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SIXTH SCHEDULE—ESSENTIAL SERVICES
ORDINANCE No. 70

under the

LOCAL GOVERNMENT ACT 1919

Reprinted under the Reprints Act 1972

[Reprinted as at 4 July 1988]

NEW SOUTH WALES

ORDINANCE No. 70

BUILDING

(Local Government Act 1919, ss. 304-319, 341, 575-579)

GROUP 1—PRELIMINARY

PART 1—Preliminary

1.1. (1) This Ordinance shall apply to all Municipalities and to those Shires or portions of Shires to which Part 11 of the Act applies.

(2) The notice of a proposal to apply Part 11 of the Act to the whole of any Shire, under section 305 of the Act, shall be published in the Gazette and a newspaper circulating in the Shire, and shall fix a period being not less than one month from the later of such publications during which objections may be lodged.

(3) This Ordinance shall commence on 1st July 1974.
1.2. This Ordinance is divided into Parts and Groups of Parts as follows:

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PART 57—Ruinous and Dangerous Buildings

PART 58—Temporary and Special Structures

PART 59—Maintenance of Fire and Other Safety Measures

PART 60—Buildings Containing Atriums

1.3. (1) In this Ordinance, except in so far as the context or subject-matter otherwise indicates or requires—

“AS”, followed by a number, means an Australian Standard code, rule or specification so numbered and referred to in Part 1 of the Fourth Schedule;

“access for disabled people”, in relation to a building, a portion of a building or a facility provided in or in connection with a building or portion of a building, means a continuous path of travel extending from the alignment of the road adjoining the site to the building, portion or facility, as the case may require, the path of travel—

(a) being designed in accordance with the relevant provisions of Ministerial Specification No. 9; and
(b) not incorporating a stairway, turnstile, revolving door, escalator or any installation or building feature which could not be negotiated by a person confined to a wheelchair;

“Act” means the Local Government Act 1919;

“alteration”, in relation to building, includes an addition or an extension to a building;

“approved” means approved by the Council;

“approved external automatic sprinklers” means an external automatic fire sprinkler system designed and installed in accordance with clause 55.17;

“approved sprinkler system” means an automatic fire sprinkler system designed and installed in accordance with clause 55.17;

“assembly building” means a building designed, constructed, or adapted for the assembly of persons for—

(a) civic, political, educational, transit, religious, social, or recreational purposes; or

(b) entertainment or amusement;

“atrium” means a space within a building that—

(a) extends from one storey in a building to another storey, or other storeys, in the building by means of an opening in the floor, or openings in the floors, between the storeys;

(b) is—

(i) wholly closed at the top by a floor of a storey; or

(ii) is wholly or substantially closed at the top by a roof; and

(c) is closed at the bottom by a floor of the building, but is not the space within a chute, duct or similar passage or a space intended only for the passage between storeys of persons or goods;

“atrium well” means the opening which is in a floor of a storey and connects 2 storeys to form a part of an atrium;
“Australian Standard” means a publication, including an Australian Interim Standard, published by the Standards Association of Australia which contains rules which relate to any matter to which this Ordinance relates recommended or adopted by the Standards Association of Australia and in any reference to such a publication it shall not be necessary to include the year or date of publication;

“automatic”—

(a) applied to a fire door, smoke door, or other member required to prevent or restrict the spread of fire or smoke through an opening, means designed to close by the operation of an approved heat-actuated or smoke-actuated device; and

(b) applied to a smoke-and-heat vent, means designed to open by the operation of an approved heat-actuated or fire-sensing device;

“closet fixture” means a water closet pan, sanitary pan, cesspit, or other receptacle for nightsoil;

“combustible”—

(a) applied to a material, means combustible in accordance with the testing procedures set out in—

(i) in the case of a material tested before 1 January 1986—AS 1530 (Part 1) (1976 edition); or

(ii) in the case of a material tested on or after 1 January 1986—AS 1530 (Part 1); or

(b) applied to construction or a part of a building, means constructed wholly or in part of materials that are combustible as referred to in paragraph (a);

“common wall” means a wall which is common to adjoining buildings but which is not a party wall;

“construct” includes “erect”;

“curtain wall” means a non-loadbearing external wall that is not a panel wall;
"CSIRO Specification", followed by a number, means a specification so numbered and referred to in Part 3 of the Fourth Schedule;

"dry riser" means a water service pipe installed for firefighting purposes within a building under construction, being a water service pipe that—

(a) is not connected to a water supply;

(b) is suitable for connection to the equipment of the fire brigade serving the locality in which that building is situated; and

(c) when so connected, is capable of functioning as a fire main is required to function by Part 27;

"effective distance" means the effective distance as defined in clause 16.6 (4);

"emergency lift" means a passenger lift that has its operating controls so installed that it may be removed from normal automatic operation by means of a keyed switch located in the lift lobby of the main entrance storey of the building or in some other approved location;

"essential service", in relation to a building, means—

(a) such of the items of equipment referred to in the Sixth Schedule as are installed in the building; or

(b) such other items of equipment as are required by the council to be installed in the building pursuant to Part 59;

"exit" means—

(a) an internal or external stairway;

(b) a ramp;

(c) a fire-isolated passageway;

(d) a doorway opening to a road or open space,

or a combination of 2 or more such exits providing egress from a storey or space in the nature of a storey to a road or open space;

"external wall" means an outer wall of a building but which is not a party wall or a common wall;
“fire-isolated passageway” means a corridor, hallway, or the like, providing egress to or from a fire-isolated stairway or fire-isolated ramp or to a road or open space, and conforming with clause 24.9;

“fire-isolated ramp” means a ramp within a fire-resisting enclosure, providing egress from a storey or space in the nature of a storey and conforming with clause 24.10;

“fire-isolated stairway” means a stairway within a fire-resisting shaft, being a shaft—
(a) which has a floor and a structure enclosing the top of it; and
(b) which complies with the relevant provisions of Part 16;

“fire-resistance rating” means the fire-resistance grading period determined according to the Standard Fire Test;

“fire-resisting” applied to a structural member or other part of a building, means having the fire-resistance rating required for that structural member or other part;

“fire-resisting construction” means one of the types of construction of a building referred to in Part 16;

“fire-source feature” means a fire-source feature as defined in clause 16.6 (1);

“fire main” means a water service pipe connected to a water supply and installed within a building or building site for fire-fighting purposes;

“fire wall” means an internal wall that divides a storey or building into sections to resist the spread of fire;

“fire zone” means a primary or secondary fire zone, as the case may be, so deemed or declared pursuant to the provisions of Part 5;

“flammability index” means that index number for flammability when determined according to AS 1530 (Part 2);

“flat” means a room or suite of rooms designed, constructed, or adapted as a separate domicile;