



December 2019

Dear David George,

Re: Hepburn Z-NET Roundtable submission regarding Local Law #2

Throughout 2018, the Hepburn Shire Zero Net Emissions Transition (Hepburn Z-NET) Project was undertaken. This project received grant funding from Sustainability Victoria, Hepburn Wind, Hepburn Shire Council, Samsø Energy Academy (Denmark), Diversicon Environmental Foundation and others. There was significant in-kind support also offered throughout the project, from within and outside the Shire.

This project is building on the long-standing leadership of the Hepburn Shire community and sustainability groups and is intended to support and expand upon community led action. The founding Z-NET Roundtable includes representatives from Trentham Sustainability Group, Transition Creswick, SHARE, the former Clunes Sustainability Group, Mollonghip and District Community Power Hub, Hepburn Wind, Hepburn Shire Council and interested community members from around the Shire.

The Z-NET Roundtable appreciates the role of Council in needing to strike a balance with the diversity of perspectives across the community, with important factors such as community safety and staff resourcing to implement these new actions and thanks Council for the opportunity to respond to these proposed changes. The Z-NET Roundtable also extends its gratitude to Patrick Jones for his well-informed submission from which certain elements have been extracted to form this submission.

Current context

Hepburn Z-NET sets the imperative across the Shire to reach zero-net emissions by 2030, which is the critical decade in order to aim to keep warming within 1.5 degrees. A key component of this ambitious target is 'using less' and amplifying Low Carbon Culture across the Shire. The principles of circular economy are a necessary component for our transition.

Hepburn Z-NET seeks to further unlock the volunteer and financial value across the community of citizens participating in and leading a transition and enhancing the strong Low Carbon Culture that exists across the shire. Enabling and supporting citizen action in this way also provides important support and resource saving for Council in a climate emergency future. Having Local Laws that best support the community to be responsible for its assets is strongly recommended, rather than Local Laws that seek to penalise and prevent community leadership.

The Z-NET Community Transition Plan has been formally endorsed by Council in 2018. Also this year, a Climate Emergency Declaration has been made by Council on request from the community. It is important that the Local Law changes are in alignment with the broader climate strategies of the community and Council.

A best practice approach to Local Laws that support Low Carbon Culture

The Z-NET Roundtable understands that Local Laws are reviewed every 10 years and that the current one for local law #2 is about to expire. Given the length of term of this change, it is important to ensure the changes are well aligned with the community ambitions such as the 10-year plan established for Hepburn Z-NET. There is significant opportunity in the Hepburn Shire for leadership in local planning laws given the existing Council and community aspirations to be a 'lighthouse community' for zero-net emissions activities, demonstrating the economic and environmental benefits of Low Carbon Culture. Council could consider additional best practice supportive policies to ensure that there are no impediments to Low Carbon Culture activities and rather that it occurs in a highly effective and beneficial way.



In order to best support a community wide transition to Low Carbon Culture, Council should consider the negative impediments that these proposed Local Law changes may create to climate change adaptation, mitigation and circular economy actions. Currently there is an over reach within the proposed laws that do negatively impact the community’s ability to enact a Low Carbon Culture and seeks to penalise and therefore will prevent the broader take up of such activities, which are necessary in a climate emergency context. We request that the over reach of these changes be reduced in order to best facilitate a mainstreaming of Low Carbon Culture going forward, in alignment with climate change adaptation and mitigation actions.

Enabling circular economy innovation

It is the intent of the Z-NET project team to eventually be able to enhance the open source model to go beyond mitigation to include climate change adaptation and circular economy. These elements are key to ensure a holistic approach to how we plan for and best create opportunities within a transition.

There are many new innovative tech solutions that are emerging in Australia currently that could meet the needs of community members, local businesses and Council in regards to waste exchange. Aspire is one such platform which has come out of the CSIRO: <https://aspireme.com/>.

Recommendations to proposed changes

Proposed Law	Impact	Recommendation
<p>2.4 Use of vehicles in a municipal place.</p> <p>A person must not ride or drive any motor car, motor cycle, bicycle or other vehicle in any municipal place other than in an area set aside for vehicle parking or any designated roadway or bicycle pathway.</p>	<p>Sustainable transport – climate change mitigation.</p> <p>Bicycle use behaviour change programs and electric bicycles incentive programs are a key component of the Z-NET Community Transition Plan.</p>	<p>Remove ‘bicycle’ and ‘or other vehicle’ as it may apply to electric bicycles.</p>
<p>2.5.2 A person, must not, without a permit, hold a street party, festival, procession, or event, in a public place.</p>	<p>Social cohesion – climate change adaptation.</p> <p>Social gatherings on climate change such as transition street meals, climate marches etc. Mitigates against the right to congregate and gather.</p>	<p>Remove entire clause as it is superfluous to clause 2.5.1 which should cover the event permit need.</p>
<p>2.12</p> <p>A person must not, without a permit, place on a road, footpath or public place any tables and/or chairs, or any associated equipment, for the purpose of allowing food and drink to be sold to or consumed by any member of the public.</p>	<p>Food security – climate change adaptation.</p> <p>This could prevent community garden activities and existing roadside stalls such as are commonplace for: flowers, wood, eggs, vegetables, fruits, plant sales, lemonade stalls.</p>	<p>Co-develop Enforcement Guideline with community around allowances for small scale front of yard and public place activities such as are widely occurring.</p>
<p>2.13.1</p> <p>A person must not, without a permit: occupy; fence off; leave or store equipment or materials on; erect a hoarding or scaffolding on; use any plant or equipment on; or place, leave or keep a bulk rubbish container on - any road or footpath or on any Council land.</p>	<p>Fire proofing – climate change adaptation.</p> <p>There is an existing program for weed control and grazing of browsing animals that may be put at risk by this. Further it would be a resource burden for council to allocate permits for these activities.</p>	<p>Change to ‘permanently fence off’ in order to allow this activity.</p> <p>Then co-develop Enforcement Guideline with community around ecological weed and bushfire prevention.</p>
<p>2.15</p> <p>A person must not without a permit:</p> <p>(a) sell, offer or display for sale any goods or services from a public place; or</p> <p>(b) erect, place or in any other way, leave</p>	<p>Food security – climate change adaptation.</p> <p>This could prevent community garden activities and existing roadside stalls such as are commonplace for: flowers, wood, eggs, vegetables, fruits, plant sales, lemonade stalls.</p>	<p>Co-develop Enforcement Guideline with community around allowances for small scale front of yard and public place activities such as are widely occurring.</p>

