Ordinance No. 71.

Printed in accordance with the provisions of section 578 of the
Local Government Act, 1919.

[Certified 2nd June, 1960.]

ORDINANCE No. 71.

[As proclaimed in the Government Gazette of 11th, November, 1921, and
amended by proclamations published in the Government Gazette of
11th and 26th August, 1925, 17th April and 21st October, 1925, 8th
January and 4th December, 1926, 16th May, 1928, 3rd February, 1929,
8th March, 21st May and 20th December, 1926, 30th May, 1st August,
21st October, and 12th December, 1928, 27th March, 1931, 24th April,
1932, 26th May, 30th June, 20th August, and 24th November, 1933,
31st January, 18th September and 24th December, 1933, 14th October,
1928, 24th February, 26th April, 26th May and 26th August, 1929,
24th May, 26th July, 28th September, 24th November, and 20th
December, 1930, 24th February, 24th March, 26th October and 28th
November, 1941, 27th February, 1943, 30th July, 1943, 30th June and 26th
September, 1944, 31st December, 1944, 30th January, 15th February, 29th
March, 29th April, 21st May, 28th June, 19th July, 30th August, 26th October,
29th November and 28th December, 1943, 7th February, 29th April,
1948, 29th May, 21st July, 29th August, 29th September, 31st
October, 24th November and 20th December, 1947, 27th February,
1948, 14th and 23rd March, 1948, 29th May, 26th June, 20th
July, 27th August, 25th October, and 20th November, 1948, 28th
January, 29th February, 29th April, 26th June, 29th July, 30th
September, 27th October, 26th November, and 23rd December, 1949,
27th January, 31st March, 30th June, 26th July, 30th
August, 22nd September, 27th October and 22nd December, 1950, 30th March,
27th April, 29th June, 27th July and 30th November, 1951, 26th March, 30th
May, 26th August, 29th September, 31st October and 28th
November, 1952, 30th January, 21st February, 27th March, and 24th
August, 1953, 26th March, 29th June, 2nd July, 26th August, 29th
November and 24th December, 1954, 25th March, 27th May, 24th June, 26th
July, 30th September and 3rd December, 1955, 24th February, 23rd
March, 27th July, 26th September and 28th October, 1949, 24th,
April, 29th June, 27th September, 25th October, and 32nd
November, 1957, 31st January, 28th March, 29th April, 30th May, 24th
August, 25th September and 31st October, 1958, 30th January, 27th
February, 26th April, 24th July, 28th August, 24th and 26th September
and 13th December, 1960, and 29th January and 1st April, 1960.]

BUILDING.

(Local Government Act, 1919, ss. 804-819, 941, 675-679.)

PART I.—INTRODUCTORY.

Application of Ordinance.

(1) This Ordinance shall apply to all Municipalities other than that
part of the City of Sydney which comprised such City as constituted
immediately before 1st January, 1949.

(2) This Ordinance shall apply to those Shires or portions of Shires
to which Part XI of the Act applies.

Sydney: V. C. N. Blight, Government Printer—1960
Division into Parts.

2. (a) This Ordinance is divided into Parts as follows:

PART I.—INTRODUCTION.

PART II.—GENERAL PREVISIONS (relating to all buildings).

PART III.—DEVELOPMENT REGULATIONS.

PART IV.—RESIDENTIAL FRAME BUILDINGS.

PART V.—COMMERCIAL BUILDINGS.

PART VI.—HOTELS.

PART VII.—HOSTELS, LODGING HOUSES.

PART VIII.—FRIDAY CATTLE.

PART IX.—FUNCTIONS.

PART X.—ENVIRONMENT.

2. (b) Where a building is such that one portion of the building comes under the provisions of one "Part" of this Ordinance and another portion shall be designed and erected in accordance with the provisions of its appropriate "Part"—for example, in a building which is partly a shop and partly a dwelling, the shop portion shall comply with Parts II and V, and the dwelling portion with Parts II and VII.

Provided that where a building is partly a bedroom, the Council may apply to the whole of the building as far as may be necessary any or all the conditions of this Ordinance relating to a dwelling-house.

Interpretation.

3. In this Ordinance, unless inconsistent with the context or subject-matter—

"Act" means the Local Government Act, 1894.

"Automatic" as applied to a fire door or other device designed to prevent or restrict the spread of fire through an opening means capable of being opened or closed by an approved device.

"Basement" means a storey, or portion of a storey, partly below the level of the ground, the ceiling of which is not less than 6 feet above the adjoining ground (independent of any excavation made to comply with this Ordinance).

"Brick" means a masonry unit, concrete brick, a sand-lime (calcium silicate) brick, or a burnt clay and shale brick which complies with the appropriate specification approved by the Department of Local Government.

"Cellar" means a storey, or portion of a storey, below the ground level; the ceiling of which is less than 6 feet above the adjoining ground.

"Cement mortar" means a mortar obtained by mixing clean clean well graded sand and cement in the proportions of four cubic feet of sand to one cubic foot of cement having a weight of not less than ninety-four pounds and one-tenth cubic foot of dry hydrated lime, not containing any ingredients detrimental to its strength and setting.

"Cement-lime mortar" means a mortar obtained by mixing cement, dry hydrated lime and clean well graded sand in the proportions of one cubic foot of cement having a weight of not less than ninety-four pounds, and two cubic feet of dry hydrated lime having a weight of not less than seventy pounds, or the equivalent quantity of rock lime, to nine cubic feet of well graded sand, and not containing any ingredients detrimental to its strength and setting.

"Commercial building" means a building used or constructed or adapted to be used wholly or in part for commercial purposes.

"Court" means an open space on the same allotment as a building, and bounded entirely or in part by the building, or by the building and the allotment line: Provided that where the depth of a recess extending to the street or to the front or to the yard of the building is not greater than the width, such recess shall not be considered a court. Inner court means a court extending to the street or to the front, or to the yard of the building. Inner court means a court not extending to the street, nor to the front nor to the yard of the building.

"Dwelling-house" means a building used, constructed, or adapted to be used wholly or in part for human habitation, and includes a one-story house or boarding house, but does not include a holiday cabin, hotel, hostel, lodging house, motel, or residential flat building, or other than the dwelling-house portion of any of a commercial building.

"Fire partition" means a wall or partition which subdivides a storey of a building to restrict spread of fire or to provide an area of refuge and has a fire resistance rating of not less than two hours determined by the Standard Fire Test.

"Fire resisting construction" as applied to a building, means that construction in which the walls and structural members have fire resistance ratings as determined by the Standard Fire Test of not less than four hours for external walls, bearing walls, fire walls, party walls, isolated piers, columns, and walls supported girders; of not less than three hours for beams, floors, stairways, roofs, walls and girders other than as hereinbefore specified and of not less than two hours for fire partitions.

"Fire wall" means a wall which subdivides a building or separates buildings to restrict the spread of fire, and has a fire resistance rating of not less than four hours determined by the Standard Fire Test and which starts at the foundations and extends continuously through all stories and except where the roof is of fire resisting construction and the wall is carried up tight against the roof slab, extends above the roof.

"Fin"
"Floor" means a room or suite of rooms occupied or used or so constructed, designed or adapted as to be capable of being occupied or used as a separate domicile.

"Floor area" means a floor space enclosed by exterior walls, fire walls or fire partitions, or by a combination of them.

"Guest house" or "Boarding house" means a building other than a residential flat building, hostel, lodging house, motel or hotel used, constructed or adapted to be used as a common habitation for a number of unrelated persons which is not more than fifteen bedrooms and not more than three other habitable rooms.

"Habitable room" means any living room, and includes all rooms intended or adapted to be used for the purpose of sleeping or eating or the cooking of food.

"Holiday cabin" means a building used, constructed or adapted to be used for human habitation for holiday purposes only, being one of a group of similar buildings.

"Hostel" or "Lodging house" means a building other than a residential flat building, motel or hotel used, constructed or adapted to be used as a common habitation for a number of unrelated persons which contains more than fifteen bedrooms.

"Totel" means any building used, constructed or adapted to be used wholly or in part for the sale and consumption of spiritsuous and fermented liquors under and in accordance with a licence granted under the Liquor Act, 1912, or any amendment thereof.

"Incombustible material" or "non-combustible material" means a material which neither burns or gives off inflammable vapours in sufficient quantity to ignite at a pilot flame when heated in the manner specified in Australian Standard No. A80-1958 "Fire Tests on Building Materials and Structures."

