

To: Hepburn Shire Council, Planning Department

From: Jen Bray and Mark Dickenson

21 October 2019

Objections to
Draft General Local Law No. 2 – Community Amenity and Municipal Places

Congratulations to Hepburn Shire on your forward thinking to protect our future by declaring a climate emergency.

Congratulations on instigating the Z-Net project and all the work that that will lead to reducing our emissions to zero by 2030.

Given these two new initiatives for sustainable future and community strengthening, we are greatly surprised and concerned about the new proposed by-laws which run totally counter to those goals. Council's ability to deliver net zero emissions by 2030 would be severely restricted, and could in fact be made impossible, by the introduction of these proposed by-laws.

To achieve net zero we have to change the way we live so that:

- we don't rely heavily on new materials and products,
- we can source our food locally,
- we find entertainment and joy in simple activities in our community rather than consumerism.

Sadly, these new laws discourage

- making our lives sustainable by reducing, reusing and recycling,
- they discourage food foraging and food growing
- and discourage the public from enjoying simple community activities on public land

Our council needs to consult more rigorously with community on how best to meet Z-Net goals before adopting these laws or they will find their task impossible.

Just as worryingly, some of these laws

- actively discriminate against people living in poverty and harshly restrict the ways in which they can provide a comfortable and healthy life for themselves on a low income.

Some of these laws

- are vague and poorly defined
- offer no clear reason for their existence
- are completely nonsensical
- seem to be typographical errors.

Below are just some of the proposed by-laws we feel need changing or deleting. This is not a definitive list, as other residents will no doubt have concerns on other matters.

New definition: _____ Public Place

Given that one of the changes is the “New definition of Public Place” the fact that this is not stated in this document is highly deceptive.

Defining Public Place as “has the same meaning as the Summary Offences Act 1966” is deliberately withholding information from the public to understand what this definition means.

We need to be fully informed of the new definition of “Public Place” or this review process is highly susceptible to criticism.

Request that

- **this new definition be printed in full in the Draft General Local Law No.2 and**
- **that people be given a new opportunity to respond to this definition and**
- **that more time be given for consultation with community before these laws are finalised.**

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.

The wording here is un-necessarily strict. This literally means people cannot pick up rubbish along a road way, or remove hazards on a road such as a fallen tree or dead kangaroo.

This law is stating that the public may not interact “in any way” with land that is designated public land and owned by the public. Be very careful about how much restriction you place on people interacting with their environment. If they can’t impact on it they can’t care for it.

Adopt-a-highway schemes, and the Daylesford Secondary Getting Dirty program have shown that when local people invest in their local common land the workload for state and council is greatly reduced, the environment is cared for, and locals feel more connected with their surroundings. We need shared responsibility for the environment, not disconnection.

This law needs to be re-worded and the restrictions re-thought to allow the public to interact with public land and roadways. The words “public place” should be removed.

It is essential that the public be empowered to change or remove things from a public place or roadway when there is an immediate danger to others.

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.

Remove the word ‘bicycle’ from this law. To reduce emissions we must encourage more bike use and until proper bike pathways are created it is often not safe for bikes to ride on narrow road shoulders.

This is particularly dangerous for children learning to ride.

Poverty discrimination laws

Verge planting, food foraging, storing recycled building materials on your land and building your own home while living in a caravan – these are some of the many ways people can get out of the poverty cycle into a comfortable, sustainable existence.

By restricting these activities council would be actively discriminating against people experiencing hardship or who choose to live frugally.

4.3 Dangerous or Unsightly land

4.3.1 The owner or occupier of land must not cause or allow that land:

- (a) to be unsightly; or
- (b) to be kept in a manner which is dangerous.

NOTE: For the purposes of this clause, the term unsightly means land which contains:

- (b) second hand timber or second hand building material;

All building sites are unsightly. It is unfair to target people using second hand materials which is a sustainable low emissions practice. Use of second hand materials should be actively encouraged in our shire – the Daylesford Secondary College has just been re-built using second hand bricks and old pier timbers. It has been an unsightly building site for nearly 3 years.

This clause is unfair and subject to double standards. It should be deleted.

4.2 Camping and Caravan Occupation

4.2.1 A person must not, without a permit:

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

On what grounds might a permit be refused? Refusing a permit may discriminate against those in difficult financial situations or who have chosen to live more frugally such as:

- A family that can't afford to extend their home but needs more space for their teenage children
- People who are building their home and living on site to save costs
- Homeless people seeking support
- Tiny house movement
- These dwellings may be the only way some people can get out of the rental trap to save for a home loan.

On what grounds would a permit be refused or accepted? This law seems unjust and discriminatory and should be changed to be more sensitive to needs of the disenfranchised.

2.18 Firewood collection on council 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.

We are already restricted from removing firewood from State and regional Parks and can only get firewood from designated areas in the Wombat Forest. This is necessary to protect habitat and regeneration of the forest.

However, on local council land fallen timber is more of a bushfire threat than habitat.

Rather than restricting the removal of firewood from council land, *allowing* it could effectively help reduce bushfire risk.

Letting locals take away logs from fallen trees must surely reduce the labour costs for council. It was lovely when recently the trees that came down along Ajax road were cut up into manageable log sizes and left for locals to pick up. *This is sharing the wealth of our natural resources so that it goes to those most in need.*

Restricting this just seems petty and harsh for those struggling to pay heating costs.

Instead of a permit– put in guidelines around which areas are acceptable for firewood collection, and guidelines around safe vehicle use such as those provided on the DELWP website.

