

Cr Cynthia Watson
Mayor
City of Boroondara

City of Boroondara. Proposed Budget 2020-2021

Lighter Footprints welcomes the opportunity to comment on the City of Boroondara's Proposed Budget for 2020-2021. While these consultations are a requirement under legislation, we ask that the Council move beyond mere compliance to put in place a consultative process that enables more meaningful community involvement. Such things as starting consultations much earlier in the budget negotiations and greater availability of relevant information would ensure a more meaningful prospect for the community to influence the results of these deliberations.

Lighter Footprints values the contribution of local government

Lighter Footprints is a group of concerned residents (now around 2000) mostly from the City of Boroondara who came together in 2006 to work together to meet the critical challenge of climate change. Our members and supporters recognise that climate change has been scientifically demonstrated; that it has become an existential threat to the future of our world; and requires urgent and decisive action by all levels of government.

In recent years, local government has taken a more pro-active role in addressing the challenge of climate change. Councils are responding to the growing concern amongst their residents that the world is facing a crisis which requires decisive action at all levels of government and society. Local councils have recognised that they:

- have a range of levers that they can use to adapt to and mitigate the effects of climate change; and,
- as first responders and custodian to much community infrastructure and natural assets, council budgets will be severely impacted by the damage caused by climate change.

Boroondara's Community Plan 2017-2027 makes recognition of the concern that residents have expressed about the climate crisis. We are disappointed, however that the Council has not used those consultations as the basis for a continuing and meaningful conversation with residents around this rapidly evolving threat.

Mechanisms such as an advisory committee comprising interested and informed residents and independent experts together with regular ward meetings or workshops would help the Council develop a more ambitious and integrated program. This would provide a strong basis for Council leadership and help the community to adapt to and mitigate the effects of climate change than what is currently in place.

Boroondara has a number of strategies and commitments to facilitate actions around the theme of the environment and sustainability. These documents, however have produced initiatives that are lacking in ambition and generally accepted as the minimum by councils around Australia.

The urgent need to expand and act on these commitments provides Boroondara with the potential to be seen as a leader in this field and to create a further competitive advantage for the area given that it has:

- a highly educated population with professional qualifications that could be called upon to contribute ideas, expertise and enthusiasm to address this challenge;
- an extremely well-resourced budget given the wealth and financial security of its residents that gives scope for a more ambitious program for adapting to and mitigating the impact of climate change.

Community consultations on the proposed budget

Consultations that the Council is undertaking around the proposed budget can play a role in increasing the level of community engagement with municipal matters, consolidating trust in the Council and improving the quality of decision making. It is highly unlikely that these ends will be achieved through the current process which is standardised, highly managed by council officers and delays community engagement way beyond the point where decisions have already been made.

We are disappointed that similar consultations on last year's Proposed Budget attracted only 24 submissions. We want to see these consultations go beyond a mere compliance exercise to make a larger contribution to the democratic nature of our Council.

As a corporate document, the Proposed Budget is comprehensive in its coverage of Council finances and meets all the requirements that a regulator would expect of a financial document in accordance with the Local Government Act 1989 and the Local Government Model Financial Report.

It fails, however to facilitate effective community engagement as required by the Local Government Act 2020 (LG Act 2020) or as the Council has committed itself to in its Community Engagement Policy.

The LG Act 2020¹ identifies a number of governance and supporting principles that enshrines community engagement as an important contributor to good governance. Supporting principles include:

'... participants in community engagement must have access to objective, relevant and timely information to inform their participation;'

and

'... participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement;'

¹ <https://www.legislation.vic.gov.au/in-force/acts/local-government-act-2020/003>

The principle of deliberative engagement mentioned in (s.55(2)(g)) of the Act is important in achieving a transparent and effective process. It is defined in guidelines that accompany the Act in the following way:

The principles for community engagement refer to deliberative engagement practices (s.55(2)(g)). The Act does not prescribe what are deliberative engagement practices, however a broad interpretation should be taken. The key characteristics of deliberative engagement are considered to be:

- *authentic engagement with the community;*
- *good representation of the community in engagement activities;*
- *clear demonstration of how all views have been considered;*
- *accessible and relevant information available to the community to ensure the decision-making process and the community's level of influence is clear in each instance and that participants are fully informed.*

Boroondara's Community Engagement Policy² was adopted in December 2015 and was due for review in July 2019. The Policy provides a statement on:

... how Council will fulfill its commitment to create genuine and transparent opportunities to enable community members to provide feedback about matters of interest to them through Council's decision-forming process.