"Lime-mortar" means a mortar obtained by mixing dry hydrated lime and clean well graded sand in the proportions of one cubic foot of dry hydrated lime having a weight of thirty-five pounds, or the equivalent quantity of rock lime, to three cubic feet of well graded sand.

"Masonry" means a wall or pier of brick, stone, concrete block, terra-cotta block or other similar material used, constructed or adapted to be used for supporting its own weight or any loads that may be imposed upon it.

"Motel" means a building used, constructed or adapted to be used only for the overnight accommodation of travelers.

"Not-in-cement Mortar" . . . . . . . . . .

"Public building" . . . . . . . . . .

"Residential flat building" means a building containing two or more flats but does not include a row of two or more dwellings attached to each other such as are commonly known as semi-detached or terrace buildings.

"Self-closing" as applied to a fire door or other device designed to prevent or restrict the spread of fire through an opening means normally closed and equipped with an approved device which will ensure closing after having been opened for use.

"Standard Fire Test," in relation to walls and structural members, means the fire test applicable to the type of wall or structural member concerned, specified in the Australian Standard A80-1958 "Fire Tests on Building Materials and Structures."

"Wall"—"Divisional wall" means a wall (other than an external or party wall) which subdivides any floor of a building and carries any load in addition to its own dead weight.

"Wall"—"External wall" means an outer wall of a building not being a party wall, even though adjoining a wall of another building.

"Wall"—"Partition wall" means a wall subdividing any floor and not carrying any load other than its own dead weight.

Applications, plans, and notices.


4. (4) Before the erection of a building is commenced, two copies of the plans and specifications thereof and of a plan and specification of any fences already erected or to be erected on or on the boundaries of the allotment on which the building is to be erected, together with an application in writing for approval thereof, shall be submitted to the Council and in the case of an application for approval to erect a dwelling-house not conforming to the requirements and specifications prescribed or approved by or under this Ordinance as to structural design, detail structural drawings shall also be submitted to the Council.

Provided that the Council, if it sees fit, dispenses with the necessity for the submission of a plan and specification of the fences of a plan and specifications to make minor alterations in an existing building or to erect a building to be used exclusively for the purpose of a green-house, conservatory, summer-house, private boat-house, fuel shed, tool-house, cycle shed, aviary, tennis ball, hay shed, stable, fowl-house, pigsty, barn, verandah, or the like: Provided also that any building (other than a verandah or an aviary) used or intended to be used for the keeping of domestic animals shall be wholly detached from any dwelling-house: Provided also that where it is desired to make some minor alteration to a building not materially affecting its stability, lighting, ventilation, or size of rooms, the application may in the first place be made without submitting plans and specifications, which shall, however, be submitted if the Council so require.
44. The person making application for the approval of plans and specifications of a building shall lodge therewith a fee calculated at one-twentieth of one per centum of the cost of the building; Provided that in no case shall the fee be less than ten shillings or exceed one hundred pounds: Provided also that for the purpose of this subclause, the cost shall mean the contract price and if there is no contract the cost of the proposed building as determined by the Council.

45. One-half of the amount of the fee, with a minimum of 10s., (subject to the provisions of clause 2) shall be for the examination and approval of the plans and specifications, and shall be retained whether the work proceeds or not, but one-half of the fee, subject to the minimum referred to above, shall be returned upon application for such return being made within twelve months from the date of—(a) disapproval of plans; or (b) approval of plans, provided the building is not commenced and provided the approval is surrendered.

46. The Council may reduce or dispose of the payment of a fee in the case of an application for approval to make minor alterations in an existing building or to erect a building to be used exclusively for the purpose of a green-house, conservatory, summer-house, private boat-house, fuel shed, tool house, cycle shed, aviary, mink house, hay shed, stable, tool-house, pigsty, barn, verandah, or the like.

47. In addition to any fee payable under the preceding sub-clauses of this clause, there shall, if the Council so requires, be paid by the person erecting such a building as to structural design an amount not exceeding ten guineas.

Such amount shall be paid in or towards meeting the costs of investigation by an architect or structural engineer approved by the Council as to whether or not such dwelling-house will be structurally sound. Any residue after payment of such costs shall be refunded to the person making such application.
Application of Part XI of the Act to the whole of any Shire.

40. The notice of a proposal to apply Part XI of the Act to the whole of any Shire, under section 306 of the Act, shall be published in the Gazette and a newspaper, and shall fix a period not less than one month from the later of such publications during which objections may be lodged.

PART II.—GENERAL PROVISIONS.

All Buildings.

Application of Part.

5. (a) Except where otherwise specifically provided, the provisions of this Part shall apply to all buildings. Any provision in another "Part," relating to a particular class of buildings, shall, if inconsistent with any provision of this Part, prevail against this Part.

(b) Each building in a terrace of buildings or in a pair of semi-detached buildings shall be deemed to be a separate building for the purpose of this Ordinance.

Site—Healthiness of.

L.G. Act, 1922, s. 213 (a).

6. (a) A person shall not, without the permission of the Council, erect a building upon any site which shall have been filled with any material impregnated with decay or with animal or vegetable matter, or upon which any such matter may have been deposited, unless and until such matter shall have been properly removed by excavation or otherwise from such site and depressions filled in with clean soil.

(b) Every person who shall erect a building shall cause the subsoil of the site of such building to be effectively drained wherever, in the opinion of the Council, the dampness of the site renders such a precaution necessary.

(c) If the Council so direct in any particular case, the whole or part of the ground surface or site of such building shall be covered with a layer of good cement-concrete, or tarmaced, rammed solid, and at least 4 inches thick.

(d) The Council may refuse or postpone approval to build upon a site which is unhealthy by reason of its liability to dampness, unless and until the site is rendered dry, sound, and well drained to the satisfaction of the Council.

Access to Rear.

L.G. Act, 1922, s. 213 (b).

7. (a) Where, in an unsewered district, there is no public and convenient access to the rear of the site of any building for the removal of night-soil, the building shall be so designed as to leave outside the building a way of access at least 3 feet wide from a public road to the rear.

(b) Where, in any district, there is no public and convenient access to the rear of the site of a dwelling-house for the removal of garbage and refuse, the building shall be so designed as to leave outside the dwelling a way of access at least 3 feet wide from a public road to the rear.

(c) Such access may be provided by a common right of way 3 feet wide to serve two adjoining buildings or dwelling-houses.

(d) Access by way of a covered passage running through a building, other than a passage in the nature of an internal hall, shall be deemed to be outside the building for the purposes of this clause.

Outbuildings.

10. In the case of an application to erect (as appertaining to a building) any outbuilding from the use of which unpleasant noises, unpleasant odours, or unusual risk of fire may reasonably be expected to arise, the Council may determine in what position upon the allotment such outbuilding may be erected.
11. (a) The height of a building shall be the measurement taken from the level of the ground at the centre of the front of the building to the ceiling of the highest storey of the building, provided that a parapet not exceeding 10 feet of additional height may be added. Provided that bulk-heads, lantern lights, pergolas, or other open ornamental treatment of roof gardens, or play areas, and space for water tanks or reservoirs, or lift or elevator machinery, and the like, upon the top of a building, shall not, if constructed to a design approved by the Council, be taken into account in determining the height of the building.

(b) A building shall not exceed 100 feet in height.

(c) This clause is subject to the Height of Buildings (Metropolitan Police District) Act, 1912, in respect of buildings over 100 feet in height, to which that Act applies.

(d) Wherever in this Ordinance the height of buildings is referred to as measured in storeys then any roof space or gable containing a room shall be counted as a storey.

(e) For the purpose of this clause a chimney shall not be deemed to be part of a building.

Floor Area Limitations.

11a. (a) A building of fire-resisting construction which is intended or adapted to be used for the processing or bulk storage of materials which are inflammable or from which explosions are likely to arise or occur in the event of fire, shall not exceed ten thousand square feet in floor area in any storey, or, if any storey is divided into sections by fire walls or fire partitions, the openings of which are protected by automatic or self-closing fire doors, shall not exceed ten thousand square feet in floor area in any such section.

(b) A building of non-fire-resisting construction which is intended or adapted to be used for the processing or bulk storage of materials which are inflammable or from which explosions are likely to arise or occur in the event of fire shall not exceed five thousand square feet in floor area in any storey or section of a storey as aforesaid. Any such building shall, if more than two storeys in height, be provided with an approved installation of automatic sprinklers or other approved method of fire extinction.

(c) The limits in floor area prescribed in this clause for any storey or section of a storey of any building may be increased—

(i) by one hundred per centum if the building does not exceed one storey in height or is provided with an approved installation of automatic sprinklers or other approved method of fire extinction.

