

3 Presentation of officer reports

3.1 Proposed City of Boroondara Motions for the Municipal Association of Victoria (MAV) State Council on 21 May 2021

Abstract

This report informs councillors about four (4) proposed motions to be put forward to the Municipal Association of Victoria (MAV) State Council meeting on Friday 21 May 2021.

Motions that are carried at the MAV State Council become Resolutions. These resolutions are then considered by the MAV Board when setting the strategic workplan for the MAV.

Officers' recommendation

That the Services Delegated Committee resolve to adopt the four (4) motions, as annexed to the Minutes, to be put forward to the Municipal Association of Victoria (MAV) State Council meeting on 21 May 2021.

Responsible officer: Phillip Storer, Chief Executive Officer

1. Purpose

The purpose of this report is to inform councillors about the four (4) motions to be put forward to the Municipal Association of Victoria (MAV) State Council meeting on Friday 21 May 2021.

2. Policy implications and relevance to community plan and council plan

The MAV is the statutory peak body for local governments in Victoria and should take a lead role in advocating to the State Government on a variety of issues of concern to local governments in Victoria. Submitting motions to the MAV State Council is consistent with Council's practice of advocating on behalf of the community.

This report is consistent with the strategy within the Council Plan 2017-21 to: *"Ensure Council is open, transparent, inclusive and accountable to the community through sound governance practices for making and implementing Decisions"*.

3. Background

Council has a strong commitment to advocating on behalf of the Boroondara and broader community. The MAV, as the peak representative body for local governments in Victoria, is in a strong position to support this advocacy.

The MAV State Council meeting will be held on Friday 21 May 2021. Motions need to be received by the MAV no later than Friday 23 April 2021.

4. Outline of key issues/options

Council has previously presented motions to State Council on a range of matters including: Library funding; Landfill Levies; Aged Care Reforms; Sustainable Street Lighting; Apartment Design Code; Newspaper advertising requirements; Regulation of Strategic Resource Plans; Assistance for people affected by heatwave; Enhanced proactive VicRoads asset maintenance programs; Bicycle safety; the School Focused Youth Service (SFYS) program; Subsidies for HACC and meals-on-wheels services; ESD principles in State Planning Provisions; Vulnerable Persons Register; VCAT (Local policy, Plans in appeal proceedings); Infringements Court (Perin); Building Regulations; Immunisation; U3A; Residential Noise; Penalty Units in Local Laws; Cladding, Fines Management System and Telecommunications legislation.

In some cases, resolutions sponsored by this Council have been instrumental in achieving worthwhile results for the Boroondara community and the broader Victorian community.

Attachment 1 provides the details of the four (4) motions being put forward which are as follows:

- Motion 1 - Early Years Infrastructure Strategy (submitted by Community Support)
- Motion 2 - Funding for Assertive Homelessness Outreach (submitted by Community Support)
- Motion 3 - Heritage Protection for Standalone Heritage Places (submitted by Urban Living)
- Motion 4 - Electricity Safety (Electric Line Clearance) (submitted by Places and Spaces)

5. Consultation/communication

The proposed motions have been prepared in consultation with the Executive Leadership Team.

6. Financial and resource implications

There are no direct financial implications to Council in presenting these motions to the MAV State Council other than Council officer time in preparing and submitting the motion. These costs are met from the Council operating budget.

7. Governance issues

The implications of this report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the in *Victorian Charter of Human Rights and Responsibilities Act 2006*.

The officer responsible for this report has no general or material conflict of interest requiring disclosure.

8. Social and environmental issues

The motions being considered at the MAV State Council cover a range of matters.

The motions sponsored by Council have the potential to achieve worthwhile results for the Boroondara community and the broader Victorian community.

