



13.5 **ADDITIONAL MUNICIPAL ASSOCIATION OF VICTORIA
STATE COUNCIL SUBMISSIONS**

EXECUTIVE MEMBER: **BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND
DEVELOPMENT**

PREPARED BY: **SAMUEL YEO, COORDINATOR ADVOCACY & PARTNERSHIP**

1. PURPOSE

- 1.1 To seek Council's ratification of submission of further motions for consideration at the Municipal Association of Victoria (MAV) State Council Meeting.

2. EXECUTIVE SUMMARY

- 2.1 The Municipal Association of Victoria (MAV) State Council Meeting will be held on Friday 19 May 2023.
- 2.2 Motions from member councils on issues of state-wide significance to local government are due by midnight on Monday 20 March 2023.
- 2.3 This report recommends multiple motions for the MAV to advocate to the State Government on issues of state-wide significance.

3. RECOMMENDATION

That Council:

- 3.1 Submits the following motions for consideration at the MAV State Council Meeting on 19 May 2023:
- 3.1.1 That the MAV advocate to the Victorian Government for stronger planning controls for new development to maximise the use of rooftop spaces (including podium roofs) for infrastructure that enhances the environmental performance of the building. Such infrastructure would include, but not be limited to, solar panels, green roofs and walls, stormwater capture and retention, urban ecology, food organic gardens, and organics recycling. Development should also be designed so that landscaped roofs are accessible to building residents and/or tenants as communal open space to provide health and wellbeing benefits.
- 3.1.2 That the MAV advocate to the State Government for additional resources for Victoria Police and related government agencies to support Councils addressing anti-social, illegal and challenging behaviour by individuals in public spaces.
- 3.1.3 That the MAV advocate to the State Government to develop effective regulation to stop hoon driving, because of the impact of anti-social hoon driving on communities.
- 3.1.4 That the MAV advocate to the State Government to improve Electric Line Clearance (ELC) Regulations relating to tree pruning to prevent unreasonable impacts on urban Councils.
- 3.1.5 That the MAV advocate for more effective and uniform State Government legislation in relation to short-stay accommodation, including AirBnB, to alleviate amenity impacts, and to consider limiting the amount of time in a given year whereby dwellings can be rented out on a short-stay basis in areas where housing availability has been identified as a particular issue.



4. KEY POINTS/ISSUES

About MAV/State Council Meeting:

- 4.1 The Municipal Association of Victoria (MAV) is a membership association and the legislated peak body for local government in Victoria.
- 4.2 The MAV offers diverse business services to council members including specialist policy and advocacy, governance and legislative advice, sector development, insurance, and procurement services.
- 4.3 The MAV Strategy 2021-25, adopted at the May 2021 State Council meeting, identifies six MAV Strategic Outcomes:
 - Economically sound councils
 - Healthy, diverse and thriving communities
 - Well-planned, connected and resilient built environment
 - Changing climate and a circular economy
 - Sector capability and good governance
 - Effective and responsive MAV.
- 4.4 The City of Port Phillip is a member of the MAV and Council is represented by Cr Tim Baxter.
- 4.5 The MAV will be holding its Annual State Council Meeting on 19 May 2023.
- 4.6 Each council is allocated two seats on the floor of State Council. Motions are being sought from member Councils on issues of state-wide significance to local government.

Requirements for Submission:

- 4.7 Motions must be submitted online by 20 March 2023 using the State Council Motion Submission Form.
- 4.8 The form is in a 'survey' format and requires that councils identify whether the motion is supported by a council resolution and whether the subject matter of the motion:
 - 4.8.1 has state-wide significance to the sector
 - 4.8.2 relates to one of the sector's priority issues in the MAV Strategy 2021-25
 - 4.8.3 is identical or substantially similar to a motion submitted to State Council in October 2022 and, if so, provide a rationale for the duplication.
- 4.9 Motions initially assessed as 'not of state-wide significance' will be referred to the submitting council's designated representative, then reviewed by the MAV CEO, and finally by the MAV Board, who determine whether the motion is submitted for State Council consideration.
- 4.10 Submitters may amend their motions up to three weeks before the State Council meeting.

