

**STATE COUNCIL**

**16 May 2014**

**RESOLUTIONS FROM MEMBERSHIP**

# Role of local government

**Resolution**

That the MAV State Council strongly advocates on behalf of all Victorian Councils to the Premier and Minister for Local Government:

1. That the Victorian Government acknowledges and supports:
   1. Section 74A of the Victorian Constitution which states: “Local government is a distinct and essential tier of government consisting of democratically elected Councils having the functions and powers that the [Parliament](http://www.austlii.edu.au/au/legis/vic/consol_act/ca1975188/s94b.html#parliament) considers are necessary to ensure the peace, order and good government of each municipal [district](http://www.austlii.edu.au/au/legis/vic/consol_act/ca1975188/s5.html#district).”
   2. The preamble (in part) to the Local Government Act 1989: “(2) It is the role of [Councils](http://www.austlii.edu.au/au/legis/vic/consol_act/lga1989182/s3.html#council) in exercising those functions and powers to work in partnership with the Governments of Victoria and Australia.”
   3. The proposed Victorian State local Government Agreement (the VSLGA) which aims to strengthen state–local government relations by building a collaborative working relationship between state and local government and improving communication and consultation.
2. Further that the MAV calls on all political parties and candidates at the upcoming State Election to commit to the independence of Local Government decision making, commitment to democratically elected Councillors, and advocate their support for the role and financial viability of Local government in Victoria.
3. Expressing concern and refuting the comments in the article titled $2B ripoff which appeared in the Herald Sun on 18 March and the lack of response by the State Government in defending and supporting the role of Local government in providing services and infrastructure to Victorian communities.

# Referendum on Constitutional Recognition of Local Government

**Resolution**

That this State Council determine that the Municipal Association of Victoria call on the Federal Government to:

1. acknowledge previously expressed cross-party support for a referendum; and
2. as soon as practicable, conduct a referendum on the constitutional recognition of Local Government within the Australian Constitution.

# Library funding

**Resolution**

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

# Review of Planning Controls

**Resolution**

That the Municipal Association of Victoria calls on the State Government to review planning controls, linked to the height and bulk of new building developments, to specifically minimise the impact of overshadowing on sensitive land use areas, such as school playgrounds, public parks and active spaces on river frontages, and the impacts of wind climate.

# Change to the building regulations regarding document storage

**Resolution**

That the MAV seek to have the Victorian Building Authority amend the Building Regulations to align with other related legislation to allow Councils to store electronic copies of building permits regardless of their original form, consistent with Electronic Transactions Act (Victoria) 2000, and the Public Records Act 1973.

# Establishment of an infrastructure fund for shovel ready capital works projects

**Resolution**

That the MAV lobby the Federal Government through the Australian Local Government Association (ALGA) to allocate funding to shovel ready projects to provide employment opportunities and badly needed community assets and infrastructure.

# Major hazard facility (MHF) Planning

**Resolution**

That the Municipal Association of Victoria calls upon the State Government to review planning controls around MHFs, including amending the Victorian Planning Provisions to include clear direction land use planning around these facilities. These requirements must be supported by the work of the Environment Protection Authority (EPA) and Worksafe and provide a statewide approach to MHF planning.

# State Government Issues

**Resolution**

1. That the MAV advocates to the State Government for a review and possible amendment to the Planning and Environment Act in order for councils to consider the broader cumulative impact of medium to high density developments on local infrastructure and local amenities.
2. That the MAV advocates to the State Government on the fast tracking of level crossing removals in Victoria including exploring alternative methods of financing for such works.
3. That the MAV engages with the State Government to develop a Memorandum of Understanding (MoU) covering issues such as, but not limited to:
4. Cost shifting from State to local governments;
5. Explicit recognition of the inherent imbalance of power, information and finances between State and local governments; and
6. Explicit commitment by State Government for greater transparency in consultation with councils and engagement of local communities on issues of mutual concern (e.g. closure of schools, sale of public land etc.).

