SOCIAL INCLUSION FRAMEWORK

### **Resolution:**

That the MAV develop and implement a State-wide Local Government Social Inclusion Framework to support existing compliance mechanisms such as the Human Rights Charter.

### **Contact officer:**

Clare Hargreaves

### **Relevance to Strategic Plan 2009-10:**

The MAV Strategic Plan refers generally to the role of local government “*in protecting our most vulnerable by promoting and implementing initiatives that provide better access to services, and greater equity in program outcomes*”.

No specific priorities are identified in relation to this resolution.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

This resolution suggests a particular approach to meeting councils’ human rights obligations and social inclusion policy objectives. It does not have specific financial or resource implications for councils

#### **(2) Number of councils affected by the issue**

Not known

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

The Federal Government is operating within a social inclusion policy framework, which states that every Australian should have the opportunity to benefit from work, education, community engagement and access to basic services. A similar approach has been adopted in Victoria through the rollout of ‘A Fairer Victoria’. The three spheres of government are therefore working together to combat economic and social disadvantage in the community according to this policy direction. The Victorian Charter of Human Rights and Responsibilities is another example of the implementation of this policy.

#### **(4) Immediacy of the issue**

Ongoing issue for councils in complying with the Charter.

#### **(5) Likelihood of influencing an outcome in local government’s favour**

Social inclusion as a policy direction is adopted by all councils in their Council Plans, Municipal Public Health and Plans and Community Plans. It would therefore be considered that ‘a State-wide Local Government Social Inclusion Framework’ is already in place. At the level of council implementation and operation, a more specific approach is required to supporting councils with appropriate compliance mechanisms in regard to the Charter.

### **Additional comments:**

The MAV is in receipt of funding from DPCD to conduct training for Councillors in the first half of 2010 on the Charter of Human Rights and Responsibilities. The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) reports annually to the Attorney General on the preparedness of the public sector including local government. The current survey was completed last week. Five Councils failed to submit and will be named in the report and in the Parliament.

**Other relevant resolutions (if any):**

Nil

**Recommended action(s):**

1. Conduct MAV training for Councillors in the first half of 2010.
2. Promote training programs for council officers being offered by VEOHRC.
3. Convene a forum for councils on the challenges of compliance with the Charter in 2010.

## STREETLIGHTING ADVOCACY AND COMMUNITY AWARENESS CAMPAIGN

### **Resolution:**

That the MAV work in partnership with Maribyrnong City Council and other interested Victorian councils to develop a street light advocacy and community awareness campaign targeting the State Government, private electrical companies and other key decision makers in order to facilitate:

- State Government funding of a minimum of \$150 per energy efficient street light changeover for every Victorian Council.
- Changes being made to the 'National Electricity Law' regulations that would require electrical distributors to continually improve the efficiency of the streetlight system as new technology becomes available.
- The banning of inefficient (80 watt MV) streetlights within Australia.

### **Contact officer:**

Ben Morris, Policy Adviser – Energy & Waste

### **Relevance to Strategic Plan 2009-10:**

Environment – assisting councils to understand their exposure to a carbon price, increasing energy efficiency and reduction on reliance on fossil fuels through pursuing sustainable public lighting options.

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

The capital cost of upgrading local road street lights is estimated be between \$110 and \$120 million. Preliminary results from the Department of Sustainability and Environment (DSE) Public Lighting Upgrade Financial Analysis indicate that Victorian councils would save around \$7 million in annual operating costs and would reduce carbon emissions by 40,000 T CO<sub>2</sub>e ever year, compared with business as usual.

#### **(2) Number of councils affected by the issue**

All councils pay to provide local road street lighting including electricity and operation and maintenance costs

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

Consistent with previous MAV State Budget submissions and perspectives put forward in the DSE Public Lighting Taskforce and associated processes.

#### **(4) Immediacy of the issue**

The DSE Public Lighting Upgrade Financial Analysis report is due to be released shortly providing recommendations of how a Victorian-wide roll out of sustainable public lighting could be facilitated. There is increased focus, given the increasing literacy of climate change and debate on the Carbon Pollution Reduction Scheme (CPRS), of ways that Australia can reduce its emissions and how the community can be buffered against price rises.