Background:

Motion #1: Rooftop Planning

- 4.11 Victoria's population continues to rise, as does its density. The city's carbon emissions, especially in the inner city, are among the highest in the world despite the State's commitment to reducing and remediating the effects of climate change



- 4.12 Community members are increasingly concerned about the amenity and climate impacts of developments, including contributing to the urban heat island effect, and the need to proactively change outcomes in this space.
- 4.13 Rooftop spaces on most buildings are poorly utilised for achieving environmental outcomes, but provide an opportunity for a variety of innovations. Rooftops can be effective locations for solar panels, capturing stormwater run-offs, and water retention facilities, as well as gardens which can provide insulation, fruit and vegetable gardens, reduce waste and the impact of urban heating. In addition, these spaces can provide passive recreation locations for residents.
- 4.14 The City of Port Phillip is one of 24 Victorian Councils, supported by the Council Alliance for a Sustainable Built Environment (CASBE) and MAV, seeking an amendment to the Victoria Planning Provisions to elevate sustainability requirements for new buildings. The goal is to better protect the natural environment, reduce energy consumption, and support the health and wellbeing of occupants. This amendment was lodged with the State in July 2022.
- 4.15 This initiative seeks to build on the changes made to the Victorian planning system by the State Government in June 2022 to strengthen water management, cooling and greening, air and noise pollution and recycling and resource recovery. Consideration of climate change has been added to the purpose of Victoria Planning Provisions and all planning schemes.
- 4.16 The City of Melbourne has also proposed updated planning requirements which would incentivise green rooftops and vertical gardens on new developments, and require the installation of solar panels and rainwater collection tanks. Additionally, the reforms would encourage sustainable retrofitting measures to encourage climate-conscious changes to existing buildings.

Motion #2: Victoria Police

- 4.17 Councils seek to work with Victoria Police to ensure public safety. However, Councils do not have the resources or powers to adequately manage anti-social, illegal and dangerous behaviour in public places sometimes linked to people impacted by drug and alcohol abuse and complex mental health or other long-term issues.
- 4.18 Councils have limited direct response options without the support of Victoria Police to respond to people, potentially dangerous to Council officers and members of the public.
- 4.19 Councils need support from Victoria Police including greater consultation with Councils and key local stakeholders on amenity impacts and potential solutions; increased visibility and resourcing of Police in problem areas, or joint patrols with Council officers

Motion #3: Hooning

- 4.20 Hoon driving, including organised drag racing events and solo or informal reckless driving, is becoming an issue of concern to local communities. Hooning impacts community amenity, including noise and air pollution, as well as an increased risk to other drivers, pedestrians, cyclists, and passive users of public land.
- 4.21 Under Victorian anti-hoon laws introduced in 2006, Victoria Police can impound a vehicle for 30 days where Police believe, on reasonable grounds, a hoon-related offence has been committed. In addition, impoundment laws apply to participants in street racing and similar informal dangerous driving events.



- 4.22 Numerous Councils in Greater Melbourne (eg. Brimbank, Frankston and Dandenong) have implemented individual local laws in response to large hoon events. However given the nature of these events, any hoon event clause at a local law level needs to be enforced by Victoria Police.
- 4.23 The State Government as the relevant level of government must give greater powers to the Police allowing them to take action against participants and spectators or passengers, both in organised hoon events and casual hooning, to discourage people from participating in this behaviour, and return the streets to law-abiding residents.