any structure or physical thing in a public place for the purposes of selling, displaying or offering for sale any goods or services		
2.18 A person must not, without a permit, remove firewood, including dead trees and fallen branches, flowers, other vegetation or fruit from a road reserve or Council land, unless permitted to do so by Council signage.	Food security - climate change adaptation. This could penalise picking blackberries, foraging for mushrooms, picking wild apples etc.	Should be permitted to do so unless there is council signage.
2.20 Obstructions to the safe use of a road 2.20.1 An owner or occupier of land must ensure that any vegetation, sign, structure or the condition of anything on their land does not: (c) encroach over any public place or road at a height less than 3 metres. and 2.20.2 An owner and occupier of premises must not allow any vegetation, sign, support or structure to extend over a footpath at a height of less than three metres; or allow any vegetation, sign, support or structure to cause a road interference.	Food security and shading - climate change adaptation. Green space is premium for food growing, composting, reducing waste. Shade plays an important part in climate adaptation.	Remove 'public place' from this clause.
2.21 Planting vegetation on roads A person must not, without a permit, or in accordance a council plan or policy relating to planting vegetation on roads, being a document incorporated by reference into this Local Law, plant any trees or other vegetation on any part of a road.	Food security and shading - climate change adaptation. Green space is premium for food growing, composting, reducing waste. Shade plays an important part in climate adaptation.	Clarify definition of road to not include nature strips and verges.
3.1.1 Except with a permit, or in accordance with the following table, a person must not keep or allow to be kept on land occupied by that person any animal or bird.	Food security - climate change adaptation. It is anticipated that animal numbers will increase over the next 10 years in order to provide low carbon food, these numbers are too prescriptive.	Add a statement around seasonal variations – ie breeding cycles.
3.5.1 Unless in accordance with a permit, a person: (a) must not drove livestock for a distance greater than two kilometres along any road; or (b) in charge of livestock must not allow the livestock to graze on a road. 3.5.2 Any movement of livestock must be in accordance with Council's Movement of Livestock Policy being a document that is incorporated by reference into this Local Law.	Fireproofing and weed control – climate adaptation. Could impact the weed control and fire risk reduction activities that are occurring already with grazing livestock. Livestock policy should cover this risk. Currently there is a large amount of voluntary contribution from community to support this work and it should be enhanced not penalised.	Remove 3.5.1.
4.4 Damage or nuisance caused by trees or plants. An owner or occupier of land must not allow a tree, shrub, bush or other vegetation on that land to hinder obstruct, damage or interfere with the operation of any drain, pit or footpath vested in or under Council's management or control.	Food security and shading - climate change adaptation.	Remove 'hinder obstruct' as it is ambiguous.
4.7 Scavenging A person must not, without a permit search through or remove any articles of rubbish, recyclables or items from a Transfer Station or left for collection in a public place.	Recycling and waste reduction – climate change mitigation The Transfer Station is a salvage area and street collection of hard rubbish will reduce council resource requirement and enable recycling. Suggest that this language (scavenging) should be changed to salvaging	Remove this clause or clarify what risk council is trying to mitigate and reference existing policies on these issues.



<p>4.9.2 A person must not place the following material in a container for collection by Council (f) waste of any kind.</p>	<p>Recycling and waste reduction – climate change mitigation.</p> <p>Poor definition of waste – too broad.</p>	<p>Clarify or remove 'f'.</p>
<p>4.10.1 All material for recycling collection by Council shall be placed in an approved container with the exception of newsprint and cardboard which are to be bundled separately and tied with string.</p>	<p>Recycling and waste reduction – climate change mitigation.</p> <p>This may impact on the recycling of newsprint, advertising material etc placed currently in recycling.</p> <p>With this change it'd be expected that communication and consultation would be undertaken. Also monitoring and evaluating the changes to indicate whether it's impacting on residents readiness to recycle newspapers.</p>	<p>Provide reasoning for this in the co-developed Enforcement Guideline.</p>

A best practice approach to engaging with community

Given the low awareness of the environmental groups around these proposed Local Law changes, it is recommended that going forward Council formalises and enhances its processes for consultation. This could include undertaking a high level Social Impact Assessment inclusive of a Social Risk Matrix be done in order to establish the 'community of interest' for an activity. Further, a Community Advisory Group could be established in order to provide local insights to such activities. These activities would need to have engagement KPIs in order to monitor if the engagement approach has been successful or not.

Based on the work to date, for the proposed development of 'Enforcement Guidelines', which sit beside the Local Laws and offer a more tailored response to areas of concern, it is recommended that two activities occur:

- A best practice assessment be undertaken of how other leading environmental LGA's and broader are approaching such regulations, such as Byron Bay, Moreland and Yarra, as well as the ACT.
- a working group be established with all of the groups involved in climate change work in the Shire such as Hepburn Z-NET Roundtable members, Hepburn Relocalisation Network and key stakeholders.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Taryn'.

Taryn Lane
(on behalf of the Z-NET Hepburn Roundtable members)