# Amenity of development sites

**Resolution**

That the MAV lobby the State Government to adopt a state wide approach to better manage and control the amenity of development sites which are left in poor or derelict condition, either from being abandoned, vacant or partially completed. Specifically consideration should be given to introducing state wide legislation to compel action on vacant or derelict development sites after a certain period, and the application of meaningful penalties for failure to comply.

# Implementation of new residential zones

**Resolution**

That the MAV State Council strongly advocates on behalf of all Victorian Councils to the Premier and Minister for Planning to:

1. Provide continued commitment to supporting councils through the process, that have not yet completed the implementation of the new residential zones into their planning schemes.
2. Seek the Department of Transport, Planning and Local Infrastructure (DTPLI) to allocate sufficient resources to ensure that councils, who have made every effort to lodge their planning scheme amendment requests with DTPLI, have their amendments gazetted by 30 June 2014 before introducing the General Residential Zone as the default zone.

# Planning expenditure and application fees

**Resolution**

That the Municipal Association of Victoria State Council calls on the State Government to introduce as a matter of urgency a system where planning application fees are:

1. Indexed to inflation as a minimum; and
2. Set by councils.

# Legislative change to rate mining land

**Resolution**

That the MAV, seek the government to repeal Section 154 (2)(e) of the Local Government Act 1989 which grants an exemption from rating to “land which is used exclusively for mining

purposes”.

# Freight and Transport Infrastruture Project

**Resolution**

That the Municipal Association of Victoria calls upon the State and Australian Governments to develop effective road and rail freight and transport infrastructure projects, to respond to the projected growth in movements of containers and general freight in Victoria, particularly in western metropolitan Melbourne, over the next 20 years. It is critical that the freight and transport infrastructure projects are integrated and provide adequate separation of major freight routes from residential streets and zones.

# Public Transport Infrastructure

**Resolution**

That the Municipal Association of Victoria call on the Victorian Government and all major political parties to provide accelerated funding for metropolitan public transport, in particular rail construction, to improve the Victorian transport network and to improve safety and reduce congestion across Victoria.

# Heavy duty rail to Doncaster

**Resolution**

That this State Council determine that the MAV request the State Government to:

1. reaffirm its commitment to the heavy rail transport system to Doncaster; and
2. embark on Stage 2 of the Doncaster Rail Study.

# Integrated Transport

**Resolution**

That the Municipal Association of Victoria calls upon the State Government to develop a clear statewide framework that responds to the need of our increasing population and delivers accessible integrated transport network prioritising the development of walkable and connected neighbourhoods.

# Roads to Recovery (R2R) Funding

**Resolution**

That the Municipal Association of Victoria State Council calls on all of the federal parties to acknowledge and commit to the support for the continuation of Roads to Recovery (R2R) funding to municipal councils.

# Recreational tracks and trails

**Resolution**

That the MAV lobby the State Government of Victoria and the Federal Government to broaden the scope of funding for recreational tracks and trails to cover both management and maintenance as well as construction costs.

# Graffiti

**Resolution**

That the Municipal Association of Victoria calls upon the State Government to note the heavy financial burden currently facing local government on illegal graffiti removal and to work with local government and other key stakeholders, such as Victoria Police, Department of Justice, and representatives of the spray paint industry, including retailers and manufacturers, to:

1. Develop a state-wide approach on dealing with the issue of illegal graffiti including consideration of providing councils with the power to recoup from offenders the cost of rectifying graffiti.
2. Undertake further research into the issue of illegal graffiti and preventative measures
3. Identify strategies and actions to increase community pride and encourage individuals and businesses to assist in the prevention and removal of illegal graffiti.

# Energy security and greater assistance required for those most affected by heatwave

**Resolution**

That the Municipal Association of Victoria strongly advocate to the responsible State and Federal Government Ministers and relevant Government Departments for a more comprehensive package of assistance and education to those members of our community most affected by heatwaves, including energy rebates and strategies for ensuring energy security This is in response to the impact of recent heatwaves and the prediction that they will become more frequent and more intense into the future.