Motion #4: Tree pruning

- 4.24 DDE The Electricity Safety (Electric Line Clearance) Regulations 2020 are designed to prevent vegetation growing too close to electric lines. From 27 January 2022, Energy Safe Victoria (ESV) has had the ability to issue infringement notices to individuals and organisations, including Councils, who fail to comply with the requirements. These requirements include specific limitations on the proximity of branches to power lines, minimum frequencies at which trees must be inspected by qualified arborists, and limitations as to the width of branches that approach power lines.
- 4.25 While the regulations are designed to reduce the risk of electrocution, fire (including bushfire), and diminished reliability of electricity supply, they fail to distinguish between the needs of rural, regional, and urban parts of Victoria.
- 4.26 Councils in densely-populated, older parts of Melbourne must balance risks from trees with the need to ensure canopy cover and urban wildlife corridors in built-up areas, provide residential amenity, and protect significant trees and community heritage. Streets that are relatively narrow or that contain numerous apartment buildings provide limited options for trees to grow to a reasonable size to provide amenity, shade, and canopy.
- 4.27 Councils work to minimise this risk by regular inspections and identifying trees that require more frequent examination. The impact of these regulations means that Councils are now having to destroy well-established trees which would otherwise not survive the severe pruning and branch lopping required to comply with the ELC Regulations.
- 4.28 The removal or significant reduction of these trees is at odds with the State's commitment to reducing and responding to the impacts of climate change, and presents a barrier to Councils providing residents with an amenable city.
- 4.29 While Councils in urban areas recognise the risks that the ELC Regulations are designed to prevent, there is also an awareness that these locations may not always share the same risk factors as regional locations, for example with bushfires.
- 4.30 Nuancing the regulations to recognise the distinction between trees in urban areas and those in rural and regional areas would allow Councils to better manage their assets and provide a safe and liveable community.

Motion #5: Short-stay accommodation

- 4.31 Communities across Victoria are concerned by the rising issues created by short-stay accommodation including increasing amenity issues for local residents. Additionally there is growing concern about the impact of this industry on housing availability and affordability.



- 4.32 Short-stay accommodation, including AirBnB, can cause amenity issues including noise complaints, misuse of waste and recycling facilities, unauthorised parties, safety risks for other residents, and the potential for unsafe or non-compliant accommodation outside of areas zoned for residential use.
- 4.33 While Councils provide complaints processes for residents, the reality of short-stay accommodation limits the ability of Councils to prosecute offenders and to investigate complaints. Individual Councils are bringing in local laws in attempt to tackle these issues but when they are applied at a local level these laws lack both uniformity and often efficacy, where much of the enforcement responsibility lies with the State Government.
- 4.34 In 2021, the Owners Corporation Act 2006 was amended to make owners responsible for their guests' behaviour and allow other residents of an apartment building to seek compensation for any loss of amenity at the Victorian Civil Administrative Tribunal (VCAT). This change can help reduce amenity impacts but provides limited options for complaints regarding short-stay accommodation in other dwelling types.
- 4.35 The residential vacancy rate in Victoria is under 2%, cost of living pressures are rising and many Victorians are struggling to find or retain a place to live. This disproportionately impacts younger people, people from disadvantaged backgrounds or with vulnerable circumstances, and older people with limited superannuation or savings who are no longer in the job market.
- 4.36 While short-stay accommodation is only one of a number of factors impacting this problem, there are limited levers with which local government can limit this impact, and few legislative levers under current State Government legislation. The power to regulate the housing market is outside the jurisdiction of local government.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Council officers engage regularly with State Government agencies, including Victoria Police as well as bodies with planning oversight.
- 5.2 These items will also be raised where appropriate at meetings with State and Federal political representatives.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 The notices of motion proposed are consistent with Council's role and powers as set out in the Local Government Act 2020 (Part 2- Division 1).

7. FINANCIAL IMPACT

- 7.1 There are no direct financial impacts to Council arising from the recommendation in this report.

8. ENVIRONMENTAL IMPACT

- 8.1 There are no direct environmental impacts to Council arising from this report.

9. COMMUNITY IMPACT

- 9.1 There are no direct community impacts to Council arising from this report.



10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

10.1 The proposal aligns with Council's Well-Governed Port Phillip service direction: A city that is a leading local government authority, where our community and our organisation are in a better place as a result of our collective efforts.

10.1.1 We will facilitate and advocate for:

- Other levels of government to recognise and be mindful of the impact on local government when making policy and legislative changes.

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

11.1.1 Proposed motions to be submitted by midnight on Monday 20 March 2023.

11.1.2 Accepted motions will be circulated to member councils on Wednesday 19 April 2023 and discussed at the MAV State Council Meeting on Friday 19 May 2023.

11.2 COMMUNICATION

11.2.1 Subsequent to the MAV State Council Meeting, advocacy staff will notify Councillors and relevant officers of any successful motions put forward by City of Port Phillip as well as any other successful motions that may impact Council or align with existing advocacy priorities.

12. OFFICER DIRECT OR INDIRECT INTEREST

12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

ATTACHMENTS Nil