The policy notes a number of factors that influence the Council's community consultation and engagement practice. We see the following two factors identified in the policy as particularly significant in consultations surrounding the Proposed Budget:

- the increasing community expectation to be actively involved in democratic processes; and
- the increasing complexity of public policy issues which, increase the need to provide information to the community about the complexity and to hear back from different voices.

We recommend that the Council examine the processes by which it undertakes community consultation on the Proposed Budget to encourage more effective participation by a larger and more representative group of residents.

In particular, we recommend:

- engagement with residents to commence no later than November of the previous year to ensure that the consultations are not pre-empted by the likelihood that most decisions will be finalised by February (as indicated in the Proposed Budget on pp 141);
- publication of the Proposed Budget as a working document that can and will be amended to reflect the community consultations;
- conducting workshops or information sessions that give residents the opportunity to question Council officers and Councillors and to gain more information on specific initiatives;

² <https://www.boroondara.vic.gov.au/sites/default/files/2017-05/Community-Engagement-Policy.pdf>

- facilitating a more comprehensive public debate at Council Meetings on the Proposed Budget and on all achievement reports including the Annual Report, the Quarterly Performance Report and Monthly Performance Reports including:
 - banning the use of en-bloc votes when any such reports are considered at Council meetings;
 - permitting a more open public question time that allows the public to ask a wider number and range of questions without notice of Councillors during Council meetings;
 - providing a detailed recording in meeting minutes of the discussion around these documents.

Capital Works program

The Capital Works Program in the Proposed Budget contains several large items of expenditure that are currently being implemented or in the planning stage. Lighter Footprints is interested in the opportunities that such projects can offer through their design, construction and operation for adapting to or mitigating the effects of climate change. These include measures to reduce emissions, increase energy efficiency, manage water usage and provide a demonstration of the commitment that our municipality has to addressing the impact of climate change and contributing to solutions.

We encourage the Council to adopt such measures as they also make economic sense because of their capacity to reduce operating costs over the immediate and longer term. This reflects a number of factors including:

- the decline in the cost of renewable energy compared to fossil fuel generated power;
- the overall reduction in resource utilisation that such measures can produce; and
- the increased efficiency of resource utilisation that will result from these measures.

We are aware that the Council's Sustainable Buildings Policy utilises the Greenstar Design and As Built tool from the Green Building Council of Australia to help design and build high performing buildings. This policy sets a target for 80% of projects in excess of \$1M to be equivalent to 5 star or better. We note that, when planning each project, Council considers the opportunity to exceed the 5 star standard.

We also note that the Council's building program and other works have provisions built into their budget allocations which support measures to reduce carbon emissions and achieve improved sustainability. Environmentally Sustainable Management Plans are required to be submitted for approval before larger development proposals proceed.

Kew Recreation Centre

The Proposed Budget for 2020/21 lists the total cost of the Kew Recreation Centre as \$65.481 million. This represents an increase of around \$4.3 million on the estimate for 2019/20 and an increase of around \$7.4 million since first proposed in 2018-2019. This

is a huge project representing more than 80 percent of the total net expenditure for Major Projects over the period 2020-2021 to 2023-2024.

We are unable to find any detailed explanation as to how the decisions surrounding this funding were taken since it was first proposed. As such, it appears to have had little scrutiny over the years. Community consultation of people in the immediate vicinity of the project as to what they would like to see in the centre does not provide the sort of information required to justify such large expenditure. The mention in passing made in the Agenda Paper for the 23 March 2020³ meeting as follows would also seem to be rather inadequate especially in light of the lack of any debate or questioning recorded in the minutes for that meeting:

Additional sustainability works are also proposed for 2020-21 as part of previously foreshadowed projects and budget. For example, the new Kew Recreation Centre will meet the standards of the Sustainable Council Buildings Policy in being 5 Star equivalent according to the Green Building Council Design and As Built Tool. Initiatives at this site will include the installation of 500 kW of Solar Photovoltaics.