Manager: David Thompson, Manager Governance and Legal

Report officer: David Thompson, Manager Governance and Legal



FORM

MAV State Council Meeting – Friday 21 May 2020

To submit a motion for consideration by State Council on Friday 21 May 2021, please complete this form and email to the **State Council** email address S2@mav.asn.au, **no later than 23 April 2021**.

Motion 1 Early Years Infrastructure Strategy

Submitted by: Boroondara City Council

MOTION:

That the Municipal Association of Victoria seek a commitment from the Victorian Government to fully fund all infrastructure requirements of local government owned early childhood facilities to accommodate the delivery of the additional fifteen hours of funded 3-year-old kindergarten.

MAV Strategic Work Plan (SWP):

Indicate whether or not the subject matter of your motion is included in the MAV SWP 2019-21.

Is the subject matter of this motion included in the SWP?	Yes / No
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If yes, identify the following:	
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Objective No.	
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Priority No.	
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Item No.	
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RATIONALE:

The Victorian Government's Kindergarten Reform initiative is a welcome initiative for the early years sector as it helps place young children in a position to achieve their potential, therefore contributing to the long term social and economic outcomes in the community.

The Building Blocks Early Learning Funding and Grants Programs run by the Victorian Government contributes to the development of early years infrastructure. The Building Blocks program will support the roll out of three-year-old kindergarten across the state, however the funding is grossly insufficient and leaves the provider or owner of facilities (which includes local governments across the state) to contribute the majority of the funds for infrastructure works. There is typically no further funding for renewal as the asset ages and this burden falls with Council.

Capacity building grants available to contribute to early years infrastructure projects include:

- Integrated Children's Centre - up to **\$2 million** per grant
- New Early Learning Facility - up to **\$1.5 million** per grant
- Modular Kindergarten Facilities - **\$750,000** for one room/**\$1.5 million** for two-room
- Expansion Grant - up to **\$600,000** per grant

The grossly insignificant grant contribution by the Victorian Government has the potential to have significant budget implications for local governments who will be required to contribute the majority of funds for infrastructure works. These increased, unplanned costs further impact local governments budgets, already suffering from COVID-19 and the Victorian Government's rate-capping.

We request a revised approach to the existing partnership arrangement between Local and State Governments. We would like to see the Victorian Government fully fund any infrastructure works required as a result of the introduction of funded three-year-old kindergarten.

Note: Motions must be submitted by **one council but may be supported by other councils. The council submitting the motion will need to supply written confirmation from any council(s) listed as supporting the motion. All relevant background information in support of the motion should be included in the space provided for the rationale and not in attachments. **The motion and rationale should be no longer than one page.***



FORM

MAV State Council Meeting – Friday 21 May 2020

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Motion 2

Funding for Assertive Homelessness Outreach

Submitted by: Boroondara City Council

MOTION:

That the Municipal Association of Victoria advocate to the Victorian Government to urgently allocate funding for the provision of assertive homelessness outreach services including after hours services to support increasing cases of homelessness in Boroondara.

MAV Strategic Work Plan (SWP):

Indicate whether or not the subject matter of your motion is included in the MAV SWP 2019-21.

Is the subject matter of this motion included in the SWP?	Yes / No
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If yes, identify the following:	
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Objective No.	
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Priority No.	
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Item No.	
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RATIONALE:

Homelessness is a growing national problem, which has been further exacerbated by the impacts of COVID-19. People are considered homeless when they do not have accommodation that is safe, secure and appropriate.

The growth in homelessness is also being seen in the City of Boroondara, with Council receiving an increasing number of reports from the community and businesses regarding primary homelessness or “rough sleepers” (people without conventional accommodation living on the streets, in deserted buildings, in cars, under bridges, and in improvised dwellings). In 2019, 110 reports of homelessness were made to Council compared to just seven reports in 2009. Recent anecdotal evidence from local agencies also indicates an increase in primary homelessness cases with growing numbers of people shifting from other areas of Melbourne into Boroondara, in part due to the impacts of COVID-19.

