

FACT SHEET

2 Buchanan Grove, Reynella East

Council is aware of the concerns of some residents, and Members of Parliament, about the condition of the property at 2 Buchanan Grove, Reynella East, which were brought to our attention in the 2000s.



Background

The property has been uninhabited, untidy and unmaintained for an extended period and our Development Compliance team has monitored the condition of this property on a regular basis over the years. We have been successful in the past at having the landowner board-up and secure the house, however several break-ins and vandalism has resulted in further destruction. The State Emergency Service bunted off the driveway after the carport collapsed.

The Housing Safety Authority, being the state government branch that deals with the *Housing Improvement Act 2016* and imposes rent controls on sub-standard housing, has previously served notice requiring the landowner to remediate certain building and property defects, which has resulted in the property being fenced to prevent unauthorised access and the carport materials being safely stacked.

Council has recently sprayed the weeds on the verge.

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Advice recently sought by council confirms that any order requiring demolition of the dwelling would be a disproportionate response to the current state of the property and likely to be successfully challenged by the landowner.

The *Local Nuisance and Litter Control Act 2016*, which came into effect in July 2017, has provided council with another tool to deal with properties that create a nuisance for neighbours and are considered unsightly. Importantly, this allows us to address properties that haven't deteriorated to a point where they are considered to have changed use to a 'junkyard', which is dealt with via the *Development Act 1993*.

The nuisance legislation now allows us to address:

- damaged, disused and derelict items being stored on a property in a manner which has a negative impact on the amenity of the immediate area
- conditions that have the potential to provide harbourage for vermin and pests.

Current actions

Council undertook a clean-up of the property in February 2020 after the owner failed to comply with a nuisance abatement notice issued under the *Local Nuisance and Litter Control Act 2016*. During the clean-up, council drained the pool and removed items including, but not limited to, furniture, car parts and other household items. The garage was emptied of materials and vegetation was cleared from the rear yard to prevent the potential harbourage of vermin and pests. The front yard was cleared of building materials left behind after the carport collapsed, and excess vegetation was removed to improve the appearance of the property.

The costs associated with the work undertaken to drain the pool, clear vegetation and remove items were issued to the owner of the property as a debt.

In September 2021, council again attended the property after a notice issued under the Planning, Development and Infrastructure Act 2016 requiring the owner to drain the pool and reinstate pool fence was not complied with. At this time the pool was drained and the pool fence was reinstated to ensure that it was compliant. With a compliant safety fence, there is no longer a need to drain the pool once it exceeds 300mm in depth.

The costs associated with this work were secured against the property as a debt.

Since the remedial work was undertaken, council has continued to monitor the property.

In October 2023, overgrown and unconstrained vegetation was noted as being out of conformity with the general appearance of surrounding properties and that the pool fence had been damaged and was non-compliant.

Council is in the process of preparing the relevant enforcement notices to address these issues and should they not be complied with council will take appropriate enforcement action to have this matter resolved.