#### **(5) Likelihood of influencing an outcome in local government's favour**

- a. *State Government funding of a minimum of \$150 per energy efficient street light changeover for every Victorian Council.*

The Department of Sustainability and Environment, as part of their commitments from the Public Lighting Taskforce has commissioned a financial analysis of the costs and benefits of a roll-out of more sustainable public lighting across Victoria. This would provide the basis for any investment by the Victorian Government in contributing, either with direct

funding, or market-based measure, towards upgrading public lighting. The preliminary analysis indicates 10+ year payback periods, due to the large proportion of fixed costs in operation and maintenance, but a relatively low cost for emissions abatement and a positive net present value. The Australian Government, as part of the Climate Change Action Fund from the CPRS, will be providing business and the community with assistance to prepare for a carbon price. In particular, up to \$100 million will be provided for Business early action energy efficiency strategies, (including energy audits, investment and information programs). Local government has not been formally identified in the transitional package. The strongest chance, it would seem, in Victoria would be for an extension of the energy efficiency target to include street lighting. At the national level there is a gap in funding for local government to transition to low carbon economy, so there may be possible angle here as well.

- b. *Changes being made to the 'National Electricity Law' regulations that would require electrical distributors to continually improve the efficiency of the streetlight system as new technology becomes available.*

The electricity grid is now regulated at a national level, in line with the grid being national, rather than state. The regulation is underpinned by the 'National Electricity Law', with the Australian Energy Regulator (AER) overseeing compliance with this and associated licences and codes. Street lighting efficiency falls into the general category of demand (customer) side reduction of electricity. The 'National Electricity Law' has a specific objective to "...to promote efficient investment in, and efficient operation and use of, electricity services for the long term interests of consumers of electricity...<sup>1</sup>". Whilst this is the key objective of the Law, very little has been done to require 'efficient operation of electricity services' in regards to reducing the demand for electricity at the customer side, apart from state-based initiatives. The foundation for change is there, but will require coordinated lobbying of the Ministerial Council on Energy to affect change. This will be a challenging task.

- c. *The banning of inefficient (80 watt MV) streetlights within Australia*

The Council of Australian Governments (COAG) released the National Strategy on Energy Efficiency<sup>2</sup> in June 2009, which has the specific action "by the end of 2010, review AS/NZS1158 (public lighting) to increase the minimum energy efficiency standard for specific categories of street lighting." Given this is already a specific action for COAG, the likelihood of a positive outcome is good.

**Additional comments:**

Nil

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<sup>1</sup> *National Electricity (South Australia) Act 1996*, available at: [http://www.legislation.sa.gov.au/lz/c/a/national%20electricity%20\(south%20australia\)%20act%201996/current/1996.44.un.pdf](http://www.legislation.sa.gov.au/lz/c/a/national%20electricity%20(south%20australia)%20act%201996/current/1996.44.un.pdf), accessed 19 Nov 2009, p. 30

<sup>2</sup> Council of Australian Governments (COAG) (2009) *National Strategy on Energy Efficiency – July 2009*, available at: [http://www.coag.gov.au/coag\\_meeting\\_outcomes/2009-07-02/docs/Energy\\_efficiency\\_measures\\_table.pdf](http://www.coag.gov.au/coag_meeting_outcomes/2009-07-02/docs/Energy_efficiency_measures_table.pdf), accessed 19 Nov 2009, p. 31

**Other relevant resolutions (if any):**

May 2009 – “That the Electricity Distribution Businesses, Federal Government, Local Government and the State Government each contribute an agreed percentage towards bulk replacements of energy efficient street lighting globes across Victoria.”

May 2009 – “That the MAV seek State and Federal government funding to develop a state-wide program to progressively replace public street lighting with low energy globes.”

**Recommended action(s):**

1. The MAV with Maribyrnong write to all Victorian councils seeking their interest in participating in an advocacy campaign on public lighting. (Complete)
2. Work with Maribyrnong and other interested councils to further develop the advocacy campaign, including aligning and fine tuning ‘asks’ of government.
3. MAV work with ALGA and state/territory local government associations to build a national campaign.
4. MAV seek to become directly involved in the community-side of the campaign, on behalf of the sector.

## SUSTAINABILITY IN THE BUILT ENVIRONMENT

### **Resolution:**

That the MAV advocate to the State and Federal Governments for higher Environmentally Sustainable Design (ESD) Standards for new development, including rain water capture and reuse for toilet flushing and solar hot water systems for new dwellings and for planning frameworks that consider Urban Heat Island effects, Peak Oil, Water Sensitive Urban Design, Sustainable Transport to achieve sustainability in the built environment.

### **Contact officer:**

Liz Johnstone

### **Relevance to Strategic Plan 2009-10:**

This resolution directly contributes to the Planning and Building priority action of *Obtain support for councils using ecologically sustainable development assessment tools, broaden awareness of these tools for improving outcomes and develop practical and technical guidance for councils considering their use.* and in the Environment area of : *Advocate for an improved regulatory framework for the management of domestic wastewater, including clarity of roles and responsibilities between councils and water authorities*

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

The contribution of new and existing buildings to reduce emissions is critical for successful adaption to climate change and to mitigate against extreme climate change scenarios.