# Housing

**Resolution**

That the Municipal Association of Victoria calls upon the State Government to provide a clear definition for affordable housing and direction for how state government, local Government, developers and housing providers are able to implement sustainable affordable housing.

That the MAV actively lobby the State Government, and in particular the Minister responsible for Planning, to amend the Victoria Planning Provisions to allow for the inclusionary zoning for public, social and affordable housing and encourage the provision of such housing where there is a need.

That the MAV call on the State Government to provide additional stimulus funding to registered housing services to work in partnerships with Councils to support vulnerable residents, particularly those with a disability.

That the MAV lobbies State and Federal Government future housing and homelessness policy to use a place-based approach to funding infrastructure and services in areas and population groups of greatest need to urgently address growing levels of homelessness and people at risk of homelessness.

That the MAV advocates to the State Government to improve the frequency and quality of maintenance of state owned public housing stock aligned to the Residential Tenancies Act Victoria 1997, to ensure that properties and their grounds are maintained to an acceptable standard.

# Council control/licencing of rooming houses

**Resolution**

That the MAV advocates to the State Government:

1. To introduce regulations for the management of rooming houses to ensure adequate control and management of antisocial behaviour by some tenants.
2. For the licencing of all rooming houses and Local Government be responsible to administer the licences with cost recovery through licence applications.

# Processing of asylum seekers

**Submitting Council: Yarra City Council**

**Resolution**

That this State Council determine that the Municipal Association of Victoria advocate to the Federal Government on behalf of all asylum seekers and request that:

1. the visa applications of asylum seekers, currently living in our respective communities on bridging visas, be processed as soon as possible; and
2. if the process in (a) above legitimises their status as refugees, that they be afforded the opportunity of permanent residency.
3. the upholding of their human rights, family reunion and work rights.

# Long Service leave entitlements portability between local and state government without a supporting transfer of funds

**Resolution**

That the MAV writes to Local Government Victoria requesting the Local Government (Long Service Leave) Regulations 2012 be changed to stipulate that recognition by Local Government Councils of prior service with a Victorian Public Service Body or Special Body is conditional on agreement to transfer payment to cover the value of accrued liabilities.

# Accessibile and affordable mental health services for young people

**Resolution**

That the Municipal Association of Victoria calls upon the State Government to increase the allocation of funding and access to specialist and preventative mental health services especially for young people in areas where there are service gaps.

# Redressing the burden: Electronic gaming machine applications and system reforms

**Resolution**

That the MAV advocate for systemic reform of Electronic Gaming Machine (EGM) regulation in Victoria in the lead up to the 2014 state election with a particular emphasis on achieving the following changes:

1. Timeframe for council responses: the timeline for councils to respond to EGM applications needs to be extended from 60 days to not less than 120 days in order to provide councils with a more adequate period to consider and assess the social and economic impacts of an application.
2. Social and Economic Impact Assessment Form: the form (which is sent to councils as the local authority) needs to be re-written, simplified and re-structured to focus on meaningful indicators that are relevant to assessing the likely impacts of gambling on individuals, families and communities within neighbourhoods. The balance of responsibility needs to be shifted from councils providing rigorous evidence of community impact to applicants providing compelling and conclusive evidence that there will not be a net detriment to the community with the introduction of additional EGMs into a locality or particular venue. Further, mechanisms need to be developed to ensure applicants are held to account for commitments made in their submissions over the medium to long term (for example, employment and economic stimulus undertakings).
3. Suburb and communities: the Victorian Commission for Gambling and Liquor Regulation (VCGLR) should be required to consider the localised data, impacts and community views associated with a particular application not merely examining municipality-wide or suburb-wide data. A critical determining factor for approval should recognise the impact on localised disadvantaged pockets (commonly associated with public housing areas) surrounding a venue. A municipality-wide and suburb-wide analysis can often disguise or understate the real impacts on a local area.
4. The assessment of ‘community benefit’: the way that ‘community benefit’ is currently assessed is flawed, vague, subjective and unfairly provides advantage to an applicant over a council or community opposed to an application. New guidelines need to be developed to provide an effective and commonsense definition of what constitutes a ‘net benefit’ or ‘net detriment’ in relation to an application and how this should be approached. For example, expanded floor space for a venue should not objectively be assessed as constituting such a benefit for the community that it outweighs the agreed economic loss that would be brought by EGMs into a disadvantaged area. The obvious value judgments implicit in such an approach (and as has been regularly applied by the VCGLR previously) is not consistent with an even playing field or with community expectations. There is a also a critical need for the development of a transparent and accurate assessment model to gauge transferred and new expenditure. Such a model must clearly identify the economic impact and risks associated with applications for new or increase EGMs. The GEOTECH model, currently favoured in assessing EGM applications, is not transparent and does not meet the requirements.
5. Community Benefit Statement: regulatory changes are required to the reporting requirements and the categories of the Annual Venue Community Benefit Statement to ensure that only benefits that demonstrate local community activity, purpose or approval are considered eligible for inclusion.
6. Community Support Fund: The process for the allocation of funding through the Community Support Fund needs to be reviewed to ensure there is a transparent and targeted return of funding to the communities from where the losses occur.
7. $1 bet limits: A $1 maximum bet limit with a maximum $120.00 limit per hour should be phased in over a period of five years and commencing as soon as possible.
8. Further reduction of EGM caps in disadvantaged areas: Action is required to address the alarming increasing density and concentration of EGMs in disadvantaged communities. The current caps should be extended to to limit the number of EGMs able to be located within a suburb or neighbourhood of below average SEIFA score so that the number of EGMs in these areas are equal to or less than the state-wide average of EGMs per 1,000 adult population. Further, and in relation to growth councils, there needs to be a commitment to a fixed and stable regional and metropolitan local government area cap. Growth Area Councils are vulnerable to a direct net increase in the number of gaming machines, as caps are determined on population. Growth Area Councils are experiencing rapid population growth and there lies the potential for increased EGMs, this leaves new and growing communities exposed to risk factors associated with gambling. An increase in population growth should not translate to a direct increase of EGMs. It is essential that the Victorian State Government involves the expertise and knowledge of Local Governments in determining a fixed cap to ensure the voice of the local community is heard.

# A public health approach to gambling

**Resolution**

That the Municipal Association of Victoria:

1. Endorses a Notice of Motion from the Whittlesea City Council to the 2014 National General Assembly of the Australian Local Government Association requesting the Commonwealth Government to:
   1. Not implement the gambling reforms stipulated in the Social Services and Other Legislation Amendment Bill 2013. The reversal of legislative requirements and commitment will have serious, regrettable impacts on the lives of Australians, particularly in vulnerable communities consisting of families, children and small business;
   2. Minimise and prevent avoidable harm from gambling by implementing all-of-States and Territories mandatory reforms to reduce detriment and increase consumer safety of electronic gaming (pokie) machines (EGMs),
   3. To mandate maximum allowable bets on EGMs to $1 per spin with a maximum $120 losses per hour in accordance with the recommendations of the Productivity Commission’s 2010 and the 2011 Parliamentary Joint Select Committee on Gambling Reform Reports,
2. Seek State Government support and advocacy for this Motion.

# Expression of concern regarding Federal Government approach to ageing policy

**Resolution**

That the MAV write to the Prime Minister and the Minister for Social Services to:

* Voice concern at the abolition of the Advisory Panel for Positive Ageing and the absence of an alternative framework that provides older members of our community with full and equal engagement in government policy direction; and
* Advocate for a review of the Ministerial structure with a preference to recognise the significant challenges and opportunities of an ageing population through appointing a Minister responsible for the Ageing in this current government.

# Review of VGV aged care vaulations methodology

**Resolution**

That the MAV campaign to have the Valuer General Victoria’s methodology for statutory valuations in Aged Care reviewed to take into account the negative impact the Deferred Management Fee structure has on Retirement Village Unit sale proceeds.