Recommendations

We recommend that:

- the Council aim to achieve a 6 star Green Star Rating (World Standard) for all of its new or refurbished buildings in compliance with the City's Sustainable Council Building Policy, irrespective of size;
- as part of the design and construction of new and refurbished buildings, the Council investigate the use of environmentally sensitive and sustainable construction materials, such as zero emissions cement; and the use of natural refrigerants in the heating and cooling of the building;
- the Council require that all development proposals seeking approval include an Environmentally Sustainable Management Plan, irrespective of their size;
- the Council provide more detailed information on the process for approving such projects and justification for increases on the original budgeted expenditure.

Theme: Environment

The Strategic Objective identified for the Environment theme is a natural environment that is healthy and sustainable for future generations. We support this objective but see it as limited in scope and ambition.

We are aware that Boroondara has an active campaign to reduce carbon emissions in its buildings and other infrastructure such as street lighting. It provides funding to maintain our public parks and gardens and seeks to discourage the loss of trees on private land through its Tree Protection Law. It also conducts activities to educate residents on matters relevant to sustainability. We welcome the Food Organics Green Waste Organic service and see it as a good approach to addressing the waste problem.

³ <https://www.boroondara.vic.gov.au/sites/default/files/2020-03/3.1%20Proposed%20Approach%20to%20Develop%20a%20Climate%20Action%20Plan.pdf>

We are concerned, however, that these initiatives see climate change within the paradigm of sustainability. It is becoming increasingly apparent that this is no longer an adequate way to address this massive challenge and that all layers of government need to see it is an emergency requiring urgent action. All must recognise their responsibility and capacity to take decisive and long-term action. We have long passed the point where we can moderate our activities and seek a balance between resource utilisation and renewal in the belief that this will allow us to return to more normal conditions

Specific budget allocations

The Proposed Budget papers indicate that the Council intends to allocate \$4.04 million to a range of environmental initiatives. Initiatives identified against Environment and Sustainable Living and listed as part of this calculation include the following:

- \$1.214 million set aside for the Operating Budget for the service category Environment and Sustainable Living;
- \$985,000 to implement initiatives to reduce greenhouse gas emissions and engagement with the community to develop a Climate Action Plan;
- \$631, 000 as part of the Operating Budget for the theme Your Parks and Green Space;
- \$150, 000 to implement priority actions under the Shade Implementation Plan.

Two further initiatives are listed as part of this calculation, neither of which we consider particularly related to the theme of Environment and Sustainable Living. We see the very substantial costs of these two initiatives as a puzzling anomaly when compared to the amount set aside for the Operating Budget for Environment and Sustainability. These are:

- \$2.6 million to commence a new Regional Playground at Victoria Park;
- \$470, 000 to design and deliver dog friendly areas within existing parks.

Operating Budget expenditure

Budget papers indicate that the ongoing delivery of services to the Boroondara community has a budgeted expenditure of \$252 million for 2020/2021.

The expenditure allocation of \$1.214 million to deliver a range of services associated with the category Environment and Sustainable Living represents just on 0.5 percent of the net cost of all services expected to be delivered in 2020/2021. A further \$631, 000 is included in the Operating Budget for Your Parks and Green Space bringing this to 0.7 percent.

We acknowledge the importance of all the tasks identified under this service category. We are concerned, however that the level of allocated resources is insufficient to undertake the tasks identified under this category and necessary for the adequate protection of the environment.

An example is the reported decline in canopy tree cover in the municipality since the introduction of the Tree Protection Local Law in 2016. The likelihood of an offender

being prosecuted under this regulation for removing or irretrievably damaging a tree seems very low. While there has been some increase in staffing in recent years, it would seem, however, that there are still not sufficient resources to adequately attend to all events where the local law applies. This includes removal assessments, events where offences may have occurred, including those where enforcement of the law is required or where illegal removal needs subsequent action.

We believe the Council must commit to do the best that it can and to make available a sufficient level of resources so that it can do what is needed to respond to the impact of the climate crisis on our environment before it becomes too late.

