

**ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT
(DEMOLITION ORDERS) BILL 2012**

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24 May 2012 Page: 2

Bill introduced on motion by Ms Sonia Hornery, read a first time and printed.

Second Reading

Ms SONIA HORNERY (Wallsend) [10.19 a.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Environmental Planning and Assessment Amendment (Demolition Orders) Bill 2012. The bill seeks to address the problem of unoccupied derelict buildings that dot the main streets and business districts of cities and towns across New South Wales. I acknowledge the right of landowners to determine how their properties are utilised but it is important to balance that right by considering the interests of the community. The situation where a building can be left in such a state of neglect that it affects the amenity and enjoyment of its immediate neighbours and the safety of the community as a whole needs to be rectified.

In January 2008, in my first year in Parliament, constituents in my electorate raised concerns with me about the site of the former Salvation Army Citadel at 22 Council Street, Wallsend. The old Citadel was situated right in the centre of Wallsend's Central Business District. In 2005 it was sold to a consortium from Sydney. Sadly, it did nothing with it. In June 2007 floods struck the Hunter and Wallsend was hit hard by the storm and tempest. Storm water ravaged Wallsend's central business district and many businesses were wrecked. As a result of the flooding the former Salvation Army building became increasingly run-down. By 2008 I understood the effect of this derelict building on the safety of the community. I worked with Newcastle City Council to address the issues relating to absentee landlord neglect that had left this unsecured building to become a venue for drug abuse, vandalism, squatters, rubbish and vermin. One of the local newspapers, *The Post*, described what had become of the site in a report on 5 May 2010:

Drug dealers are plying their trade in an abandoned Wallsend building which is also being used as a smoking haven for children who are wagging school When *The Post* visited the site last week, the former religious meeting hall was littered with mattresses, empty and smashed alcohol bottles, used syringes and rubbish. Fires have been lit and walls smashed and sprayed with graffiti.

Newcastle City Council attempted to have the building secured, cleaned or demolished no less than four times but it lacked the power to act. Eventually a major fire caused the building to be so structurally damaged that Fire and Rescue NSW declared the building unsafe and it was demolished. This saga demonstrates why this bill is needed. Many communities across New South Wales are afflicted by derelict buildings. Councils lack sufficient power to hold recalcitrant landlords accountable. Residents and small businesses should not have to wait until a fire before a derelict building is demolished. I made a commitment to my community before the last election that I would introduce a private members bill to address this issue. This bill delivers on my commitment.

The Environmental Planning and Assessment Amendment (Demolition Orders) Bill 2012 will amend the Environmental Planning and Assessment Act 1979 to enable a local council or other relevant consent authority to give an order to demolish or remove an unoccupied building if it is unsightly and significantly detracts from the quality of the amenity of the neighbourhood. The bill will also provide that representations in relation to a proposed demolition order are to be made within the period of 10 working days following the date on which notice of the order is given. The bill will also provide that a demolition order may specify a compliance period of not less than 10 working days. Under the current Act a council may only issue an order to the owners of such land to demolish unsightly buildings if those buildings become a danger to the public or "prejudicial to occupants or persons or property in the neighbourhood." This bill will expand the powers for New South Wales councils by adopting similar provisions from the South Australian Local Government Act. The South Australian Local Government Act enables councils to:

Issue a demolition order where the building is unoccupied and the building is unsightly and detracts significantly from the amenity of the locality in which it is located.

This bill will also clarify and strengthen provisions relating to how councils take action. Presently if a council wants to issue a demolition order it must first undertake several procedures, including giving reasonable notice. However, the definition of what is "reasonable notice" is unclear and is not defined in the Act. As a result issuing a demolition order can become time-consuming and can further delay the removal of derelict buildings. This bill adds a definition of what constitutes a reasonable period for representations to be made by property owners once a demolition order has been given. A reasonable period is set at not less than ten working days. This period has been taken from last year's Land and Environment Court case, *Euro Sweets (NSW) Pty Ltd v Pittwater Council*. In that case, Justice Craig stated that:

...it seems to me that ten working days in which to make some representations ... was a reasonable period of time.

This bill provides a period of not less than 10 working days for representations to be made once a demolition order is made, and not less than 10 working days before a demolition order can be executed. If a council or other relevant consent authority wanted to set a longer period for representations to be made it could do so. The provisions relating to how a council or other relevant consent authority considers those representations would remain unchanged.

This bill is necessary because the problems that my community and I are facing in seeking to deal with derelict buildings are not limited to the electorate of Wallsend. This is a problem throughout the Hunter in areas such as Hunter Street in Newcastle, High Street in Maitland and the Maitland Mall. Indeed, this is a problem throughout the State. Many members will be aware of abandoned, derelict buildings in communities that become epicentres of antisocial behaviour. Derelict buildings have a negative impact on residents, businesses and the community overall. Derelict buildings can also have a negative impact on the economy. When I was dealing with the former Salvation Army site in Wallsend, one local property owner, Ms Alison Nix, said she was fearful when leaving her business at night. Another local businessman, Ty Brennock, wrote to me to say:

The old Salvation Army building in Council Street, Wallsend is a hazard, an eyesore, and a detriment to Wallsend. The owner's neglect and carelessness is disgusting.

I also note that in 2008 delegates to the Local Government Association voted to ask the New South Wales Government for more powers to deal with vacant, derelict buildings that fall into disrepair, are defaced or are inhabited by squatters. It is not good enough to maintain the status quo. Too many of our communities are suffering stagnation, when action is needed. We see the empty, run-down buildings. We want local councils to act, and councils want the power to act. This bill will give local councils the power to take on special interests outside their communities to restore a measure of local control over local communities. The Coalition went to the last election promising to return planning powers to local communities. That is what this bill is about. If the Coalition is serious about local decision-making, about creating economic opportunities and about making New South Wales number one then it should support this bill and give local communities across this State the power to renew themselves.

Debate adjourned on motion by Mr Mike Baird and set down as an order of the day for a future day.