Materials.
Tents—Canvas buildings.

Subsection
13. (a) The Council may grant, grant or refuse permission to erect a structure of calico, canvas, or other textile material, and if any such structure is erected without the Council's permission, may order the occupier of the structure or if unoccupied the owner of the land on which the structure is situated to demolish the structure.

(b) No provision of Part XI of the Act except section 305, paragraph (29) of section 318, and section 319, and no clause of this Ordinance except this clause and clauses 84 and 85, shall apply to the erection of a structure of calico, canvas, or other textile material.

Materials and Workmanship.

Rid. 818 (3).

14. (a) Materials which have been used in the construction of any cesspit, drain, or sewer, or which for any other reason are dangerous to health, shall not be used in the erection of any building.

(b) Faulty or unsuitable materials shall not be used in any building.

(c) No masonry unit, concrete brick, sand lime (Calcium Silicate) brick, or burnt clay and shale brick shall be used in a building unless it complies with the appropriate specification approved by the Department of Local Government.

(d) Every part of a building shall be erected in a good and workmanlike manner.

(e) (1) Masonry built of brick, concrete block, terra-cotta block or other similar approved material shall be properly bedded and laid with horizontal bedding joints not less than ½ inch thick and with vertical joints gouged in solid.

(2) Cement mortar shall not be used for such horizontal bedding joints or vertical joints where masonry is built of brick other than burnt clay or shale bricks or sand-lime (Calcium Silicate) bricks.

(f) Masonry built of stone shall be properly bedded and laid with vertical and horizontal bedding joints not less than 3½ inch thick and shall be set with the natural bed at right angles to any superimposed loading and when supporting its own weight may be set with the natural bed of stone vertical.

(g) Metal in the form of reinforcement, bolts, piping and the like shall not be built into concrete brickwork having aggregate containing corroding agents.

Use of Cement Concrete Roofing Tiles.

14a. (a) Cement concrete roofing tiles shall not be used for roofs unless such tiles comply with a standard specification approved by the Department of Local Government, and until 1st July, 1948, unless the manufacturer furnishes to the council, the builder, and the owner of the building a written statement that such tiles comply with the standard specification:

Provided that a manufacturer shall not be required to furnish the written statement hereinbefore referred to if such tiles are stamped in the manner prescribed by subclause (b) of this clause.

(b) On and after 1st July, 1948, cement concrete roofing tiles shall not be used for roofs unless such tiles are clearly and permanently stamped with the manufacturer's name or registered trade mark and to 12/48.

Use of Terra Cotta Roofing Tiles.

14b. On and after 1st March, 1955, terra-cotta roofing tiles of the shingle (plain) type and of the French (Marseilles) pattern shall not be used for roofs unless such tiles—

(a) comply with the appropriate standard specification approved by the Department of Local Government; and

(b) bear the name or the registered trade mark of the manufacturer permanently impressed therein.

Testing materials.

Rid. 815 (1).

15. The Council may test any building materials, and prohibit the use of such materials as are proved unsuitable for the purpose for which they were intended to be used.

Protection against corrosion of steel used in building construction.

15a. (1) All steel members used in the construction of any building shall be protected against corroding agencies, climate influences or local conditions that may cause corrosion by concrete coating, galvanising, and painting, or by other means.

(2) Steel members supporting brickwork over openings in external walls exposed to sea air shall be protected against corrosion either by—

(a) galvanising and painting; or

(b) anodising in concrete; or

(c) treating with phosphoric acid or other approved process to completely clean the steel and remove scale and rust and applying bond coating of iron phosphate or other approved coating of an approved paint.
Provided that where a material or a method of construction not otherwise prescribed for in this clause is proposed to be used in a building, the Council may require such material or method of construction to be tested or may require the submission of other evidence to the satisfaction of the Council of its suitability or to determine whether it complies with the requirements of this clause.

(b) Any column or beam having a protective casing of incombustible material distant at least nine inches from the inner face of the required fire-resisting construction of any external wall shall not be deemed to be an external column or beam within the meaning of subclause (a) of this clause.

(c) Where a building or portion of a building is proposed to be constructed in accordance with the provisions of subclause (a) of this clause such building or portion shall, in addition to the other requirements of this Ordinance, be constructed in accordance with such appropriate standard specification as shall be issued or approved by the Department of Local Government from time to time.

(d) In this clause, unless inconsistent with the context or subject matter, "required" means required by any provision of this Ordinance.

(e) Where a building is not required by any provision of this Ordinance to be of fire-resisting construction and where the whole or any portion of such building is intended or adapted for use—

(a) for office purposes;

(b) as a hotel, hostel, lodging-house, motel or a residential flat;

such building or portion may be constructed in accordance with the provisions of this clause and any such building or portion shall comply with all such requirements of this Ordinance set out in such standard specifications as may be issued or approved by the Department of Local Government under this clause as are appropriate to a building not required to be of fire-resisting construction but need not comply with any other requirement of this Ordinance or of such standard specification which is intended only for the purpose of fire-resistance and has no relation to structural stability.

Reinforced concrete and steel frame construction.

Ind. p. 819 (b).

17. The provisions of By-law No. 54, "Building Regulation (Materials, Load and Stresses)" made by the Municipal Council of Sydney and published in Government Gazette No. 65 of 5th April, 1946, as amended by By-laws published in Government Gazette No. 76 of 27th June, 1947, and No. 45 of 30th April, 1948, such By-law as so amended being deemed to be an Ordinance under the Local Government Act, 1919, by virtue of the provisions of the Local Government (Areas) Act, 1948, shall apply mutatis mutandis to the erection of buildings which are to be built of composite steel and concrete or of steel frame construction, in all areas to which this Ordinance applies.

Provided that any reference in By-law No. 54 to the "City Building Surveyor" shall for the purpose of the application of the By-law as aforesaid, be deemed to be a reference to the "Council".
Timber construction.

18. (a) (i) The minimum finished thickness of timber used for the purposes of flooring boards shall be 13/16 inch and timber used for other purposes in the construction of buildings shall comply with the requirements of the following table:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Minimum Sizes of Finished Timber (Tolerance of 1 in 18 Allowed)</th>
<th>Other Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hardwood.</td>
<td>Oregon, Cypress, or other Grade Timbers.</td>
</tr>
<tr>
<td>Floor joists</td>
<td>5 in. x 2 in. or 4 in. x 2 in.</td>
<td>4 in. x 2 in.</td>
</tr>
<tr>
<td></td>
<td>6 in. x 2 in.</td>
<td>5 in. x 2 in.</td>
</tr>
<tr>
<td></td>
<td>8 in. x 2 in.</td>
<td>6 in. x 2 in.</td>
</tr>
<tr>
<td></td>
<td>10 in. x 2 in.</td>
<td>7 in. x 2 in.</td>
</tr>
<tr>
<td></td>
<td>12 in. x 2 in.</td>
<td>8 in. x 2 in.</td>
</tr>
<tr>
<td></td>
<td>14 in. x 2 in.</td>
<td>9 in. x 2 in.</td>
</tr>
<tr>
<td></td>
<td>16 in. x 2 in.</td>
<td>10 in. x 2 in.</td>
</tr>
<tr>
<td></td>
<td>18 in. x 2 in.</td>
<td>11 in. x 2 in.</td>
</tr>
<tr>
<td></td>
<td>20 in. x 2 in.</td>
<td>12 in. x 2 in.</td>
</tr>
</tbody>
</table>

Floor plates: 4 in. x 2 in.

Floor boards: 4 in. x 8 in. or 4 in. x 3 in.

Yarnic plates: W/2 in. thick. 13 in. thick.

Roof rafters: 4 in. x 13 in. or 3 in. x 5 in.
Floor Joists.

18a. Floor joists shall not be built into a wall of brick, stone, concrete or the like, where the underside of the joist is less than six feet above the inside ground level adjacent to the base of the wall.

Awnings and verandas.

19. The Council may require that any or all awnings or verandas proposed to be erected over a public place shall be of the cantilever type.

Walls.

Footings.

New subsect.
31/3/45.
Re-enacted,
28/9/47.

20. (a) Every person who shall erect a building of brick, stone, concrete, or the like shall construct every wall of such building, unless built upon a hard rock or hard dry laminated shale foundation, to rest upon suitable footings constructed of brick, stone, concrete or the like.

(b) He shall cause the projection of the bottom of the footing on each side of such wall to be at least equal to one-half the thickness of the wall at its base, unless an adjoining wall interferes, or unless the wall is upon the boundary of the land, in which case the projection may be omitted on the side of the boundary, or where the wall adjoins.