# To seek amendment of food premise registraton requirements under the food act

**Resolution**

That the MAV seek clarification from the Department of Health in regard to the registration of food premises provisions under the Food Act, in particular with respect to section 40C (1) (b) which provides that the registration period is for 1 year after it was last granted or renewed.

Secondly that the MAV advocate for the removal of the ambiguity of this section which has recently given rise to an interpretation that the period is for 1 year after payment is made (no matter how late)

# Environment Protection Authority implementation of "landfill closure guidelines"

**Resolution**

The MAV requests the Minister for Local Government, the Honourable Mr. Tim Bull, intervene and seek an urgent review of the Environment Protection Authority’s program for rehabilitation of landfills across Victoria.

# One million home plans

**Resolution**

'That State Council:

1. Endorses the One Million Homes plan, which calls on the State Government to commit to implementing a comprehensive retrofit of Victoria's 1 million low income homes, so as to reduce residential energy and water use, shield low income Victorians from bill stress, and create local jobs in trades and manufacturing.
2. Advocates to the State Government that design and implementation of the One Million Homes retrofit program should take advantage of the expertise and experience of local government in the delivery of such programs at a local level
3. Advocates to the State Government to establish a Community Feed in Tariff that rewards and supports community solar projects.’"

# Community feed in tariff re solar power

**Resolution**

That this State Council determine that the Municipal Association of Victoria advocate to the State Government, to establish a “Community Feed-in Tariff” to encourage, reward and support the establishment of community solar projects.

# Support for community renewable energy feed-in tariff

**Resolution**

That the Municipal Association of Victoria strongly advocate to the responsible State Government Minister and relevant State Government Department to establish a Community Renewable Energy Feed-in Tariff that rewards and supports community wind and solar energy projects.

# Indian Mynas

**Resolution**

That the MAV advocates to the Department of Environment and Primary Industries for the development and implementation of a statewide control program of the Indian Myna bird with the objective to reduce their numbers and limit their spread throughout Victoria.

# Coal Seam Gas

**Resolution**

That the State Council of MAV oppose any exploration for and extraction of Coal Seam Gas within the State.

# Tyre Storage

**Resolution**

The Municipal Association of Victoria requests that the State Government introduce legislation that would regulate and control the storage of tyres on sites throughout the State of Victoria.

Such legislation would prescribe a maximum number or quantity of tyres to be stored before an EPA licence would be required for the site.

# Plastic bags

**Resolution**

That the MAV advocate to the State Government to implement a ban on single use non-biodegradable plastic bags in Victoria, in line with other States, and as a measure to reduce littering and waste disposal costs for local government.

# Full funding by State Government of State Emergency Services

**Resolution**

The MAV, on behalf of Local Government advocate for the State Government to fully fund the State Emergency Service as the lead agency in flood, storm and earthquake emergencies so the service is not reliant on grants from local Councils and to enable financial sustainability and the ability to continue to provide this valuable community service. In doing so the MAV should acknowledge the outstanding contribution of local SES units and volunteer members in service of their respective communities.

# A case managment approach to Emergency Management

**Resolution**

That the MAV call on the State Government to provide additional resources to Councils to support a case management approach to residents affected by significant natural events.

# 2014 Victorian Bushfires

**Resolution**

That the MAV:

* Advocate for an appropriately constituted Inquiry designed to capture the experience and learnings of State Government Agencies, Local Government, communities and other key stakeholders impacted by the 2014 Victorian Bushfires across the State; and
* Facilitate the preparation of a Local Government focused debrief and submission to inform the Inquiry with the purpose of ensuring that the experience of Local Government is appropriately represented in the context of proposed and transition changes to Emergency Management arrangements in Victoria and to allow investigation and analysis of a range of matters experienced as part of the 2014 Victorian Bushfires across the State.

# Penalty units - local laws

**Resolution**

That the Municipal Association of Victoria State Council calls on the State Government to urgently review the current incongruous situation of penalty units prescribed under local laws being fixed and not subject to annual reviews – as is applicable to all penalty units under Victoria State Government legislation.

