

Submission of suggested changes and deletions

Introduction

It is encouraging that Hepburn Shire Council has declared a climate emergency and the council is working towards the challenge of climate change in this unprecedented time. However, after reading the draft of the proposed General Local Law No.2 of 2019 – Community Amenity & Municipal Places, I have found this document to be largely working at odds with the declaration. If this law was to be passed the people of the Hepburn Shire who are acting to prepare for or will be subjects of climate change and the associated effects of increased bushfires, collapsing economies, pandemics, food and energy shortages and increasing extreme weather events, will be worse off. Such local laws will hamstring people's ability to change behaviour and adapt to the challenges we will be facing.

This region is known as a pioneering region of sustainability and localised food systems and many of these proposed laws will reduce the capacity of local people from developing further these new forms of economy and carbon-positive living in a climate changed era. They will reduce the necessary modelling of behaviour changes in the household and community economies, where true resilience will flow from in times of emergency and crises. Some of these laws are in fact equivalent to Enclosure laws that were steadily enacted in the UK from the 12th-19th centuries, which prevented ordinary people from self- and community provisioning in their own cultural and diverse ways.

This submission of suggested changes or removal of items to the draft document (<https://www.hepburn.vic.gov.au/hepburn/wp-content/uploads/2019/09/DRAFT-General-Local-Law-No.-2-of-2019-Community-Amenity-and-Municipal-Places.pdf>) aims to protect non-institutional activities of localised community food generation, firewood gleaning, salvaging and recycling of unwanted waste material and generally living positive carbon and ecologically sound lifeways, especially by reducing dependency on the heavily polluting industrial food and energy systems. Some of these proposed laws may even diminish the wellbeing of people's lives in the shire, especially if people feel they are being overwhelmed by bureaucratic red tape and thus unable to express, experiment, create and model new ways of being in a climate changing era. We need to be able to adapt, renew and recreate. These laws reduce the capacity for such activity.

Community and self-provisioning are both key to a future of immense challenges and for people's ability to cope, adapt and even thrive. Activities such as planting public fruit, shade or habitat trees on nature strips, foraging edible weeds and introduced fungi in public places, collecting fallen firewood to reduce fuel loads in our neighbourhoods, and fishing for and procuring feral animals to include as non-industrial forms of food all contribute to preparing for and building resilient household economies that are not reliant on fossil fuel grids. Self-provisioning and informal community land based activities such as this often have many positive social and environmental benefits such as lessening the dominance of feral species by turning them into valuable local food thus reducing the need for pesticides in our environments, reducing fuel loads (for cooler more regenerative burns, in the event of a bushfire) while maintaining habitats and encouraging biodiversity. Another important aspect is bringing neighbours together to create informal fire guard groups and weed management. See https://www.youtube.com/watch?v=W5tzTeM_Xcs

This kind of community provisioning and stewardship work is already going on in the shire saving the council incalculable dollars annually. It seems counterintuitive to try to diminish this labour with laws that would potentially negate it. We need laws that will grow informal community participation. The problem of such community work being under the control of council permits is all the associated OHS burdens that would be placed on people, children and animals to do this work non-monetarily. This will erode the freedoms of non-institutional lifeways and place ever more financial stress on council.

Having to obtain permits for much of the work that is necessary for adaptation to changing climates (and most likely the on-effects of collapsing formal economies) will severely deter a much needed move towards community managed land and provisioning of ferals and weeds such as wild apples, blackberries, pine mushrooms, redfin and rabbits, as an example. I make this case in my local lecture, *In praise of weed soup* (<https://www.youtube.com/watch?v=GcfglzFA2N0&t=206s>). Local people are already acting as informal biological controls to such species and being bushfire managers of their neighbourhoods by reducing naturally occurring bonfires that have happened due to extreme wind events. See <https://www.youtube.com/watch?v=o42fbTj4LeU> as an example.

Across this nation and in many places overseas, people are looking at how we in this shire are performing fairer, climate-safe, innovative and more holistic economies, not only at an institutional level but in the space of informal household and community economies. These economies are designed to lessen dependence on the globalised fossil fuel driven economy responsible for so much environmental damage and climate destabilising. It would be regrettable that a number of the items of the Local Law were included because they would negate much needed non-institutionalised behaviour change being actioned and modelled, and generally choke environmental innovation and a diversity of approaches to the complex predicaments of our time.

These such activities will need to grow as the formal economies collapse in a climate changing era. Allowing local people to informally steward their local environments, which has long held cultural precedent in the area first with Djaara people and then subsequent generations since colonisation, will save council considerable land management funds, as it does today. Because these figures have not been given due acknowledgement by government agencies these costs and the community services provided in informal land care there is no data to show how extensive this work is. I accept that council is caught between institutional ways of working and accounting, and the community's informal organisations in non-monetary ways of working, and this is why there can be conflict. But considering Council and other agencies cannot currently cope with or afford the immensity of weed and bushfire mitigation work needed on its land, then encouraging people to be local stewards on their own community terms or with agreed council guidelines will be important conversations to have going further down the path of climate change. Once again I state, permits will choke this work. Guidelines for operating, not permits, are required.