(c) He shall also cause the diminution of the footings to be in regular offsets, unless the footings be of concrete.

(d) The height from the bottom of such footings to the base of the wall shall be at least equal to two-thirds of the thickness of the wall at its base. Provided that when the footings are of reinforced concrete the Council may permit the height to be less; And provided further that it shall not in any case be less than nine inches.

(e) Footings to walls of brick in cement mortar shall be of same width and height as these to walls of the same thickness not built in cement mortar.

(f) (1) Notwithstanding the provisions of the said sub-paragraphs (b) to (e), inclusive of this clause pier and beam or other footings not complying with the provisions of the said sub-paragraphs may be adopted where such footings are designed and constructed in accordance with the provisions of By-law No. 54 made under the Sydney Corporation Act, 1932-1947, and deemed to be an Ordinance under the Local Government Act, 1919: Provided, however, that if ready-mixed concrete is used in such footings it shall conform with the S.A.A. Code Emergency Standard No. (5) A502-1940 for Ready Mixed Concrete.

(ii) Detail plans of such footings shall be submitted to the Council for approval.

(2) All footings shall be capable of carrying the full dead and live loads superimposed thereon and the bearing pressure on the foundations under the footings shall not exceed the following intensities for the various kinds of materials:

<table>
<thead>
<tr>
<th>Kind of Material</th>
<th>Ton per square foot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abnormal wall, made ground</td>
<td>1</td>
</tr>
<tr>
<td>Soft clay or loam</td>
<td>2</td>
</tr>
<tr>
<td>Clayey sand</td>
<td>3</td>
</tr>
<tr>
<td>Ordinary clay and dry sand mixed with clay</td>
<td>4</td>
</tr>
<tr>
<td>Dry sand and dry clay</td>
<td>5</td>
</tr>
<tr>
<td>Hard clay and firm coarse sand</td>
<td>6</td>
</tr>
<tr>
<td>Flint shales</td>
<td>7</td>
</tr>
<tr>
<td>Shale rock</td>
<td>8 to 10</td>
</tr>
<tr>
<td>Soft sandstone (free from defects to a depth of three feet)</td>
<td>12</td>
</tr>
<tr>
<td>Medium sandstone (free from defects to a depth of four feet)</td>
<td>13</td>
</tr>
<tr>
<td>Hard sandstone (free from defects to a depth of six feet)</td>
<td>14</td>
</tr>
</tbody>
</table>

Where the footings are on the boundary of the site the allowable intensities of bearing pressure shall be one-third less than the above-mentioned values in the case of shale rock and sandstone.

Damp-proof Course and Damp-proofing.

New subsect.
Re-enacted,
28/9/49.

31. (1) Every person who shall erect a building constructed wholly or partly of masonry or of timber frame construction or of any material readily permeable by water shall provide and insert damp-proof courses of a material which has been approved by the Department of Local Government as complying with the appropriate standard specification approved by such Department for damp-proof courses. Provided that the Council may permit the omission of damp-proof courses from sheds, outbuildings or the like.

(2) Damp-proof courses shall be inserted in walls and in or on all piers to their full width, and in such manner that there shall be no open spaces, cracks, or gaps in the damp-proof courses along the full-length of the walls or piers.

(3) Damp-proof courses shall be inserted in all walls and in or on all piers in such positions and in such manner that—

(a) moisture from the ground shall be prevented from reaching the lowest floor timbers and the walls above the underside of the lowest floor joists, or in the case of any suspended floor constructed of a material other than timber shall be prevented from reaching higher than three inches below the underside of such floor or the supporting beams or girders;

(b) where a solid, concrete, or paved floor is laid on the ground or on filling, moisture from the ground shall be prevented from penetrating the adjoining walls beyond a point not less than 4 inches and not more than 4 inches above the finished surface of such floor;
(e) Where floors are below outside ground level, moisture shall be prevented from reaching the inner face of external walls.

(d) Where cavity walls are used, moisture penetrating the outer portion of walls shall be prevented from reaching the floor timbers or the inner portion of all walls above the underside of the lowest floor timbers.

(e) Moisture penetrating the chimney shall be prevented from reaching any portion of the building below the finished roof surface.

(f) Moisture penetrating parapets or other walls above the roof shall be prevented from reaching any portion of the building below the finished roof surface or the top of the roof gutter, as the case may be, and where cavity walls are used, such damp-proof course shall be inserted one course higher in the outer portion of walls than in the inner portion, or one course higher in the inner portion of walls than in the outer portion. Provided that where cavity walls are used and such damp-proof course is inserted one course higher in the outer portion of walls than in the inner portion, lengths of damp-proof course shall be seam jointed.

Provided that where lead is used as a damp-proof course for the purposes of paragraphs (e) and (f) of this subclause such lead shall not be less in weight than three pounds per square foot.

(4) Every person who shall erect a building shall prevent the access of moisture to the space between the walls of the building and the walls of existing buildings contiguous thereto by flashings or by other approved means.

(5) In cavity walls the cavity shall extend not less than 8 inches below the damp-proof course.

(6) Every person who shall erect a building shall so construct and treat all walls below or partly below ground level and all floors of basements, cellars, shafts, lift walls and the like as to prevent moisture from the ground penetrating such walls and floors.

(7) Every person who shall erect a building shall so construct, finish or face all external walls as to prevent the penetration of moisture to the inner face of such walls. Where exposed to the weather joints in wall facing and veneers shall be filled or sealed and edges of metal veneers shall be sealed with durable water-proofing material or by other approved means to prevent penetration of moisture.

(8) In addition to the requirements of paragraph (e) of this subclause there shall be built in to the chimney at or near the finished roof surface a tray either of galvanised iron not less than 3/4 gauge or of copper of not less than 30 gauge which shall extend internally 14 inches beyond the inner face of the chimney shall be turned up to permit an aperture in the chimney having dimensions of 1 inch less all round than the internal dimensions of the chimney, shall be made waterproof at angles and shall have gussets screwed or brazed on. Externally the tray shall extend sufficiently beyond the outer face of the chimney to be clear of the masonry and shall be turned up or down as may be necessary so as to discharge water above the finished roof surface.

External Walls—Structure.

22. (c) The materials to be used in the external walls of any building shall be subject to the approval of the Council.

(b) If built of brick, stone, concrete, or the like the external walls shall, except where herein provided to the contrary, be not less than 9 inches in thickness. Provided that the walls of garages, laundries, privy closets, tool sheds and the like not exceeding 10 feet in height and whether they are attached to or detached from the main building, may, if the Council so permit, be of 6 inches thickness.

(c) (i) Cavity walls may be built provided the two sections are securely tied together by a sufficient number of wire ties or other approved method, and when used the combined thickness of the inner and outer parts shall be deemed to be the thickness of the wall. Ties shall be of crimped or twisted wire, galvanised, and of not less than ten gauge. At least four ties to every square yard of wall surface shall be built into the wall; such ties shall be equally distributed and shall slope downwards in the cavity from the inner to the outer part of the wall.

(ii) Where brackets are used to support the outer section of new cavity walls on the inner section of such brackets shall be spaced horizontally not exceeding three feet at each floor level and each such bracket shall be capable of supporting a load of not less than 1,000 pounds at the centre of gravity of the outer section of such walls and shall, in the case of cast or mild steel brackets, be protected against corrosion by galvanising or by other approved means.

Provided that in buildings the short sides in height such outer section shall be supported on such inner section continuously throughout the whole length of the walls at intervals not exceeding three storeys throughout the whole height of the building by means other than such brackets.

(d) Bottoms of all cavities shall be carefully raked out before the completion of the building, and all ties kept free from mortar droppings.

(e) Where cavity walls are used, blocks shall be left at foot of cavity not more than 6 feet apart, and over all damp-proof courses inserted to protect walls weep-holes shall be left not more than 3 feet apart.
The Council may, with the approval of the Governor, define any portion of the area and by resolution prohibit the erection within that portion of buildings with external walls of materials other than brick, stone, or concrete, or the like materials:

Provided that no such resolution shall prohibit the erection within such portion of the area of a dwelling of timber construction the outer part of the external wall of which is of brick 4\(\frac{3}{4}\) inches thick, properly constructed and with sufficient footings.

Walls—Brick, Stone, Concrete.

23. (a) If built of brick, stone, concrete, or the like the walls of a building shall, except where herein provided to the contrary, be erected in accordance with such requirements as to thickness and stress limitations as shall be set out in the appropriate standard specification issued or approved by the Department of Local Government from time to time.

