

3 Presentation of officer reports

3.1 Proposed Council Motions - Municipal Association of Victoria (MAV) State Council Meeting on 17 May 2019

Abstract

This report informs Council and seeks endorsement of two (2) proposed motions to be put forward to the Municipal Association of Victoria (MAV) State Council meeting on 17 May 2019.

Motions that are carried at 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 Special Committee resolve to adopt the two (2) motions (as annexed to the Minutes) to be put forward to the Municipal Association of Victoria (MAV) State Council meeting on 17 May 2019.

**Responsible director: David Thompson
Governance**

1. Purpose

The purpose of this report is to inform councillors about the proposed two (2) motions to be put forward to the Municipal Association of Victoria (MAV) State Council meeting on 17 May 2019.

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 17 May 2019. Motions need to be received by the MAV no later than Friday 19 April 2019.

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 and Cladding. In some cases, resolutions sponsored by this Council have been instrumental in achieving worthwhile results.

Attachment 1 provides the details of the two (2) proposed motions being put forward which are as follows:

- Motion 1 - Fines Management System - Fines Victoria (submitted by City Planning); and
- Motion 2 - Reform - Telecommunications Legislation (submitted by City Planning).

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.

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 Victorian Charter of Human Rights and Responsibilities Act 2006.

The officers responsible for this report have no direct or indirect interests requiring disclosure.

8. Social and environmental issues

The motions being considered at 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, Governance

Report officer: David Thompson, Governance



FORM

MAV State Council Meeting – 17 May 2019

To submit a motion for consideration by State Council on Friday, 17 May 2019, please complete this form and email to the **State Council** email address S2@mav.asn.au, **no later than 23 April**. Please note, motions received by **9 April** (early motions) will be distributed to all MAV representatives on **12 April**. Submitters may amend their own motions up to 5pm on **26 April**.

Motion 1

Fines Management System - Fines Victoria

Submitted by: Boroondara City Council

MOTION:

That the Municipal Association of Victoria seek a commitment from the State Government to the following:

1. To investigate and implement remedies to resolve the ongoing reporting and collection issues arising from the new fines system implemented by Fines Victoria in January 2018, resulting in significant and unfavourable financial impacts to Councils.
2. Require Fines Victoria to consult and communicate with Councils on the proposed remedies and the timing of their delivery.

MAV Strategic Work Plan (SWP):

Indicate whether or not the subject matter of your motion is included in the MAV SWP 2017-19.

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

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

RATIONALE:

Following a review of the management of fines formerly delivered by the Infringements Court, in January 2018 the State Government introduced the new fines management system under the new name of 'Fines Victoria' which functions under an administrative framework.

Fines Victoria provides the opportunity for various enforcement agencies, including Councils, to register unpaid infringements for further enforcement, and ultimately collection of infringement penalties and associated costs for disbursement to respective agencies. This approach is delivered through an administrative framework as an alternative to the more traditional enforcement through the Magistrates' Court.

The concerns experienced by Councils since the introduction of Fines Victoria have included system deficiencies impacting reporting, under-performance in the enforcement and collection of fines and poor communication.

These issues have resulted in the following impacts:

- Reduction in the collection/recovery rates;
- Cashflow shortfalls;
- Operating expenditure adversely affected due to increased doubtful debts;
- Reduction in the recovery of lodgement fees paid to Fines Victoria; and
- Increased exposure to risk for Councils.

While sympathetic to the issues experienced by Fines Victoria, Councils' concerns have continued to escalate resulting in frustration and a sense of alarm as to the potential for the current issues to continue or worsen.

Appreciating the State Government's intention for Fines Victoria to be the primary avenue for the enforcement of unpaid infringements, it is essential for the current issues to be addressed as a priority. Advocacy through the MAV is therefore sought to assist in rectifying this situation.

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Motion2	
Reform - Telecommunications Legislation	
<i>Submitted by: Boroondara City Council</i>	
MOTION:	
That the Municipal Association of Victoria calls upon the Federal Government to reform telecommunications legislation as follows:	
<ul style="list-style-type: none"> • Require telecommunications facilities proposals to include evidence that emissions from the proposed facilities and the cumulative impact of existing telecommunications infrastructure within the surrounding area are safe to the health of surrounding residents; • Amend the Industry Code to improve the community consultation process and increase the notification of proposed facilities to 50 metres to reflect the area with the highest exposure impact; • Require co-location of facilities unless demonstrated that this is not practical; and • Change the Telecommunications (Low-impact Facilities) Determination to prevent the location of Low Impact Facilities in residential areas without Council permission. 	
MAV Strategic Work Plan (SWP):	
Indicate whether or not the subject matter of your motion is included in the MAV SWP 2017-19.	
Is the subject matter of this motion included in the SWP?	Yes / No
If yes, identify the following:	
Objective No.	
Priority No.	
Item No.	

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.***

RATIONALE:

Telecommunications Company TPG recently proposed the roll out over 100 mobile phone based stations at various sites across the City of Boroondara. TPG also commenced the roll out of facilities across other parts of Melbourne.

Telephone companies licensed by the Australian Communications and Media Authority (ACMA) as 'carriers' (in this case, TPG) may install a range of low impact facilities without needing approval from councils under Federal legislation.

The proposed mobile phone base stations proposed by TPG in Boroondara satisfy the definition of a 'Low-Impact Facility' under the Telecommunication (Low-Impact) Facilities Determination 2018 and therefore do not need any Council permission.

Most of the sites chosen by TPG are in local residential streets directly outside dwellings, despite the proximity of less sensitive locations. A significant number of complaints have been received from the community. Residents have expressed concerns in relation to the potential impacts of these facilities as well as the lack of meaningful consultation and information provided.

Council has raised the following with the Federal Minister for Communications and the Arts, The Hon Mitch Fifield MP:

- Concern regarding the visual impact of the proposed locations of the telecommunications facilities, including the disruption to the amenity of the streetscape, the creation of cluttered public realm and adversely impacting upon heritage precincts;
- Resident's concern regarding the impact of the electromagnetic energy (EME) exposure from the proposed telecommunications facilities located within residential streets, on the safety and health of our community;
- Require telecommunications facilities proposals to include evidence that emissions from the proposed facilities and the cumulative impact of existing telecommunications infrastructure within the surrounding area are safe to the health of surrounding residents;
- The consultation plans received by Council have given notice to owners and occupiers within 10-20 metres of the proposed location. It is requested that the Industry Code is updated to increase the notification to 50 metres to reflect the area with the highest exposure impact, as identified in the Environmental Electromagnetic Energy (EME) Reports provided to Council;
- Request that providers are required to share existing infrastructure; and
- Request that the Telecommunications (Low-impact Facilities) Determination 2018 is updated to prevent the location of Low Impact Facilities in residential areas.

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