Recommendation:

That the Council allocate a higher level of funding to the service categories of Environment and Sustainable Living and Your Parks and Gardens to ensure these services are adequately resourced and can be delivered in an efficient and effective manner to achieve the purpose for which they are intended.

The Climate Action Plan

The expenditure identified In the Proposed Budget to implement initiatives and engagement for the Climate Action Plan was discussed at a Special Council Meeting on 23 March 2020⁴. The Agenda Paper indicates this includes a range of new energy saving projects and initiatives that could be delivered in the 2020-2021 financial year:

- Installation of 300 kW Solar at the Ashburton and Pool and Recreation Centre \$300,000
- LED Lighting Upgrades at multiple sites \$200,000
- Heating and Cooling Upgrades at multiple sites \$400,000
- Green electricity purchase to meet OLCFS target \$85,000
- Total proposed new capital funding 2020-21 \$985,000

There appears to be no particular allocation to fund community consultations for the Climate Action Plan. This suggests this will be covered within Operating Budgets and is not expected to require any resourcing that is out of the ordinary.

This Agenda Paper for the Special Council Meeting on 23 March also indicates possible further expenditure on energy saving projects and initiatives for delivery beyond 2021 These include:

- Major Road Streetlighting upgrade Council full share \$2.0 m
- Major Road Streetlighting upgrade with Vicroads \$1.5 m
- Next priority IWMS construction at Macleay Park \$1.5 m
- Future Solar Photovoltaics \$0.5 m
- Total proposed new capital funding (beyond 2021) \$5.5m

We query the status of these proposals. We note a provision of \$256, 200 for implementing cost effective energy efficiency upgrades/retrofits and installing solar

⁴ <https://www.boroondara.vic.gov.au/sites/default/files/2020-03/3.1%20Proposed%20Approach%20to%20Develop%20a%20Climate%20Action%20Plan.pdf>

photovoltaics (PV) in council buildings. It is unclear whether any of the other suggested expenditure above has been included in the budget and if so, how much was allocated.

We encourage the Council to take up these projects because of their capacity to have both environmental benefits and to provide cost savings to the council budget. For example, the business case for the street lighting upgrades has been undertaken by Council officers a while ago and showed positive results.

We endorse the proposal to develop a Climate Action Plan to replace the Our Low Carbon Future Strategy which expires at the end of 2020. The failure of the OLCF Strategy to meet its target for reducing carbon emissions without the purchase of green electricity identified above points to the need for a more rigorous and robust strategy.

It is essential, however that the process for developing the Plan be adequately resourced to reflect its importance and complexity and the need to involve as many people as possible in the discussion.

Recommendation

We recommend that:

- Councillors and Council officers undertake broad and in-depth community consultation designed to reach as many people as possible and commencing at the earliest possible stage in the development of the Climate Action Plan.
- These consultations should be adequately resourced to create a wide range of opportunities for people to engage.

Further initiatives of relevance to climate change

Placemaking Projects

Two projects proposed for 2020.21 involve the implementation of a Placemaking approach in the Glenferrie and Maling Road precincts to: *'... shape and design our public spaces and shopping centres, to increase social interaction, economic viability and enhance the health and wellbeing of our community'*. The proposed budget for this initiative is \$1.114 million.

We support such projects and seek to remind the Council that they are also important because of their environmental benefits by providing shade to reduce the heat island effect of activity centres, their capacity to introduce water management techniques and traffic reduction. With careful and imaginative planning, all of these environmental aspects can easily be translated into something that supports the economic and social benefits of such projects.

Recommendation:

That as part of the consultations around these two projects, information is provided to the community and discussion facilitated that highlights how they can be planned and designed in ways that give prominence to their environmental benefits.

Asset Management Plan

We note the provision of \$96,097 in the 2020/21 Budget to implement the Asset Management Plan to ensure Council Assets are managed appropriately for the community. We welcome the Council's recognition of the links between this plan and the Community Plan and its role in achieving objective of the Environment theme to reduce the environmental impact of Council facilities and assets through continued greenhouse gas saving initiatives and stormwater treatment and re-use.

We see climate change as an increasingly damaging 'disruptor' to Council assets. Extreme weather events such as flooding, rain deluges and excessive heat will cause damage to assets such as roads, drains, bridges and other infrastructure.