In a climate emergency there must be greater encouragement from council for informal household and community groups working towards food and energy security and community land management activities. This is holistic economy that gives meaning and purpose to local lives and helps prepare people for an uncertain future together.

Another consideration is that strict laws such as what is being proposed here, will only fall over once we progress further down the climate chaos path and policing these laws will only create animosity towards council. Working together and being flexible will be key to community resilience in a climate changed era.

Strict laws will favour those who abide by laws rather than those who are seeing the need to create new forms of living that are less damaging to the environment and to the climate, such as moving away from 100% reliance on transported industrial food and energy resources, and reliance upon such things as pesticides as cheap, albeit blunt, land management tools. Many of the proposed laws reduce people's potential to enact positive changes in their local environments and in their lives without the burden of having to comply to permits and OHS-like rules and regulations.

Flexibility, changes, deletions and exceptions are required to the proposed local laws to protect young people, farmers, First Nation residents, elderly pensioners, traditional families, low income and frugal-living folk, and environmental actors modelling carbon-positive and ecologically sensitive lifeways.

In order to create a much needed ecological culture here in our shire, a culture that respects our environments and looks after the most vulnerable people and species in an era of mounting

challenges, we need to work together on projects and put aside the institutional trend for more rules and regulations.

Items that require reviewing based on the above rationale

PART 2

2.2 Damaging or interfering with roads or Council land

A person must not destroy, damage, remove, interfere with, attach to or change in any way anything in, on or under a road, footpath or public place.

Suggested action: Remove "public place" from this item. It may stop people planting on nature strips, cleaning up fuel loads for bushfire mitigation and many other potentially positive informal works outside or near to their homes. It is too vague and broad and will reduce people's capacity to engage in a meaningful stewarding relationship with their local environment outside of institutional control. Overall it is too severe and needs moderating.

2.4 Use of vehicles in a municipal place

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.

Suggested action: Remove bicycle from this item. For health, climate and environmental reasons the shire needs to encourage more bicycle users not punish them. Including bicycle in this item is too controlling. Given how poor bicycle access is in the shire it is unfair and anti-ecological to be including bicycles in this item.

2.12 Outdoor eating facilities

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.

Suggested action: As this negates young people setting up small learning enterprises such as homemade lemonade stands on nature strips and thus will negate young people's motivations to be enterprising, this item should be removed.

2.13 Occupation of roads, footpaths and Council land

2.13.1 A person must not, without a permit:

- (a) occupy;
- (b) fence off;
- (c) leave or store equipment or materials on;
- (d) erect a hoarding or scaffolding on;
- (e) use any plant or equipment on; or
- (f) place, leave or keep a bulk rubbish container on any road or footpath or on any Council land.

Suggested action: In relation to temporary fencing of grazing or browsing animals this potentially puts properties at risk from bushfires and restricts non-institutionalised life. Once again, having to obtain permits for otherwise informal works will greatly diminish local custodian land practices carried out by locals and place the entire burden onto a council that cannot cope with the fuel load already. Encouraging the use of temporary fencing to reduce fuel load organically and without fossil fuel means (pesticides and mechanical treatment) should be encouraged and not negated if people are wishing to contribute positively to their neighbourhoods.

2.15 Trading in a public place

A person must not without a permit:

- (a) sell, offer or display for sale any goods or services from a public place; or

(b) erect, place or in any other way, leave any structure or physical thing in a public place for the purposes of selling, displaying or offering for sale any goods or services.

Suggested action: same as 2.12 for the same reason – i.e. diminishing initiatives and enterprise of young people.

2.18 Firewood collection public land

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.

Suggested action: deleting this item entirely as it potentially poses greater bushfire risks to people and their homes and encourages rotting fruit and thus food waste in an era of unprecedented food waste. Again this item diminishes behavioural adaptation in a climate change era and attempts to overly control people's lives. How does council aim to police children making daisy chains and eating wild apples and blackberries? These things are rites of passage for rural kids, it is not up to council to remove such culturally and environmentally appropriate activities.

2.20. Obstructions to the safe use of a road

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.

Suggested action: Remove both parts stated here of this item as it could be enforced punitively to cease positive use of road verges and nature strips to enact beneficial street plantings for shade, small bird habitat, soil moisture retention, and localised food resources in a climate changing era. If a climate-related crisis hits the shire then public food systems (initiated through informal and networked community organisation may aid in people's ability to better cope and renew.

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.

