



13 December 2013

Chris Patterson, MP
NSW Parliament Legislative Assembly
Chair, Committee on Environment and Regulation
Macquarie Street
Sydney NSW 2000

Dear Chris

Inquiry into the Management and Disposal of Waste on Public Land

I refer to your letter about the Inquiry into the management and disposal of waste on private land and note your call for comments specifically on the effectiveness of the current regulatory arrangements and powers to manage derelict buildings.

The City believes that building repairs should be carried out under a Development Application (DA) as it allows us to assess the merit of the proposed works and the existing structure of a building. A DA also requires the landowner to obtain a Construction Certificate and Occupation Certificate to satisfy that the works are suitable and compliant with the *Building Code of Australia*.

The *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979* give Councils the authority to issue an Order for demolition, repair or structural alterations to buildings; however, this is only effective when there is an actual risk presented to the public. The City only issues Orders for demolition in extreme cases.

In issuing an Order for a landowner to screen a derelict building, the City also faces the problem that the screen structure erected can often make the building less structurally adequate and visually worse.

In order to take enforcement action, the City often needs to be able to collect enough evidence to support a case. However, this can be difficult with private properties which City staff can only access with occupiers' consent or a search warrant.

Both Acts do not cover unsightly derelict buildings so they have limited effectiveness in revitalising an area. The City often experiences calls from residents for us to force property owners to either sell or renovate their properties when an area is undergoing gentrification. However, if we were granted the power to assist or force landowners to take action within their own property, the City could potentially be seen as taking sides and promoting the economic interests of one party over another.

In making enforcement decisions, the City needs to be fair to all residents and to be able to consider factors such as:

- Benefit to the community
- Cost of works for the landowner
- Economic hardship
- Effectiveness of the action
- Expected outcome
- Education and deterrence

The City's *Enforcement Policy* directs residents to settle neighbour disputes as a civil action as we can only take action when the state of the building affects residents in the public space.

If you would like to speak with a Council officer about the City's *Enforcement Policy* and how we manage derelict buildings, you can contact Corey Stoneham, Standards and Policy Manager, on [REDACTED] or at [REDACTED]

Yours sincerely

A large black rectangular redaction box covering the signature of Clover Moore.

Clover Moore
Lord Mayor of Sydney