Transport

It is widely accepted that private forms of transport and related infrastructure represent a significant and rapidly increasing source of carbon emissions. We support initiatives in the Proposed Budget to encourage cycling and walking. We also support Boroondara's participation in the Eastern Alliance for Greenhouse Action (EAGA) in an Electric Vehicle Charging Infrastructure Feasibility Study.

We endorse the allocation of \$487,760 as a Major Initiative to support Council advocacy in relation to the North East Link project. This environmentally damaging and hideously expensive project will lead to the destruction of a significant number of trees and parkland and add further to the emissions pollution experienced by residents in the vicinity of the road.

This project is essentially path dependent in that it reflects a mindset that is limited by decisions made in the past or by previously experienced events, even though past circumstances may no longer be relevant. It will precipitate greater growth in road traffic volume to the detriment of Boroondara residents especially those who live in Kew, East Kew and Balwyn North. It represents a short-term solution to the long-term problems of traffic congestion and increasing levels of emissions from private transport. We need to increase the trips made by public and active transport not make it easier for cars to get from one place to another. Rather than build more roads, the Victorian Government should be encouraged to use these funds to expand public transport in the area.

Plans to update the Council's Bicycle Strategy are an essential part of Council's plans to encourage people to move out of their cars in favour of cycling.

Recommendations:

- That the Council include in its Budget additional measures that reduce transport emissions and encourage a shift to other modes of transport. This would include:
 - an urgent review of Council's Integrated transport Strategy which is now well overdue;
 - more effective advocacy for improved public transport in Boroondara and with contiguous municipalities;
 - providing increased funding for travel to schools by walking and other sustainable means;

- providing increased funding for bike infrastructure including the construction of the bike path between Hawthorn and Box Hill;
 - measures to encourage the uptake of electric vehicles such as the provision of publicly available charging stations, preferential treatment of electric vehicles in car parks, and updating the Council fleet of cars and other vehicles with electric models;
 - enhancement of tree care and renewal programs to increase the level of shading in public places, over roads and pavements and on private properties to increase cooling and reduce the heat island effect of bitumen and other heat reflecting surfaces and where buildings cover much of the plot of land.
- That the Council extend the scope of its advocacy to oppose the North East Link project. This should include the broader environmental impacts of the project and the need to replace road building with better public transport in the corridor proposed to be served by the North East Link.

Other initiatives

We note and support a number of other initiatives that the Council is proposing to undertake in 2020/21 that contribute to environmental sustainability. These include

- an engagement process so that eight to ten schools and 100 students can participate in events that motivate and empower our young leaders to deliver improved sustainability outcomes for the local community - \$13,000
- projects to reduce greenhouse gas emissions from Council's buildings by implementing cost effective energy efficiency upgrades/retrofits and installing solar photovoltaics (PV) - \$256,200
- implementation of initiatives including the Backyard Biodiversity project, Wildlife not Weeds program and rollout of interpretive signage to enhance and maintain urban biodiversity sites across the municipality - \$52,030
- implementation of identified priority works at Council facilities (water harvesting, water recovery and water efficiency) to reduce tap water use and stormwater pollution - \$55,100

We also note that the Budget identifies an amount of \$256, 200 for the Energy Performance Contract as part of the implementation of Our Low Carbon Future Strategy. This is intended for investing in cost effective, low emissions technologies and energy efficient upgrades and retrofits in large Council Buildings.

Recommendation:

We recommend the Council to go further and introduce more ambitious initiatives in the following areas:

- policies and actions to address the growing problem of the heat island effect in cities particularly in commercial centres including the adoption of a Cooling Strategy, to strengthen and better integrate the various adaptation strategies that the Council presently has in place;

- a program of measures to encourage the greater uptake of renewable energy in the private sector particularly amongst apartment dwellers and commercial buildings;
- the implementation of a program of measures to manage the impact of Covid-19 on the community and business with actions that captures long term benefits especially with respect to the climate crisis.

Power Purchasing

We note the failure of the negotiations to be part of the Power Purchasing Agreement being negotiated by the Municipal Association of Victoria and the decisions taken at the Special Council Meeting on 4 May 2020 to enter into two contracts for electricity supply, one for large market and street lighting for 10 years and the second for the small market for 12 months.