(b) Any wall 4\(\frac{3}{4}\) inches or less in thickness, being a diaphragm or partition wall, of brick, stone, concrete, or the like material, if it exceed 10 feet in height by 30 feet in length, or an equivalent area and all brick on edge partition walls, shall be built in cement mortar.

(c) Notwithstanding anything to the contrary in this clause, the Council may permit the erection of buildings of concrete construction, stone construction, or the like with walls of less than the prescribed thickness where such buildings are to be constructed in accordance with such standard specifications appropriate to their type as shall be issued or approved by the Department of Local Government from time to time.

(d) The Council may permit the erection of buildings of walls of concrete construction, stone construction, or the like not otherwise permitted by this Ordinance where such buildings are to be constructed in accordance with such standard specifications appropriate to their type as shall be issued or approved by the Department of Local Government from time to time: Provided that the total load on or at any section of a wall of such building shall not exceed 10 tons per superficial foot where brickwork is in cement-mortar, nor 20 tons per superficial foot where brickwork is in lime-mortar.

24. (a) This clause shall apply only to dwelling-houses, holiday cabins, residential flat buildings, hotels, motels, guest houses, boarding-houses and shops.

(b) The Council may permit the erection of buildings not more than two stories in height in materials other than brick, stone or concrete where such buildings are to be constructed in accordance with such standard specifications appropriate to their type as shall be issued or approved by the Department of Local Government from time to time.

Disengaged Columns and Piers.

25. If built of brick, stone, concrete, or the like a disengaged column or pier shall be erected in accordance with such requirements as to stress limitations as shall be set out in the appropriate standard specification issued or approved by the Department of Local Government from time to time.

Party walls.

28. (a) All party walls to separate any two complete buildings (whether such buildings are of timber or not) shall be of brick, stone, concrete, or other fire-proof material, and, except in the case of reinforced concrete, shall be not less than 10 inches in thickness.

(b) Such party walls if of reinforced concrete shall be not less than 6 inches in thickness.

(c) All such party walls shall extend up to the underside of the roof covering.

(d) Structural timber shall not be placed at a distance less than 4\(\frac{3}{4}\) inches from the centre of any such party wall.

Party fence walls.

29. (a) Party fence walls of brick, stone, concrete, or the like, up to 5 feet in height, shall not be less than 12 inches in thickness, and shall be strengthened by 4\(\frac{3}{4}\)–inch piers properly spaced, equal to not less than 10 per cent. of the length of the wall.

(b) Such party fence walls above 6 feet in height shall not be less than 24 inches in thickness for the first 6 feet, and shall be increased by 4\(\frac{3}{4}\) inches in thickness for every additional 6 feet in height or fraction thereof, with piers as aforesaid.

(c) Footings for such party fence walls where not on rock shall not be less than twice the thickness of the wall at its base.

Doors.

Size—Cubic space.

30. Every person who shall erect a building shall provide that—

(a) the areas of the floors of all the habitable rooms other than the kitchen in such building shall, taken together, average not less than 100 square feet per habitable room;

(b) a habitable room other than the kitchen shall not in any case have a floor area of less than 80 square feet; and

(c) a habitable room other than the kitchen shall not in any case have a cubic space of less than 780 cubic feet measured below 3 feet in height or 640 cubic feet measured below 3 feet in height.

Provided that in such dwelling-house and in each flat of a residential flat building there shall be at least one habitable room the cubic space of which shall not be less than 1,236 cubic feet measured below 3 feet in height or 1,148 cubic feet measured below 3 feet in height.
(d) The minimum floor area of the kitchen shall be—
In a combined bed-living-room flat....... 48 square feet.
In one-bedroom flat or dwelling-house.... 60 square feet.
In two-bedroom flat or dwelling-house... 72 square feet.
In all other cases the minimum floor area of the kitchen shall be 80 square feet.

32. (a) Every habitable room which is wholly or partly in the roof of a building:

(i) in the case of an attic room above the ground floor shall be for at least two-thirds of the area of the floor or not less than 8 feet in height where the ceiling of such room is insulated throughout with 2 inches of slake wool or equivalent insulation to the satisfaction of the council and not less than 9 feet in height where such ceiling is not so insulated, and shall not be in any part less than 7 feet 6 inches in height;

(ii) in the case of any such room which is not an attic room above the ground floor shall be for at least three-quarters of the area of the floor or not less than 9 feet in height where the ceiling of such room is insulated throughout with 2 inches of slake wool or equivalent insulation to the satisfaction of the council and not less than 10 feet in height where such ceiling is not so insulated, and shall not be in any part less than 7 feet 6 inches in height.

Other rooms.

(b) Except as otherwise provided in clause 31(a) of this Ordinance, a habitable room which is not a room wholly or partly in the roof of a building shall be not less than 8 feet in height where the ceiling of such room is insulated throughout with 2 inches of slake wool or equivalent insulation to the satisfaction of the council and not less than 9 feet in height where such ceiling is not so insulated: Provided that where boys or girls in height where the floor is intended to be for the residence of furniture or sauces in which food is intended to be stored or prepared are included as part of a habitable room the ceiling of such boys, girls or sauces may be of a less height than 9 feet or 8 feet, as the case may be, but shall not be of a less height than 7 feet 6 inches and the proportion of the floor area ceiling at a height less than 9 feet or 8 feet, as the case may be, shall not exceed one-third of the total area of the room: Provided also that the insulation may be omitted from the ceiling of a habitable room less than 9 feet but not less than 8 feet in height where such room is situated other than in the topmost story of a building, which such room is situated other than in the topmost story of a building which is provided with a flat roof of reinforced concrete.

(c) Nothing in this clause applies to any room used or to be used as an office, shop, factory or workroom.

33. (a) (i) For the purpose of ventilation every building shall be so constructed as to admit of the free admission of air, to the lowest floor of such building and the surface of the asphalt or concrete with which the ground or site of the building be covered, a space of 12 inches at least clear, except for

Lifestyle and Ventilation.

Under floors.

21st September, 1920, 22/6/20/100, 22/6/20/101, 22/6/20/102.

It is recommended that stairs and landings should be constructed so as to sustain a live load of not less than 125 lb. per square foot, which includes a factor of safety of four.
bearers, in every part; and such space shall be thoroughly ventilated and
cross ventilated by means of suitable and sufficient air-bricks or other
effectual method to be set out in detail on the plan which will not permit
the harboring of rats: Provided that where the lowest floor is so con-
structed (by filling with concrete, asphalt, or other approved material) as
to not to permit the harboring of rats this provision shall not apply.

(ii) In cavity wall construction terra-cotta air-bricks shall be
built into both sections of the wall and the wall shall be suitably sealed
around the access opening to prevent the entry of rats into the cavity.

Rooms—Ventilation.

(b) (i) Every room of a building shall be so constructed that for
every 1,000 cubic feet or part thereof of air space in the room there shall
be 8 square inches at the least of uninterrupted ventilation to the outer air
by means of air-bricks situated at or near the level of the ceiling or any
other means of ventilation may be used if the Council is satisfied that such
means is not less efficient than air-bricks.

(ii) A building which is to be more than two stories in height
and which is to be constructed with external cavity walls may, notwithstanding
the provisions of paragraph (i) of this subclause, be ventilated by means of air-bricks as follows:—

Every room of such building shall be so constructed that for every
1,000 cubic feet or part thereof of air space in the room there shall
be 8 square inches at the least of uninterrupted ventilation through the
inner portion of a cavity wall facing the outer air by means of air-
bricks situated at or near the level of the ceiling of the room. Air-
bricks shall be inserted in the inner portion of such cavity wall only
at the lowest and highest parts of the cavity so as to provide
uninterrupted ventilation to the outer air of the aggregate area
at least equal to the aggregate area of the uninterrupted ventilation
required by this paragraph to be provided in the inner portion of
such wall or of such greater area as may be required by the council.
Where any horizontal obstruction at any level throughout the whole
height of such cavity wall would intercept the free circulation of air
within the cavity through more than 90 per cent of the length of the
cavity at that level, such obstruction shall be deemed to divide the
cavity wall into sections and the requirements of this paragraph shall
apply to each such section as though it were a separate cavity wall.

Rooms—Windows.