The City of Boroondara has a Homelessness Protocol, developed in 2009 in partnership with The Salvation Army. It provides staff with a framework for how to respond to reports of homelessness. The Protocol aims to ensure homeless people are treated appropriately and respectfully, and are offered relevant support services. As part of the Protocol, The Salvation Army provide assertive outreach services to people who are homeless across the Eastern Metropolitan Region (EMR), despite not being funded to do so. Due to the increasing demand for its EMR wide service, The Salvation Army are only able to conduct outreach visits in Boroondara one day per week and sometimes only one day per fortnight. Often more than one visit is required as the homeless person may not be there at the time of the visit, and it may take several visits to engage the person into support services.

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FORM

The Salvation Army is not an after-hours service, which is why outreach visits are completed during business hours when people are generally not at their sleep sites. Depending on the complexity of the reports, Council may also make multiple requests to The Salvation Army to conduct outreach for a single incidence of rough sleeping.

The lack of funding for assertive outreach services to people who are homeless is becoming increasingly complex and problematic as there are currently no organisations funded to provide this service in the City of Boroondara or the EMR.

The City of Boroondara is urgently calling on the Victorian Government to provide funding for assertive outreach services including after hours services in Boroondara and the EMR. The provision of adequate funding will ensure that people who are homeless are provided with timely information and connected into services and supports.

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FORM

MAV State Council Meeting – Friday 21 May 2020

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Motion 3
Heritage Protection for Standalone Heritage Places

Submitted by: Boroondara City Council

MOTION:

The Municipal Association of Victoria calls on the Minister for Planning to review the Planning Practice Note 01: Applying the Heritage Overlay (August 2018) to:

- a. Introduce an additional category or grading of heritage place that would allow for the site specific protection of places that are currently deemed 'contributory' but cannot be protected through a heritage precinct overlay.
- b. Provide greater clarification and guidance for the assessment of heritage places including establishing thresholds and undertaking comparative analysis.

MAV Strategic Work Plan (SWP):

Indicate whether or not the subject matter of your motion is included in the MAV SWP 2019-21.

Is the subject matter of this motion included in the SWP?	No
If yes, identify the following:	
Objective No.	
Priority No.	
Item No.	

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FORM

RATIONALE:

Since 2016, Council has been progressing the identification and protection of heritage properties through the Municipal Wide Heritage Gap Study. The study has resulted in the assessment of all properties within a number of suburbs in across Boroondara for inclusion in the Heritage Overlay. Through the study's assessment process,

many places were found to hold local heritage value but have not been able to be included in a Heritage Overlay in the Boroondara Planning Scheme. This is because because the Planning Practice Note 01: Applying the Heritage Overlay (August 2018) only provides for the protection of those properties which are considered of contributory heritage value if located in an intact heritage precinct. In the absence of a defined precinct however, these properties remain unprotected. This issue is underscored by the local community's desire for Council to protect places of local importance.

Council has sought to protect two standalone 'contributory' places by requesting the Minister for Planning apply interim heritage controls to 5 Trumper Street, Camberwell and 57 Berkeley Street, Hawthorn and authorise the preparation of a planning scheme amendment to progress the introduction of permanent heritage controls to both properties. Under delegation of the Minister, officers at DELWP refused Council's application in May 2020 on the basis that Council's request did not meet the requirements of Planning Practice Note (01): Applying the Heritage Overlay (August 2018).

Council is therefore advocating for regulatory reform to increase the ability of all councils to protect places of local cultural heritage value. This includes:

- a. Introducing a second category of 'individually significant' place within the heritage grading system identified in Planning Practice Note 01: Applying the Heritage Overlay to increase the level of heritage protection within the Victorian planning system.
- b. Providing greater clarification and guidance in Planning Practice Note 01: Applying the Heritage Overlay for the assessment of heritage places including establishing thresholds and undertaking comparative analysis.