# GST share local government

**Resolution**

That the Municipal Association of Victoria State Council calls on governments to provide a more equitable and reliable source of revenue, specifically a fixed percentage of GST, which will provide a consistent source of income for local government and enable it to reduce the infrastructure backlog as well as enhance current infrastructure and expenditure programs to keep pace with depreciation and community safety.

# Leadership based professional development

**Resolution**

That the MAV develop and facilitate an on-going leadership based professional development program aimed at increasing the representation of the CALD community and women in the following:

1. As elected councillors.
2. As leaders at administration level of LGA’s.
3. As active residents in the decision making process at the local level.

The professional development program is to be geographically accessible and may be delivered in regions.

# Removal of pest plants and animals on roadside

**Resolution**

That Municipal Association of Victoria lobby the State Government for allocation to Local Government of considerably larger funding allocations, to carry out Council obligations for the removal of pest plants and animals on roadsides.

# Funding for removal of pest plants and animals on Vicroards roadside

**Resolution**

That the Municipal Association of Victoria lobby the State Government for funding by contract to carry out the removal of pest plants and animals on VicRoads roadside.

# Bushfire management overlay, Property buy back

**Resolution**

That the MAV advocate that the State Government assumes the responsibility of financially compensating those property owners who because of the Bushfire Management Overlay (BMO) restrictions are unable to build on their properties. Additionally that the State also accepts the responsibility of maintaining that land in accordance with good bushfire preparedness practices.

# Increased and ongoing recurrent funding to Local Government

**Resolution**

That the MAV calls on the Australian Government and Victorian Government to commit to increased and ongoing recurrent funding to Local Government, in particular a continuation of the Commonwealth’s Roads to Recovery program and Victoria’s Country Roads and Bridges program, to give Councils and communities greater certainty about financial sustainability and service levels into the future.

# Victorian Labor Party policy on Council rate capping

**Resolution**

That the MAV launch a campaign opposing the State Labor Party’s recent Policy on capping Council rates and the potential serious impact on the provision of community services and renewing / maintaining critical assets due to likely funding shortfalls.

# Local Government Performance Reporting Framework

**Resolution**

That the MAV independently assess the extent to which the Local Government Performance Reporting indicators will meet their stated aim and prepare a report outlining the impact of the new reporting regulations and their likely benefit to local government.

# Rate Reform and Equity Balance for Primary Producers

**Resolution**

That the MAV State Council advocates to the Minister for Local Government and the State Government to review the current valuation and rating systems available to local government to provide a fairer rating outcome to farming enterprises in Peri Urban areas.

# Opposition to rate capping

**Resolution**

That the President of the Municipal Association of Victoria write to all major political parties to:

1. Advise that Local Government is strongly opposed to the concept of rate capping for Victorian Councils as this would seriously impact the capacity of Councils to meet the needs of the community for services and infrastructure renewal.
2. Advise that the implementation of rate capping strongly undermines the autonomy of democratically elected Councillors as defined under the *Local Government Act* 1989.
3. Advise that the concept to implement rate capping fails to recognise the actual cost drivers for providing services and infrastructure renewal in a timely manner for both current and future generations.
4. Seek an assurance that those parties will not support the implementation of rate capping following the 2014 State Election.

That the MAV write to the Shadow Treasurer requesting him to carefully review the consequences for Victoria of funding local infrastructure on the basis of movements in the price of fruit, vegetables, tobacco, overseas holidays and other consumption items that bear no relation to council costs.

# Annual Funding for Local Learning and Employment Networks (LLENs) Program

**Resolution**

That the MAV call on the Premier of Victoria to commit sufficient funding for the 31 LLENs across Victoria to secure their programs into the future.

# Sustainability Victoria ‘Detox You Home’ Support

**Resolution**

That the MAV advocate the State Government on behalf of the Councils involved in the Sustainability Victoria ‘Detox You Home’ program that the liability and costs involved with running the program sit with the State Government, and not the individual Councils involved.

# Financial Assistance Grants

**Resolution**

That the MAV lobby the Federal Government to reconsider its recent decision to halt indexation of the financial assistance grants to local government.