(c) Every habitable room, or room or alcove in which food
is intended or likely to be stored or prepared, and every bathroom, enclosed
laundry, and privy-closet, shall have at least one vertical glazed window
opening directly to the outside air. One-half at least of such window shall
be constructed to open to its full extent, and so that the opening may extend
to the top of the window: Provided that in a room other than a habitable
room any other means of ventilation may be substituted for glazed windows
if the Council be satisfied that such means is not less efficient.

(d) The top of a window of an enclosed laundry or of a kitchen or
alcove or room in which food is intended or likely to be stored or prepared
shall not be less than 6 feet 6 inches from the floor.

Height of Windows.

(e) The window or windows of any room or of any alcove where food
is intended or likely to be stored or prepared shall have a superficial area
of room or alcove or (if the following side be greater than one-twentieth of the floor
area of the room) not less than 10 square feet for the windows of a kitchen or room
foot for the windows of an enclosed laundry, not less than 6 square
feet for the windows of a bathroom, not less than 2 square feet for the window
of a privy-closet, and not less than 2 square feet for any other window.
Provided that where the installation of a system of air conditioning or
mechanical ventilation has been approved by the Council the requirements
of this subclause in respect to lighting shall not apply and the special
provisions in respect to lighting shall be carried out to the Council’s
requirements.

French window.

(f) For the purposes of this clause a French window shall be deemed
to be a window,

Verandahs and Balconies.

(h) (i) A verandah or balcony or any part thereof shall not be
completely enclosed unless such enclosed space comply in all respects
with the provisions of this Ordinance relating to habitable rooms, laundries or privy-closets according to the purpose for which any
such enclosed space is intended to be used.

(ii) A verandah or balcony or any part thereof which is partially
enclosed shall comply with the following conditions:

(a) The external side or sides of the verandah or balcony or part
thereof shall not be enclosed to a greater height than 3 feet 6
inches above the level of the floor except with windows, louvres,
or the like.

(b) An unobstructed opening to the external air equal to not less than
one-twentieth of the area of the floor of the enclosed space shall
be maintained as near to the level of the ceiling as practicable.
Provided that where any adjoining room or rooms do not comply,
with the appropriate requirements of subclauses (b) to (g) inclusive of this clause independently of any ventilation and window openings on to the enclosed space such unobstructed opening to the external air shall be equal to not less than one-fifth of the area of the floor of the enclosed space.

(c) Windows, louvres or the like shall be so constructed as to permit the free and direct access of light and external air to any adjoining room or rooms.

Cooking alcoves.

(2) Every alcove in which food is intended or likely to be prepared or stored shall have an area of uninterrupted ventilation to the outer air of not less than 24 square inches at or near the level of the ceiling or by means of a ventilating duct taken to the outer air and affording an equivalent area of ventilation.

Enclosure of Cooking Alcoves.

(ii) A partition or other means of enclosure screening a cooking alcove shall have an opening of not less than 2 feet 8 inches in height and not less than 4 feet in width or half the width of the alcove, whichever is the greater. Such opening shall not be enclosed with doors.

Laundries and kitchens.

34. A dwelling of any kind shall not be erected with the kitchen and laundry combined in one room.

Bathrooms.

34A. A gas heater for the purpose of any bathroom shall have fitted to it a flue pipe of a diameter of not less than that of the flue spigot at the top of the gas or other apparatus, and shall comply with the following conditions:

(a) Such flue pipe shall discharge through the roof or into the roof space or through an external wall.

(b) Flue pipes taken into the roof space shall have a clearance at the point of discharge of not less than 18 inches from roof timbers.

(c) All flue pipes shall have a continuous rise, and above the ceiling level shall slope towards the apex of the roof.

(d) All woodwork within three inches of a flue pipe shall be protected by approved insulation, and no flue pipe shall be nearer than one inch to any woodwork.

(e) All flue pipe bends and offsets shall be of a lobster-back type.

(f) A flue pipe shall not be fitted within cavity walls or partition walls.

(g) Every flue pipe shall be provided with a baffle, and the baffles shall be fitted vertically above the flue outlet of the heater, and as near to the ceiling of the bathroom as possible.

(h) All flue pipes terminating in the open air shall be provided with a cap.

(i) All flue pipes and fittings connected therewith shall be of materials, workmanship, and efficiency approved by the Council.

(j) Each gas heater shall be independently ventilated.

34A. Every bathroom in which a gas heater is installed shall have, in addition to the ventilation elsewhere prescribed in this Ordinance for bathrooms, an adequate opening of openings in a position approved by the Council for ventilation purposes of a total area of not less than 24 square inches and situated as near to the level of the bathroom floor as practicable: Provided that this clause shall not apply in any case where ventilation is continuously provided by means of a system of air conditioning or mechanical ventilation approved by the Council.

Enclosure of Baths.

34B. A bath may be enclosed if it has a flange specially made for the purpose and if it complies with the following conditions:

(a) There shall be free air space all round between bath and enclosure.

(b) That portion of the floor within the enclosure shall be one half inch higher than the main portion of the bathroom floor, shall be graded to a suitable floor covering and further provided with an outlet pipe through the riser to the main portion of the bathroom floor.

(c) All holes made in walls or the floor shall be properly closed and outlet pipes shall have suitable mouse-proof gratings.

(d) The risers shall be of enamelled iron, terra cotta, concrete bricks or composition slabs covered with glazed tiles or other approved impervious material. In a timber-framed structure the riser may consist of wooden members not less than 2 inches by 2 inches, cement sheeting or other approved impervious material applied both internally and externally, except in the case of a riser which may be left unplinned internally if so approved.

(e) Two ventilators at least 6 inches by 3 inches fixed in approved positions shall be furnished to ventilate the enclosed space, and such ventilators shall be made of metal, terra cotta, stoneware, or be rendered mouse-proof.

(f) Where the bath is not against a wall or walls the finishing material of the wall or walls shall overlap the upstand of the
340. Every laundry or other room in which gas wash coppers without flues are installed shall have for ventilation purposes in addition to the ventilation elsewhere prescribed in this Ordinance, unobstructed openings in positions approved by the Council of a total area of not less than 100 square inches for each copper so installed. Half of the ventilation from such openings shall be not more than twelve inches above the level of the floor and the remainder shall be not less than six feet above the level of the floor.

Windows.
Sec. 374 373 (94).
35. Any window, the top of which is more than 12 feet above either the ground or any external flat surface or slightly sloping roof sufficient for safety, shall be so constructed that it can be cleaned from the interior of the building.

Drainage.
Sec. 385 384 (b).
36. Every person who shall erect a building shall construct the lower storey of such building at such a level that, in the opinion of the Council, it may be practicable to construct a drain sufficient for the effective drainage of such building.

Drainage.
Sec. 84 385 (y).
37. (a) Every person who shall erect a building shall provide drains sufficiently for carrying away from the building all surface or rain water, and also sewers for carrying away all sewage.
(b) Such sewer shall comply with the regulations or ordinances relating to sewers which are in force in the district.
(c) Where practicable to lay drains and sewers otherwise, they shall not be laid beneath a building.

Sewers.
38. The plans for a building where a public main sewer is not available shall include provision for the disposal of sewage, and shall provide for the insertion of cleaning eyes and ventilators where required by the Council.

Rainwater.
39. The plans for a building shall include provision for carrying off rainwater from the roof thereof without causing dampness in the walls or foundations.

* The roof water will be taken away by "drains"; the pipes from the kitchen sink, laundry tub, bathroom waste, etc., will be "sewers" (see definitions in section 4 of Act).

† In Sydney Metropolitan District, the regulations of the Metropolitan Board of Water Supply and Sewerage. In other areas, regulations of the Local Board of Water Supply and Sewerage. In other areas, Ordinance No. 64 or regulations.

** It is recommended that fire escapes be constructed so as to bring a free area of not less than 120 ft. above ground, which includes a length of not less than 12 ft. in the construction of fire escape doors and fire resisting doors the rules of the Fire Underwriters' Council and the Building Act, 11/5/1892, and the Board's regulations respectively Fire escapes in Buildings Act, 1912, and the Fire Regulations Act, 1895, and any regulations made under those Acts.
Alternative provision for blocks of buildings.

(1) As an alternative to the provision of individual fire escapes for each one of a continuous group of buildings, the Council may permit buildings to be so designed (where there is mutual agreement between the owners of buildings for the purpose) as to provide fire escapes access from the roof of one building to the roof of another with a fire escape at each end of the block of buildings. Provided that each of the buildings which, by the operation of this subclause, has no fire escape, shall have its own separate staircase leading to the roof, and the door opening to the roof shall have an automatic fastening capable of being readily opened from the inside.

Fire—Water boosting service.

