



BUILDING SHOW CAUSE NOTICE

This factsheet provides information about show cause notices issued in relation to building work. As a local authority, Council has responsibility for investigating matters under the building legislation and issue show cause and enforcement notices.

What is a show cause notice?

A show cause notice is the first step in Council's enforcement process for alleged non-compliant building works or development offences. This notice is an invitation for you to respond to the allegations and where appropriate, remedy any non-compliant building structures or development offences.

When is a show cause notice issued?

Generally, a show cause notice is issued prior to issuance of an enforcement notice.

Under some circumstances, such as for dangerous or urgent matters, an enforcement notice will be issued without a show cause notice.

Why have I received a show cause notice?

In most cases, Council will give a show cause notice because it reasonably believes there may be a contravention of the *Planning Act 2016* or the *Building Act 1975* for which you may be responsible.

Common reasons for the issuing of a show cause notice include:

- assessable building work carried out without a building development approval;
- building work in a dilapidated condition or unfit for occupation or use;
- building work that hasn't received a final inspection certificate or certificate of classification;

- building work not in accordance with an approval (including siting variation, amenity and aesthetic approval, or a building approval);
- carrying out building work on a character home without a planning approval;
- assessable permanent signage installation on private property.

Do I need to respond to a show cause notice?

Whilst a show cause notice is an opportunity for you to respond to Council, you are not obligated to respond. However, it is a valuable opportunity for you to advise Council what steps you intend to take to resolve the issue, or why you believe Council should take no further action.

Providing a response to a show cause notice enables Council to determine whether it is reasonable to proceed with formal enforcement action (such as giving you an enforcement notice which will require particular actions).

Council will always first consider any advice of intentions to comply, discretionary or mitigating circumstances or defences that you raise in your response to the show cause notice.



How long do I have to respond?

The show cause notice must provide you (the 'alleged offender') with a minimum of 20 business days in which to respond to the allegations.

However, if there are valid circumstances requiring you to seek additional time to provide the response, you must notify Council prior to the expiry date of the show cause notice. An alternative response timeframe may then be agreed.

How will I know what should be done to resolve the show cause issue?

The show cause notice will outline the steps that must be taken to bring the building works into compliance.

It is important that you communicate with Council and let them know the steps you are

taking to remedy the issues raised in their notice.

You should let Council know when any works have been completed so that a re-inspection of the property can be undertaken to confirm the show cause notice has been complied with.

For further information, please contact Cloncurry Shire Council:

- Phone: (07) 4742 4100
- Fax: (07) 4742 1712
- Email: council@cloncurry.qld.gov.au
- Address: Cloncurry Shire Council Administration Centre, 38-46 Daintree Street, Cloncurry QLD 4824
- Mailing Address: PO Box 3, Cloncurry QLD 4824