28 September 2001

The Hon B. Cameron MP
Minister for Local Government
Level 21, Nauru House
80 Collins Street
MELBOURNE 3000

Dear Minister

RE: ABSENCE OF LEGISLATIVE POWER OR REGULATION TO DEAL WITH UNSTABLE LAND IN RESIDENTIAL AREAS

Council recently resolved that you be requested to examine and consider how relevant legislation might be amended to create a power by which local municipalities might intervene to require landowners to stabilise their land.

A property at 36 Wondaree Street Rye is located on steeply sloping land. Actions and non-actions by the landowner have resulted in the land eroding.   The extent of erosion has reached the point where adjoining owners are now concerned that the stability of their land may be threatened or that the eroding material will spill over common boundaries. I have enclosed photographs of the land for your information.

When the situation at this property was drawn to the attention of the Shire the owner was approached with the view to seeking their cooperation in stabilising their land. After exchange of letters and some telephone discussions the situation at the land did not improve and has progressively deteriorated. Council sought legal advice on the options available to Council to intervene and require the land to be stabilised. Council's legal advice is that there is no statutory power or regulation that Council can use to require the land to be stabilised and that the only remedy available to neighbours is to take civil action when damage occurs.

It is the view of Council that the relevant legislation should be reviewed and amended to provide an appropriate power to better enable Council or other appropriate State Agency to intervene to correct poor land management practices in urban areas.

If you or officers of your department require any further information in regard to this matter I can be contacted at anytime on 5986 0232.

Yours faithfully

Alex Atkins
Manager Conservation and Environment

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