41. It is the design and erection of every building which is more than 15 feet in height, and is in a district where there is a public water supply, that shall, if the Council so require, be provided with means of boosting or increasing the pressure of the water supply to make it available and effective for service in saving the building from fire.

Existing Buildings.

Skylights.

Sec. 318 (4).

42. The Council may order the alteration or repair of any skylight in any building if such skylight be in the opinion of the Council in such a condition as to be detrimental to health or dangerous.

Miscellaneous.

Temporary use of street while building.

Sec. 318 (17).

43. The Council may permit the encroachment and use of any public place in connection with the building or taking down of a building, or the alteration or repair of a building.

Covering of Test Holes.

43A. Any person who on any land which is not enclosed with a sufficient fence or wall or fence or wall of hedges or enclosures for the site of a building which are or are likely to become dangerous to life shall forthwith cover or enclose such holes or excavations, and keep the same covered or enclosed in a good and sufficient manner at all times when work is not proceeding thereon or therein.

* See also Ordinance 20 (clause 44) re. temporary boardings for building purposes.

Adjoining Buildings—Entry—Underpinning and Sharing.

Sec. 318 (17), sec. 319 (4).

44. (a) For the purpose of this clause the expression "building owner" means an owner who proposes to erect or is erecting a building, the plans and specifications of which have been approved by the Council.

(b) Where a building owner proposes to erect a building in close proximity to any other building (such other building being the property of another owner) and if it be necessary for him to excavate or dig out the ground against the wall of such other building, the building owner shall at his own cost shore up and underpin such wall to its full thickness and to a workmanlike substantial manner. For the purpose of this subclause a wall on the premises of the owner of such other building, in any such case the building owner shall pay compensation for any disturbance of business or for any damage or injury caused by such entry.

(c) If, for the purpose of erecting a wall in close proximity to the existing wall of any other building as aforesaid, it be necessary to cut away any projection or part of such existing wall (such as footings, chimney-breasts, chimney-shafts, or other projections beyond the vertical face of such wall)—such projection or part being, in fact, an encroachment on the land of the building owner—the building owner may at cut away at the expiration of at least one week's written notice, which he shall give to the owner of such other building:

Provided that the parts from which any such brick, stone, or concrete work is so cut away shall be again made good in a workmanlike substantial manner; and that the building owner shall use reasonable care in such cutting away and making good, but that all such work shall be done at the cost and risk of the owner of such other building:

Provided further that if the owner of such other building shall, before the expiration of such notice, give to the building owner notice in writing that he desires to carry out such work of cutting away and making good, he shall be entitled to do so at his own cost, and may enter on the land of the building owner for that purpose, but if such work be not completed by him within one month after such expiration the building owner may proceed to do or complete the same as hereinafter provided.

(d) Where, under this clause, one person claims to recover the cost of work or to recover compensation from another person, the claimant shall, within fourteen days after completion of the work, serve upon such other person a written account of the cost (including the cost of all preliminary and incidental operations); such account shall give detailed particulars of class of work done, quantities, and cost at current rates, and shall allow deductions for the value at current prices of such materials the property of such other person as has been won by excavation or by pulling down or cutting into any wall or projection; and such other person may within
ten days from service of such account elect to refer the claim to arbitration under the Arbitration Act, 1902, whereupon it shall be so referred and decided.

**Strongrooms—Lighting, Ventilation and Safety Devices.**

44. Every strongroom shall be provided with artificial lighting and permanent-ventilation to the satisfaction of the Council and with a pilot light and an approved mechanical bell which shall both be located immediately outside the strongroom and controllable only from within the strongroom.

**PART III—DWELLING-HOUSES.**

**Application of Part.**

45. This Part shall apply to dwelling-houses in addition to Part II, and the provisions of this Part shall, where inconsistent with the provisions of Part II, apply to that extent to replace those provisions in relation to dwelling-houses.

**Site—Minimum area.**

46. The Council may by resolution fix in respect of different portions of the Municipality or Shire* the minimum size of an allotment of land upon which a dwelling-house may be erected but where such minimum has not been so fixed the minimum size of any such allotment shall be 2,000 square feet:

Provided that such minimum fixed by the Council shall not be less than 2,000 square feet:

Provided also that if an applicant, in subdividing his land provides common garden or play-ground space adjoining and within the subdivision, the area of any such space may be taken into account and credited proportionately to the allotments abutting on that space or on any road surrounding that space, and the actual area of each allotment may be reduced accordingly below the prescribed minimum, but not to less than one-half of such minimum, and the right granted by this proviso shall extend also to any subsequent purchaser of any such allotment:

Provided also that, in the case of an application for approval to build upon a parcel of land of less than the minimum size prescribed or fixed by this clause, such parcel being in existence as a separate parcel on 27th February, 1942, if the parcel of land contains at least 1,000 square feet the Council shall grant such application if the proposed building be suitable for approval apart from the question of the area of the site, but if the parcel contains less than 1,000 square feet the Council may grant approval to build, but shall only do so in accordance of a resolution giving the reasons for regarding the case as an exceptional one, and any such resolution may be a resolution dealing with an individual case, or may be a general resolution dealing with a specified street or part of a street, or a specified class of cases.

*This is limited to a street to the portion of the street to which the Orinances has been extended, vide clause 1 of this Ordinance.

**Proportion of site which may be covered.**

47. A dwelling-house, together with its appurtenances, to be erected on an allotment, shall not occupy more than two-thirds of such allotment, and the minimum of unoccupied area shall not be less than 500 square feet:

Provided that this shall not prevent the Council from granting approval in the case of the erection of a dwelling-house on an allotment, or with a minimum of unoccupied area of less than 500 square feet, in replacement of an existing dwelling-house which occupies more than two-thirds of that allotment:

Provided also that this shall not prevent the Council from granting approval to the erection of a bathroom, kitchen, or other room as an addition to a dwelling-house which was erected prior to 1st January, 1928, where such dwelling-house, together with its appurtenances, would occupy more than two-thirds of the allotment or the unoccupied area would be less than 500 square feet:

Provided also that where situated on a premises considered by the Council to be an established shopping locality the Council may permit a building which is to be a shop and dwelling combined to occupy more than one-fifth of the allotment, subject to the unoccupied area being not less than 500 square feet:

Provided also that in a wetland district and in a case where the dwelling-house portion is wholly above the ground floor, the open space required by this Clause may be provided in the form of a flat roof over the shop portion of the building:

Provided also that the roofs of commercial buildings may be taken into account as yard space for dwellings on the same allotment, if such roofs are flat and are adapted for the common use of the tenants:

Provided also that a garage erected at a low level, the roof of which serves as a portion of the garden, yard or court, shall not be included as a building in calculating the proportion of the area of the allotment that may be occupied by a building:

**Alteration of Other Buildings to Dwelling-Houses.**

47A. Where it is proposed to alter a building so that it may be used as a dwelling-house the Council may require that the whole building (when so altered) shall comply with the provisions of this Ordinance which apply to a dwelling-house.

**Space outside windows on boundary line.**

48. (a) A wall of a dwelling in which any window or door is placed shall be at a distance from the boundary line of the allotment of not less than 8 feet in the case of a dwelling of one storey or of 6 feet in the case of a dwelling of more than two storeys: Provided that this subclause shall not apply in any case where the boundary line of an allotment is also the boundary of any public place.
(3) If part of a wall be set back to comply with this clause such setting back shall extend and be maintained from the window or door to one end or cross the rear of the building, in order that, even though the next allotment of land be built upon now or hereafter, there shall be access of the specified width of 3 or 5 feet of light and air to such window from some open space in a horizontal direction from the window, as well as in a vertical direction.

(4) No eaves or hood over windows or any structure or attachment likely to obstruct the access of light and air may extend upon or over the distance of the wall from any boundary line or the width of the space of any set back so as to encroach upon the specified width of three or five feet by more than one-fourth.

Provided that nothing in this subclause shall prevent a eave or eave which projects not more than eighteen inches from returning along the side wall for a distance not exceeding six feet.

(5) A window in a recess in a wall shall be deemed to be a window in such wall for the purpose of this clause.

(6) In the case of a proposal to alter any building which was erected before 30th August, 1918, the preceding provisions of this clause shall not be held to prevent the Council from granting approval to the construction of additional windows in a wall if, in the opinion of the Council, any such additional windows are necessary to make the building a more healthy building.

Kitchen, laundry, and bathroom fittings.*

40. (a) Every dwelling-house shall be provided with a completely enclosed bedroom and a laundry or with a completely enclosed combined bathroom and laundry: Provided that a council may in any case where it considers that a bathroom or laundry may be dispensed with, exempt any building from this provision, but such exemption shall be given by resolution of the council.