#### **(2) Number of councils affected by the issue**

All

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

The MAV works closely with the CASBE group of councils through the MAV ESD Advocacy Group which also comprises various state government representatives and is building collaborative approaches to the support necessary for a national change to the Building regulations (such as 5 star.)

#### **(4) Immediacy of the issue**

Immediate and ongoing.

#### **(5) Likelihood of influencing an outcome in local government's favour**

Low to medium.

### **Additional comments:**

The MAV has a ESD in planning project underway which will clarify what councils can do and require from private applicants to contribute towards enhanced ESD outcomes.

### **Other relevant resolutions (if any):**

Yes – increasing resolutions over recent years calling for higher ESD standards.

### **Recommended action(s):**

1. The MAV write to the Federal Ministers for the Environment and Local Government and Infrastructure to support State variations to enable higher Environmentally Sustainable Design (ESD) Standards for new development, including rain water capture and reuse for toilet flushing and solar hot water systems for new dwellings and for planning frameworks

that consider Urban Heat Island effects, Peak Oil, Water Sensitive Urban Design, Sustainable Transport to achieve sustainability in the built environment.

2. That the MAV continue to support the MAV ESD Advocacy Group and CASPE group of councils.

## VALUATION OF LAND AMENDMENT BILL

### **Resolution:**

That the MAV pursue fair compensation for the transfer of the valuation database from local government ownership to Victorian Government ownership as a result of the Valuation of Land Amendment Bill and equal financial treatment for local governments who choose to complete valuation "in- house" rather than directly by the Valuer General.

### **Contact officer:**

Owen Harvey-Beavis

### **Relevance to Strategic Plan 2009-10:**

Nil

### **Assessment against criteria for incorporating emerging issues:**

**(1) Magnitude of impact the issue is likely to have on councils and their communities**

Moderate likely impact

**(2) Number of councils affected by the issue**

All councils will be affected

**(3) Political ramifications of the issue for effective intergovernmental cooperation**

Low

**(4) Immediacy of the issue**

Would need to be resolved before the next general revaluation, which will occur in the first half of 2010.

Any change to the legislation is likely to require immediate action as the bill is currently before the upper house.

**(5) Likelihood of influencing an outcome in local government's favour**

Initial indications are that the probability of receiving compensation for the transfer of the ownership of the valuation database is unlikely.

However, the probability of equal financial treatment for councils that choose to complete their valuations in house is likely.

### **Additional comments:**

The legislation is currently before parliament and any opportunity to influence

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

1. Write to the local government spokesperson for each Victorian party indicating that the MAV has concerns about the legislation in its current form.

## VANDALISM (INCLUDING GRAFFITI)

### **Resolution:**

That MAV advocate the following to the relevant level of government:

That in addition to perpetrators paying the reimbursement of costs associated with the clean up and repairs caused by their acts of vandalism (including graffiti) that the Court system increase fines for perpetrators - with a minimum of 50% of the fine to be allocated to a 'vandalism fund' for the LGA where the offence took place.

### **Contact officer:**

Liz Johnstone

### **Relevance to Strategic Plan 2009-10:**

The resolution does not align directly with any action in the strategic plan, however may contribute to the Human Services and Public Health action of : *Advocate for measures and initiatives to improve community safety, particularly for young people*

### **Assessment against criteria for incorporating emerging issues:**

#### **(1) Magnitude of impact the issue is likely to have on councils and their communities**

Graffiti causes significant financial costs for councils in terms of clean up, community education and support. It is more pronounced in urban areas.

#### **(2) Number of councils affected by the issue**

All councils are affected, but metropolitan councils and regional cities most affected.

#### **(3) Political ramifications of the issue for effective intergovernmental cooperation**

This issue requires a co-ordinated response across councils, Consumer Affairs and VicPol and for the resolution to be successfully implemented would require legislative reform.

#### **(4) Immediacy of the issue**

Immediate and on-going.

#### **(5) Likelihood of influencing an outcome in local government's favour**

Preliminary discussions with Consumer Affairs Victoria and the VicPol indicate some frustration with the escalation in graffiti and other property vandalism and a willingness to consider improved co-ordination and a more stringent and punitive response. VicPol indicated some frustration with the level of seriousness reflected in the sentencing and level of fines imposed in the Magistrates Court.

### **Additional comments:**

The MAV is active in many projects, grants assessment and policy initiatives about community safety and will utilise those forums to raise awareness of the financial implications of vandalism and graffiti on councils.

### **Other relevant resolutions (if any):**

Nil

### **Recommended action(s):**

Write to the Minister for Consumer Affairs, Tony Robinson and the Minister for Local Government requesting support to investigate and quantify costs to councils and the community associated with Vandalism and graffiti and to consider a vandalism fund to support local government and ensure a rapid response – essential in minimising repeat offences.