

Unsightly or Fire/Storm Damaged Buildings Policy

Date adopted	27 May 2024
Adopted by	Council
Review due	1 July 2027
Responsible officer	Manager Community Safety
Records reference	10242257

1. Purpose

To provide clear guidelines to all owners of unsightly or fire/storm damaged properties on the procedures that this Council will follow to remove/make safe or rehabilitate the property to meet this policy.

2. Application And Scope

This policy applies to properties within the municipality and sets out the responsibilities of staff in the Building Services Unit.

3. General Provisions

Council recognises the effect that unsightly and fire/storm damaged buildings have on the amenity of a neighbourhood and the impression that these buildings have on the travelling public. The Council is committed to encouraging owners of these properties to rectify the issue efficiently and maintaining the amenity to the area.

3.1. Fire/Storm Damaged Buildings

Council may receive notification from the emergency services or from the public that a building has been damaged by fire or storms.

The Municipal Building Surveyor or their delegate will carry out an inspection to determine if building is a danger to life or other properties or safe for the public.

If the property is deemed to be a risk to the public the Municipal Building Surveyor will serve an order on the owner of the property to make safe and secure the property.

Should the building be damaged extensively the Municipal Building Surveyor will issue a building notice on the owner to show cause why the building should not be demolished.

Should the Municipal Building Surveyor not receive a satisfactory response to the building notice a building order will be issued.

Should the owner fail to comply with the building order the Council will consider enforcement of the building order through the Magistrate's Court.

In such cases where Council has required that the building be demolished under the

building order; Council would seek a determination and order from the court for this demolition.

3.1.1. Unsightly Buildings

Council may receive notification from the public or internally that a building has become unsightly or unsafe. Should the building be deemed safe but unsightly the matter will be referred to Local Laws to action.

Municipal Building Surveyor or their representative will carry out an inspection to determine if the building is a danger to life or other properties or safe for the public.

If the property is deemed to be a risk to the public the Municipal Building Surveyor will serve an order on the owner of the property to make safe and secure the property.

Should the building not be suitable for its intended use the Municipal Building Surveyor will issue a building notice on the owner to show cause why the building should not be brought into conformity with the building code or regulations or be demolished.

Should the Municipal Building Surveyor not receive a satisfactory response to the building notice a building order will be issued.

Should the owner fail to comply with the building order the Council will consider enforcement of the building order through the magistrate's court.

In such cases where Council has required that the building be demolished under the building order; Council would seek a determination and order from the court for this demolition.

3.2. Historical or Heritage Listed Buildings

Buildings that have some protection by either the Heritage register or planning controls will need to be treated differently as there may be specific requirements on the protection of these buildings. The Municipal Building Surveyor would need to check with Council's Planning Department to determine what actions can be taken.

3.3. Responsibility /Accountability

3.3.1. Municipal Building Surveyor (MBS)

Responsible for administering the Building Act provisions and having the building inspected by them or an officer with the appropriate delegations.

3.3.2. Coordinator Amenity Protection

Responsible for administering Council's General Local Law.

4. Definitions

Word/Term	Definition
Fire/Storm Damaged	Where fire/storm has destroyed the facade or made the structure unstable.
Unightly Property	Where the building has fallen into disrepair and not suitable for its intended use.
Emergency Order	Emergency Order pursuant to section 102 of the Building Act 1993
Building Notice	Building Notice pursuant to section 106 of the Building Act 1993
Building Order	Building Order pursuant to section 111 of the Building Act 1993

5. Related Documents

Name	Location
Building Act & Building Regulations	P:/Public/Anstat
Standard templates and letters	P:/Public/Compliance/Building Precedents

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