

Subject: Regarding : Draft General Local Law No. 2
Date: Friday, 13 December 2019 12:31:54 pm Australian Eastern Daylight Time
From: Peter TYNDALL
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Attachments: image001.png, image002.png

The Mayor, Cr Licia Kokocinski
Cr Cottrel, Cr Henderson, Cr May, Cr Newitt, Cr Robson, and Cr Redwood
Hepburn Shire CEO, Evan King
General Manager Infrastructure, Bruce Lucas
Community Safety Officer, David George

Dear Mayor, Councillors, CEO and Council Officers,

Regarding :
Draft General Local Law No. 2 -
Community Amenity and Municipal Places

As a 'visual artist', my engagement is with the visual.

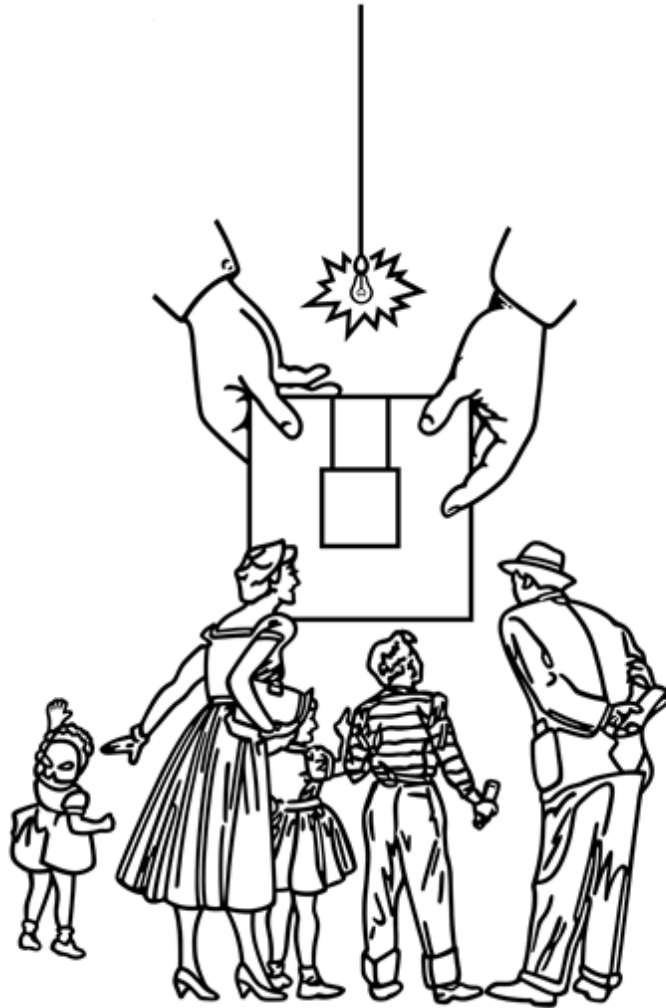
As a 'conceptual artist', my engagement is with the language and meaning of sight. ("Oh, I see.")

As a 'performance artist', my engagement is with Theatre of the Actors of Regard.

My engagement is with vision. With appearance, projection, illusion. With the act of regard and the actor of regard. With the mind's eye and image-ination. The vision of the visionary. With the prospects of foresight and insight, with the lessons of hindsight and short-sightedness. With filters and with blindness. 'Through a glass, darkly', with the ways we fail to see or are impeded from seeing clearly and wisely. With false views and fake views. With visual perception and visual conception. With how we see stuff. Our points of view and our worldview. How we see the world into being.

How we see governs what we see. And what we thus see governs how we act next, how we respond to things.

For example, Hepburn Shire's Declaration of a Climate Emergency is a consequence of the Shire's evolving worldview, derived, I presume, from the climate science worldview.



I address my further comments to the mind term “unsightly”.
Draft Local Law 4.3.1 is addressed to “Dangerous and Unsightly Land”.

Currently, Local Law 5.3 is as follows :

The owner or occupier of premises must not allow the premises to be unsightly.