Suggested action: If by road (it is unclear in the definition of terms) this includes nature strips and verges where community street plantings for either shade (air cooling), soil moisture retention, habitat purposes or food generation is possible (without causing risk to traffic or pedestrians) then this item requires revising or

PART 3

3.1 Keeping of animals and birds

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.

Suggested action: The figures quoted (in the table as part of 3.1.1) are too limiting and inflexible and again negate the seasonal development of localised food systems as organised by non-institutionalised peoples. For example the core flock of chickens may be 10 for most of the year but after the spring and summer breeding months swell to 16 or twenty, meaning that a household can butcher their own localised meat throughout the year. This has many benefits from animals not having to endure slaughterhouses to low food miles. Numbers will swell for any animal bred to enhance localised, low-carbon and affordable food for local people. Therefore this item once again works against local people who are self- and community-provisioning and transitioning to less damaging economies. Council needs to support this work not negate it.

3.1.2 Keeping of animals and birds (cont.)

The requirements of sub-clause 3.1.1 will not apply where:

(c) farm animals are on the land for not more than 1 month and are being used for fire prevention or weed management purposes.

Suggested action: Remove this part "for not more than 1 month" from item (c). Animal husbandry needs greater time flexibility depending on variations in the growing season and each differing property and method.

3.2 Animal excrement

A person in charge of an animal must not allow any of the animal's excrement to remain in a public place within a residential, commercial or recreation zone.

Suggested action: While dog or cat excrement is potentially hazardous due to industrialised food processing of these animal's diets, animal manures are important nitrogen returns for soil webs, which in turn enables plant growth. While an over supply of animal waste can be problematic it is, in relative terms, a small, rare and minor problem. This item is excessive and once again aims to limit the freedom of non-institutionalised lives. Grazing animals on public land can be of mutual benefit, such as goats and sheep grazing reclaiming the overgrown East Street spring in Daylesford and giving amenity and accessibility to this site after years of neglect. The lack of council recognition and praise for this extraordinary community work is what breaks trust between council and community.

3.5 Livestock control

3.5.1 Unless in accordance with a permit, a person:

(a) must not drive 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.

Suggested action: Livestock laws are already in place in this regard, any further laws will greatly restrict local peoples' ability to cope with climate related or other crises such as drought. It also greatly diminishes the ability for local people with grazing animals to reduce weeds and fire risk on roadside verges on an informal basis, which is part of the cultural practices of this region which date back before white settlement. Given that many people regard applying for a permit that has cultural and historical precedent is an onerous and unattractive task. People will be resentful of council for restricting them from doing good community deeds without permits or permission.

PART 4

4.1 Incinerators and open air fires

To add an item: 4.1.4 Fireworks

No private use of fireworks after 9pm with the exception of New Years Eve. No permit shall be given to any private party wishing to use fireworks after 9pm. The rationale for this is that the use of fireworks displaces and frightens roosting wildlife and disturbs people's sleep.

4.2 Camping and caravan occupation

4.2.1 A person must not, without a permit:

(a) camp in a tent, caravan, mobile home or other temporary or makeshift structure in a public place; or

(b) use a caravan, mobile home or other temporary or makeshift structure for the purpose of habitation.

Suggested action: As this attacks people most at risk such as those who hold low socio-economic status or forthcoming climate refugees this item should be removed. We need to expect increasing numbers of climate refugees including people who have lost their homes to bushfire, or who have been

displaced because of an extreme weather event, or because of economic downturn weren't able to insure their home. There are people in our shire who are already homeless either due to some tragedy or due to the national housing crisis, which has been caused by the failure of successive governments to tame the property market for a fair system of housing. The shire doesn't need any more punitive laws regarding temporary camping but rather it needs to show greater empathy towards young people travelling, those already struggling financially, those most at risk and those who will be displaced by climate events.

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.

Suggested action: This is an unnecessary law that once again potentially diminishes the capacity for localised food security and plant-based air cooling on nature strips and other public places in a climate changing era. It may be at odds with the town's cultural heritage as most of the significant tree planting in the shire over the past century was done informally by local people and their neighbours and we need to continue this lineage and sense of community. This proposed law is potentially at odds with the current sustainability work taking place in the informal household economies within the shire. This item should be removed, it is unnecessary and heavy handed.

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.

Suggested action: remove this item entirely. The local Transfer Stations in the shire have been heralded as best practice around the country in allowing for salvaging and other forms of community recycling. The same goes for street collection of unwanted material, otherwise known culturally as 'hard rubbish'. Many students, environmentalists, farmers, traditionalists, first nations people and low income earners rely on these resources. This proposed law goes against long-held sustainability ideals of upcycling and reusing material without formal structures controlling such behaviour change.

I look forward to the opportunity to work with council to better establish collaborative, adaptive and meaningful responses to the predicaments we face in a climate emergency.

Patrick Jones,
Tree Elbow
Daylesford