

**HORSHAM RURAL CITY COUNCIL**  
**NOTICE OF MAKING LOCAL LAW**  
**Local Government Act 1989 - Section 119(3)**

At its meeting on 17 June 2013 the Council, having concluded procedures required under the Local Government Act 1989, resolved to make the Community (Amendment) Local Law No. 4.

**Purpose of the Community Local Law**

The objectives of the local law are to:

- Amend the Community Local Law No. 3 of 2011 to clarify and better apply some of its provisions concerning the condition and appearance of land; and
- Protect the community from unsightly and hazardous land that contributes to the deterioration of neighbourhoods and reinforcing ways in which abatement of those conditions can be achieved.

**General Purport of the Local Law**

The proposed Local Law will achieve its purposes by a number of measures including:

- Include a specific offence where an owner or occupier of land allows the condition and appearance of land to be or become:
  - (a) a risk or dangerous to the health of people or other land in the vicinity;
  - (b) unsightly or detrimental to the overall amenity and appearance of other land in the vicinity;
  - (c) a nuisance to people or other land in the vicinity.
- Include a specific reference to a “clean up order” in the offence provisions in clause 9.1 of the principal Local Law. The current provisions make it an offence to “fail to do something which a provision of the local law requires to be done”. There was some concern that because there was no specific reference to a “clean up order” in the existing provision that it would be difficult to say that failure to undertake work required by a clean up order constituted an offence. While the effect of clause 9.1 is debatable, the amendment removes any doubt that failure to comply with a clean up order is an offence against the Local Law.
- Amend the current requirements about the form and content of a clean up order. Arguably the term “clean up order” is self explanatory, but some doubt was expressed about the effectiveness of the current provision and what it is intended to achieve. The information to be included in a clean up order will also make it clear that if a person fails to do the work required by the order, the Council may do the work and recover the cost.

- Amend clause 9.9 of the principal Local Law to ensure that powers delegated from the Council, specifically to Authorised Officers appointed under the Act, are adequate and appropriate for the purposes of enforcing the Local Law.

A copy of the Local Law may be inspected at the Council's office at Roberts Avenue, Horsham or on the Council's web site at [www.hrcc.vic.gov.au](http://www.hrcc.vic.gov.au)

PETER BROWN  
Chief Executive Officer