In this clause, “unsightly” means any land on which :

- (1) Unused excavation material or general household waste is present and in view.*
- (2) Any other thing that has substantial adverse visual amenity impact to the general public in context with the surrounding area.*

Draft Local Law 4.3.1 is proposed to replace Local Law 5.3 and is as follows :

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:

- (a) unconstrained rubbish such as paper, cardboard, plastic bags, styrene, house hold rubbish, second hand containers;*
- (b) second hand timber or second-hand building material;*
- (c) discarded, rejected, surplus or abandoned solid or liquid materials;*
- (d) graffiti; [*that hoary old chestnut! – PT]*
- (e) anything being built which is left incomplete and constitutes a detriment to the appearance of the surrounding area [*many regard the Shire’s long-stalled T-Rex project as such]*
- (f) any other thing making the land visually repugnant; or*

(g) detrimental to the general amenity to the area but excludes an enclosed building or structure on the land which complies with regulations made under the Building Act 1993 or the Planning and Environment Act 1987.

To my view, “unsightly” makes no sense. All sight is “sightly”.

I type “unsightly” into Google. The leading result is this dictionary definition :

The image shows a dictionary entry for the word "unsightly". At the top, there is a search bar with the text "Search for a word" and a magnifying glass icon. Below the search bar, the word "unsightly" is displayed in a large font, with a speaker icon to its left. Underneath the word is its phonetic transcription: "/ʌnˈsaɪtli/". The word is identified as an "adjective". The definition is "unpleasant to look at; ugly." followed by an example: "an unsightly rubbish tip". This definition and example are circled in yellow. Below the definition, there is a "Similar:" section with several buttons: "ugly", "unattractive", "unprepossessing", "unlovely", "ill-favoured", "disagreeable", "displeasing", "awful-looking", "frightful-looking", "hideous", "horrible", "repulsive", "revolting", "repellent", "disgusting", "offensive", "grotesque", "monstrous", "gruesome", "ghastly", "fugly", and "huckery". There is also an "Opposite:" section with buttons for "beautiful" and "attractive", and a small upward-pointing arrow. At the bottom of the dictionary entry, there is a downward-pointing arrow and the text "Translations, word origin and more definitions". The source "From Oxford" is noted at the bottom left, and a "Feedback" link is at the bottom right.

The example of “an unsightly rubbish tip” (unpleasant to look at; ugly) is a telling one given the present contention over how to best envision and thus to best-practice-act-upon our shire’s material deposits. Not everyone sees a so-called rubbish tip as ugly or unpleasant to look at. And if they do, chances are it’s because they see waste of opportunity. Ugliness is in the sorry eye of the beholder. So too, to quote the draft law, “visual repugnance and detriment to appearance” is in the sorry eye of the Shire.

I will restate from my presentation at the recent Town Hall community assembly <https://hepburncommunity.org/2019/12/08/community-circle-theatre-of-the-actors-of-regard/> some antidote views :

This is Matthew, chapter 18 (KJV) :

“Woe unto the world because of offences! for it must needs be that offences come; but woe to that man by whom the offence cometh!

...if thine eye offend thee, pluck it out, and cast it from thee: it is better for thee to enter into life with one eye, rather than having two eyes to be cast into hell fire.”

And this is 8th century Shantideva :

“Where would there be leather enough to cover the entire world? With just the leather of my sandals, it is as if the whole world were covered. Likewise, I am unable to restrain external phenomena, but I shall restrain my own mind. What need is there to restrain anything else?”

Recommendation

I move that the term “unsightly” be removed from all Local Laws, to be substituted with the term “sight-seeing”. And that “sight-seeing” be represented NOT as the touristic seeing of this or that “sightly” place or “unsightly” object; rather that the term “sight-seeing” be offered to all, residents and visitors alike, as an invitation to look within and without. To visit the safe and unsafe make-do construction sites our own individual acts of seeing the world into being : to witness in wonder and with wisdom the well-spring of our streaming projections of “sightliness” and “unsightliness”.

Peter Tyndall
“BONZAVIEW”
Hepburn Springs

PS I request to address Council’s special meeting on 16 December.