Council is aware that the State Heritage Review report prepared by the Heritage Council of Victoria, which is currently with the Minister for Planning for consideration includes a recommendation to review the Planning Practice Note 01: Applying the Heritage Overlay. There is an opportunity for the Minister to work closely with all local councils to address the changes identified above as part of a future review.

Council has also written to a number of stakeholders to seek support for change, including to the MAV Planning Committee, Heritage Victoria, National Trust of Victoria and Royal Historical Society of Victoria and are awaiting responses from these stakeholders.

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FORM

MAV State Council Meeting – 15 May 2021

To submit a motion for consideration by State Council on Friday, 15 May 2020, please complete this form and email to the **State Council** email address S2@mav.asn.au, **no later than 21 April**. Please note, motions received by **6 April** (early motions) will be distributed to all MAV representatives on **14 April**. Submitters may amend their own motions up to 5pm on **24 April**.

**Motion 4
Electricity Safety (Electric Line Clearance)**

Submitted by: Boroondara City Council

MOTION:

That the Municipal Association of Victoria:

1. Provide a combined local government sector response regarding canopy losses and impacts to environmental and amenity values in meeting vegetation regulatory compliance near powerlines in Melbourne's low bushfire risk areas due to increased enforcement of legacy regulations by ESV.
2. Engage with the Australian Energy Regulator to seek transparency in pricing proposals from network providers demonstrating network infrastructure upgrades.

MAV Strategic Work Plan (SWP):

Indicate whether or not the subject matter of your motion is included in the MAV SWP 2019-21.

Is the subject matter of this motion included in the SWP?	Yes / No
If yes, identify the following:	
Objective No.	
Priority No.	
Item No.	

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FORM

RATIONALE:

The purpose of this motion is to inform both Federal and State Government of the implications of vegetation clearance compliance for the Electricity Safety (Electric Line Clearance) Regulations 2020 (ESR) enacted on 28 June 2020.

As responsible persons under the Electricity Safety Act 1998 and as public land managers, councils are critical stakeholders in relation to management of vegetation around powerlines. For several years local governments have argued for a regulatory regime that sensibly balances safety, amenity and environmental considerations in low bushfire risk areas. This is an ongoing challenge that has not been adequately addressed by the most recently enacted Electricity Safety (Electric Line Clearance) Regulations 2020 and the prescribed Code of Practice.

It concerns us that since 2019 ESV has significantly increased enforcement of the regulations in Non Fire Risk Areas to ensure increased compliance with the Code, with material financial, environmental and amenity implications. The MAV is aware this is leading to mass removal of structural branches and entire mature trees in Boroondara and Boroondara City Council is aware of similar increased compliance pressure across Melbourne.

Healthy and intact urban forest canopy is increasingly recognised by experts, governments and communities as critical to mitigating the impacts of climate change, improving health and wellbeing and enhancing local liveability. However existing pressures from urban development, climate change combined with this increased regulatory compliance mean achieving canopy targets set by government will become impossible to achieve.

It is acknowledged that ESV has generally taken a risk-based approach to enforcement action to date, the recent shift to make any non-compliance an infringeable offence does raise fears that a change in approach might be coming. The references to "at all times" and "no part of a tree" in clause 3(1) empowers ESV to issue a body corporate a fine of 250 penalty units (\$41,305) for any vegetation located within the clearance space, regardless of whether it poses a material risk or not.

The supporting facts for increased compliance from ESV are; nil deaths due to tree impacts with powerlines, and only 6% of outages as a result of trees "growing into" the clearance space. The Australian Energy Regulator regulates electricity networks setting the maximum amount of revenue that they can earn, and gives consideration to the age of infrastructure, operating costs and network reliability and safety standards. Given the very low percentage of outages related to tree impacts, the AER have a role to ensure that network providers play a part in supporting the upgrade of their assets to protect supply giving consideration to the urban environment rather than cost shift improvements to their assets.

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