The Built Environment

There is a strong awareness amongst researchers, policy makers and regulators at all level of government of the built environment's contribution and vulnerability to the impacts of climate change. Local Government is involved in the regulation of this sector in two ways:

- the issue of planning permits under the Victorian *Planning & Environment Act 1987* which establishes a framework for planning the use, development and protection of land in Victoria. Most applications are made to the local council, but some are made to the Minister for Planning.
- the issue by the local council of building permits under the Victoria Building Regulations to cover the constructional aspects of a building or other development. Local government does not set building regulations but administers them in accordance with the Building Code and planning and building by-laws.

Planning Permits

A major weakness in the current provisions for planning permits is that they cover only a very limited range of building developments. Applications to the municipal council for a planning permit to construct a single dwelling are only required for sites with a heritage overlay; are subject to flooding, landscape or environmental overlays; or have a land area of less than 500 square metres. Such cases are assessed on the basis of their compliance with the municipal Planning Scheme whereby a local government area is divided into zones of preferred land use.

The criteria for assessing planning permits also ignore many issues that could enhance the capacity of the built environment to respond to the impact of climate change. These include the massive footprint of many new buildings and poor internal design which contribute to high energy consumption and water usage; the way a new dwelling, its huge associated underground structures and cramped surrounds interferes with the capacity of rainwater to seep into the water table and increases flows into the storm water system; and the lack of external space to grow trees or other vegetation to ameliorate climate change.

Building Permits

As it stands at present, the Building Act 1993 lists a range of purposes relating to regulation of building work and plumbing including standards, accreditation and issuing of permits. The implicit framework behind the legislation is to ensure that the built environment meets residents' and occupants' need for a durable, safe, secure and sustainable place to live and work. Despite climate change representing a growing risk to satisfying this need, the Act makes no acknowledgement of the impact of extreme weather or increased temperatures that will accompany climate change.

We consider that the building permits process should play a stronger role in encouraging building design, construction techniques and materials that contribute to meeting the challenge of climate change

We recommend:

That funds be provided in the Budget for a review of the regulatory processes covering the built environment with respect to climate change. The purpose of the project would be to produce high quality information that Boroondara in concert with other local councils could use to boost advocacy for regulatory changes that respond to the relationship of the built environment to climate change.

Specific points to be covered in this review should include:

- expanding the scope of the *Planning & Environment Act 1987* to regulate the use and development of land beyond the current concerns of conservation, sustainability and heritage.
 - to ensure governments at the State and local level have the authority and capacity to address climate change as a factor in planning decisions.
 - establishing a link between the planning process and emissions reduction targets.
- expanding the criteria for assessing applications for planning permits to include measures that:
 - reward innovative design and construction techniques that reduce a building's impact on the environment;
 - encourage design measures that enhance the capacity of a building to adapt to extremes of weather;
 - clarify the role of local government in achieving emissions reduction targets through the approval of planning permits.
- expanding the purposes of the Building Act 1993 to require the State Government to establish mechanisms which monitor the impact of climate change on the built environment and to require municipal councils to base approvals on the capacity of a building to respond effectively to the demands of that change.
- investigating ways that local governments can take a more active role in promoting better design and construction of residential buildings through the issue of building permits.

Review and refreshment of the Boroondara Community Plan 2021/2031, and Council Plan 2021/2025

The Proposed Budget identifies an allocation of \$240,000 as a Major Initiative to undertake consultation to assist Council to review and refresh the Community Plan and the Council Plan. We see this as an important and continuing exercise that will enable local residents to communicate their concerns and to keep the Council informed about what they see as changing and emerging priorities for local government.

At the same time, it is essential that it be structured and resourced in ways that lead to more concrete and defined outcomes than the current Community Plan.

We seek further information on the scope of these consultations and whether this is primarily a planning exercise or whether it will be extended to include interested community members.

Review and Update of the Council's Climate Change Risk Assessment

This was an initiative listed in the 2019-2020 Budget and was scheduled to be presented to the Audit Committee in May 2020. We seek information on the outcome and content of this project and why the project was not opened up to community consultation.

We thank you for facilitating community consultation on the Budget and would welcome the opportunity to further discuss these matters with Councillors and Council officers.

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