Foraging – Vegetation or fruit

Removing fruit and leaves from non-indigenous plants that are growing wild in council land is a vital part of sharing our region's natural wealth with those in need. Foraging is a sustainable practice that is widely taught and celebrated here in our shire. It is what makes Hepburn unique and puts us ahead of the rest in terms of sustainability. This solution to locally sourced food is a poverty-cycle breaker, and a tick for emissions reduction in food miles.

Delete this clause and instead create guidelines around what may be removed from local land to protect indigenous species. Rather than have signage permitting removal of vegetation, ensure strict signage where spraying has occurred to protect *all* users of the land, not just foragers. Phase out spraying and look to steam weeding, goats and mechanical mulching.

Planting vegetation on roads

2.2.1 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.

This law needs clarifying. Does “road” also refer to verge or nature strips?

We need to be clear that verge planting should be permitted and is in fact desirable. On steep sloping road edges maintaining grass can be difficult and spraying should be phased out. Locals have taken the initiative to plant ground covers and creepers to combat erosion and weeds. Verge planting allows people with limited yard space to grow food. The benefits of this should be obvious.

This law should be more clearly defined to indicate that planting on nature strips and verges is still *permitted*. Give clearer guidelines around what is problematic such as trees that grow to the power lines, or bushes that obstruct pathways, drains, or drivers' vision.

The following laws are unnecessarily restrictive, and seem petty, draconian and even ludicrous. Such as:

2.5 Festivals, carnivals, circuses or the Kill-Joy clause

- 2.5.2 A person, must not, without a permit, hold a street party, festival, procession, or event, in a public place.

This is poorly defined – what is an event?

According to the definition it

“means an organised recreational, cultural, commercial or social gathering or people or set of inclusive activities undertaken at predetermined date/s and time/s on a temporary basis. These event activities also tend to require effective management of potential detrimental impacts on the community and includes a procession, festival or street party.”

This suggests that a permit is required for a child’s birthday party at the skate park or a family reunion at the lake.

This definition is extremely restrictive and inappropriate. These spaces are *designed* for social gatherings. Remove “social gathering “ and “people” from the definition.

A few years ago this council offered “Street Party kits” to neighbourhoods to encourage community spirit. It included use of a portable barbeque, signage, assistance with road closure etc. This new proposed law turns that initiative on its head.

Define ‘event’ in a way that ensures community gatherings are *supported*, not discouraged.

2.11 Vehicle repair

Need to change a tyre or top up the oil when broken down?

- A person must not, without a permit, dismantle, repair or carry out maintenance on a vehicle in a public place.

Change this law to provide allowance for emergency breakdowns.

2.17 Advertising signs

Putting on a show at the Town Hall and want to put an A-frame sign on the street to direct your audience?

- A person must not, without a permit, place a portable advertising sign in, on or over a public place or allow that to occur

(Council, watch out – you’ve got about 6 A-frame signs stored in the town hall cupboard)

Delete this law – it is ridiculous. Instead give guidelines as to where the sign may be placed to avoid hazards.

4.5 Wasps nests

- The owner and occupier of land must not allow an English or European wasp nest to exist on the land and must take action to have it removed and destroyed.

If council is serious about eradicating European wasps then allocate funding for it and develop a “bee & insect-safe best-practice wasp removal service”. Residents trying to control wasps

themselves may use chemicals dangerous to bees and native insects or may in fact harm themselves by disturbing nests.

Change this law and make *council* responsible for European Wasp removal with safe, best-practice methods. Make it compulsory for residents to *report* wasp nests.

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.

Council currently runs a tip shop and *sells* “rubbish and recyclable items” from the transfer station. Under this new law we would need a permit to remove an item we have purchased from the tip shop. Which is ridiculous.

Currently the hard rubbish left on nature strips with sign saying “free” offers neighbours a chance to recycle these materials. Give guidelines as to appropriate length of time for rubbish to be left out.

Delete this law. It runs totally counter to council’s recent climate emergency declaration and Z-Net goals. It is draconian, nonsensical and impractical. Instead *improve and increase* community’s ability to access to recyclables and rubbish *safely* at the transfer station to achieve a sustainable future. Allow neighbourhood collection of recyclable materials on nature strips with timeframe guidelines.

4.9 Domestic Waste

- 4.9.2 A person must not place the following material in a container for collection by Council:
(f) waste of any kind.

Is this a misprint?? We can’t put rubbish in our council rubbish bins?

Suggest, check the old law again.

In the 2009 version of the law this read

“Trade waste of any kind”. Looks like a misprint to me.

Conclusion

We understand council’s aim to create a safe and consistent management of the municipality. However by creating harsh, restrictive rules rather than helpful guidelines there is a risk that residents will become non-cooperative. In fact, should these laws go into effect now, I believe that each one of us would be breaking one law a week. That is setting the law up to be broken rather than be honoured.

We object to these changes outlined above. They seem petty, draconian, harsh, unjust and discriminatory. This is not the tone we need from our council, but rather one of co-operation and working together to solve the ever increasingly complex problems we will face in a changing climate.

We request the council completely re-work this document in the light of the recent climate emergency declaration and alongside the Z-Net project, its sustainability goals and equality for marginalised members of our community.

Hepburn Shire is a progressive, creative and pro-active community and our by-laws should reflect that we are leading the way in creating new solutions to our current climate crisis.

Now is a time for looking forward, not backwards. Our governance should foster community involvement and new solutions, instead of becoming entrenched in punitive rules that stifle progress.

Please try again.

Regards

Jen Bray and Mark Dickenson