



**muswellbrook  
shire council**

# **Dilapidated Buildings**

## **Policy No. D10/1**

**Assembled by  
John Rix**

**Adopted By Council  
14 March, 2011  
Minute No. 447**

## **Dilapidated Buildings**

### **D10/1**

#### **POLICY OBJECTIVES**

To ensure that buildings within the Shire are maintained to an appropriate standard so as to not be detrimental to the neighbourhood.

To give guidance to Council staff on how to action dilapidated structures within Muswellbrook Shire

#### **POLICY STATEMENT**

Council has noted that some property owners are not maintaining their properties and as a result they are falling into disrepair and having an adverse impact on the neighbourhood. In some cases having the potential to create unsafe conditions for the residents of Muswellbrook Shire

#### **DEFINITION**

“Dilapidated Building”- A building that has fallen into a state of disrepair or deterioration. This may be as a result of neglect, age, impact of a natural event or wilful damage.

#### **LEGISLATION**

Provisions exist under Clause 121B of the Environmental Planning & Assessment Act 1979 for orders to be issued in relation to dilapidated buildings as follows;

Under order No 2 Council may require a building to be demolished or removed where the building is or is likely to become a danger to the public or the building is so dilapidated as to be prejudicial to its occupants or to persons or property in the neighbourhood.

Under order No 4 Council may require a building to be repaired or structurally altered where the building is or is likely to become a danger to the public or the building is so dilapidated as to be prejudicial to its occupants or to persons or property in the neighbourhood.

If an order will or is likely to have the effect of making a resident homeless, the Council must consider whether the resident is able to arrange satisfactory alternative accommodation in the locality.

If the resident is not able to arrange satisfactory alternative accommodation in the locality, the Council must provide the resident with:

- (i) Information as to the availability of satisfactory alternative accommodation in the locality, and

- (ii) any other assistance that the person considers appropriate.

## **PROCEDURE**

Council's responsibility in respect of dilapidated buildings will be exercised by a combination of proactive and reactive regulation.

Proactive regulation is to consist of quarterly external 'drive-by' audits of a random selection of not less than 100 homes. Issues such as dilapidated fencing, missing or dilapidated windows or doors, or other external structural dilapidation is to be noted.

Reactive regulation will occur by notification or complaint of alleged dilapidation by a Council officer or a third party.

In either case, the following procedure shall apply:

- (i) Council shall cause the premises the subject of the apparent or alleged dilapidation to be inspected so as to determine the condition of the building.
- (ii) If, in the Council's opinion, the building is so dilapidated that Council might consider a No. 2 or No. 4 order, the Council will issue a letter to the property owner seeking their or its cooperation in carrying out rectification work. The letter must set a date when the premises will be reinspected.
- (iii) Notwithstanding 2, if it is considered that the condition of the building is so dilapidated as to present an immediate danger to the public, an order may be served immediately without the need for the request letter.
- (iv) If, upon reinspection of the property, it is found that the required work has not been undertaken, consideration will be given to issuing a legislative order.
- (v) If any such legislative order is not complied with in the contemplated timeframe the matter is to be reported to Council for further action.

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**Date:** 29<sup>th</sup> September 2010

**REVIEW HISTORY:**

	<i>Current</i>	<i>Previous</i>	<i>Prior</i>	<i>Prior</i>
<i>Minute No:</i>				
<i>Meeting Date:</i>				
<i>Review Date:</i>				
<i>Rescind Date:</i>				