(4) Every bathroom and every combined bathroom and laundry shall be provided with either a bath having a capacity of not less than 35 gallons or a shower recess in which the hob is raised not less than 12 inches above the level of the floor of the shower recess to form a bath having a capacity of not less than 35 gallons. Every bath and every shower recess shall have the water laid thereto.

(5) Every laundry and every combined bathroom and laundry shall be provided with wash-tubs and copper or other means of washing clothes and the water laid thereto.

(6) The minimum width of one bathroom in each dwelling-house shall be 6 feet and the minimum floor area 30 square feet. Where a water closet is installed in the bathroom the minimum floor area of the bathroom shall be increased by not less than 36 square feet and such additional floor area may be in the form of a suitable recess or above.

* Water Changes.—As to provision of Water, Wash, etc., see s. 281 (4) of Local Government Act, 1906.
Hospitals.

51. (a) Hospitals, or buildings designed or intended or adapted to be used as hospitals, shall comply with the following special provisions in addition to the other provisions of this Ordinance which apply thereto.

(b) Every hospital shall have at least two means of exit as remote as practicable from each other, with the corridors and stairs (if any) leading to such exits of ample width for the removal of patients in case of fire.

provided that if in any hospital building portion of the building above the ground floor is used for purposes other than the accommodation of patients and is not provided with stairs leading to the street exit of ample width for the escape of persons from such portion in case of fire, a fire escape shall be provided in addition to a main staircase, and such fire escape shall comply with the provisions of clause 40 of this Ordinance.

(c) A hospital of timber construction shall not exceed one storey in height.

(d) A hospital over two storeys in height shall be of fire-resisting construction.

(e) The minimum width of any door or doors between a ward and the two exits, or of any stair between a ward and the two exits, shall be 3 feet 6 inches, and the minimum width of any passage between a ward and the two exits shall be 5 feet; the building shall be so planned that occupied beds may be wheeled or carried from the wards to the two exits.

PART IV.—RESIDENTIAL FLAT BUILDINGS

Application of Part.

52. This Part shall apply to residential flat buildings in addition to Part II, and the provisions of this Part shall, where inconsistent with the provisions of Part II, to that extent replace those provisions in relation to residential flat buildings.

Access of Light and Air.

53a. No eaves or hoods over windows or any structure or attachment likely to obstruct the access of light and air may extend upon or over the distance of the external wall from the side boundary line of the allotment so as to encroach upon each distance by more than one-fourth thereof. Provided that nothing in this clause shall prevent the erection of an awning or open porch in front of or adjoining an entrance to a doorway in an external wall facing or adjoining the side boundary if the Council approve of such erection.

Height.

54. (a) The height of a residential flat building shall not in any case exceed 100 feet.

(b) This clause is subject to the Height of Buildings (Metropolitan Police District) Act, 1912, in respect of buildings over 100 feet in height.

(c) Subclause omitted.

55. A residential flat building exceeding two storeys in height (exclusive of attic or basement, if any) shall be of fire-resisting construction.

Domestic Offices—kitchens, bathrooms, water-closets, &c.

56. (a) Subject to this Ordinance, comprised within each flat there shall be a bathroom, a water-closet (if a suitable sewage system is available) and a kitchen or above where food may be prepared. A kitchen sink shall be fixed, with running water, and connected with a suitable sewage system.

(1) Notwithstanding the provisions of subclause (a) of this clause a shower room only may be comprised within a self-living-room flat instead of a bathroom.

(2) In a residential flat building where a room is provided for meals of food for all the tenants, a separate kitchen need not be provided for each flat if specific approval of the Council be obtained beforehand.

* Where no sewage system is available, see Ordinance No. 46 or cl.)
(b) Separate laundries shall be provided in a residential flat building at the rate of one for every four flats or part thereof with wash-tubs and copper or other means of washing clothes installed in each and the water laid therefor:

Provided that one laundry only shall be required to be provided for each eight flats or part thereof if—

(i) two sets of wash-tubs and copper or other means of washing clothes are permitted by the council to be installed in each laundry and the water laid therefor; or,

(ii) mechanical equipment for washing and completely drying clothes is installed in each laundry.

Every bathroom shall be provided with either a bath having a capacity of not less than 25 gallons or a shower recess in which the hop is raised not less than 15 inches above the level of the floor of the shower recess to form a bath having a capacity of not less than 25 gallons. Every bath and every shower recess shall have the water laid therefor. Every shower room shall be provided with a shower recess and shall have the water laid therefor.

(6) The minimum width of one bathroom in each flat shall be 5 feet and the minimum floor area 30 square feet. The minimum width of a shower room shall be 5 feet and the minimum floor area 18 square feet. The minimum floor area of such bathroom or shower room shall be increased by 75 square feet where a water closet is installed therein, by 12 square feet where a mechanical appliance for washing clothes is installed therein and on 13 square feet where both a water closet and a mechanical appliance for washing clothes are installed therein. Where the water closet is fixed in the bathroom or shower room, the required additional floor area may be in the form of a suitable recess or above.

(c) The floor surfaces of bathrooms on any floor and of laundries when above the ground floor shall be of impervious material properly graded and drained. The floor surfaces of water-closets shall be of impervious material properly graded to a suitable outlet.

For the purpose of this subclause impervious material shall be—

Vitreous tiles set in cement mortar; dense concrete not less than 2 inches thick rendered with not less than 2 inches cement mortar; slate; marble; terrazzo; asphaltum not less than 2 inches thick trowelled smooth; approved metallic sheeting or other approved material impervious to water.
(d) Where the dividing walls of a one-storey building of timber frame construction are constructed of timber, the studs shall not be less than 4 inches by 2 inches spaced with 13-inch centres, and such walls shall be packed with sound-proof, fire-resisting and vermin-proof material to the satisfaction of the Council.

Common Halls—Width, Light and Ventilation.

61. (a) A common hall serving flats containing together not more than eight habitable rooms shall be not less than 3 feet 6 inches wide, and shall be increased 3 inches in width for every additional eight habitable rooms, or fraction thereof, served:

Provided that a common hall leading from a main entrance to a stairway shall in no instance be less than 4 feet wide.

(b) Every common hall shall have windows and ventilating to the outer air in the proportion provided for habitable rooms in Part II of this Ordinance, or an equally effective glazed and ventilated skylight. The skylight shall be formed of wired glass or protected by a screen outside of galvanized iron netting not less than 12 gauge, with mesh not more than 1 inch, fixed at least 6 inches above the skylight, and projecting beyond every free edge of the skylight not less than 8 inches.

Kinds of Exits.

61a. The means of exit from a residential flat building required by this Part shall consist of interior stairways, fire-isolated stairways, passageways or doorways of at least the respective number and minimum dimensions prescribed in this Part: Provided that the requirements of this Part shall not apply in respect of means of exit additional in number to the minimum prescribed in this Part.

Number of Exits.

61b. (a) Every residential flat building shall have at least two means of exit which shall be as remote as practicable from each other:

Provided that where a residential flat building does not exceed eight storeys in height and is so constructed that on each floor every flat has direct access to a stairway or other means of exit without passing doors or other openings a second stairway or other means of exit shall not be required.

Provided also that in all cases any means of exit shall be so located that the entrance to any flat is not more than one hundred feet distant from such means of exit measured along the shortest line of travel.

Number of Fire-isolated Stairways.

(b) Every residential flat building of more than three storeys in height shall have at least one fire-isolated stairway serving as a means of exit:

For the purpose of this subclause a cellar or basement shall not be considered a storey.

A basement shall be provided with alternative means of escape.

45° 61c. (a) Notwithstanding any other provision of this Ordinance interior stairways, other than fire-isolated stairways, shall be constructed of non-combustible materials throughout and walls, partitions, supports, and ceilings enclosing such stairways shall be constructed of non-combustible materials.

Head-room.

61d. (b) Every interior stairway shall have a head-room clearance of not less than 6 feet 6 inches measured vertically above any landing or above any stair tread.

Minimum Width.

61e. (c) The minimum unobstructed width of an interior stairway serving as a means of exit from flats containing together not more than sixty habitable rooms shall be not less than 3 feet 6 inches and shall be increased 3 inches for every additional ten habitable rooms, or fraction thereof, served:

Provided that where a lift is installed such interior stairway shall not be less than 3 feet wide.

Provided also that, with the exception of staircases serving lift machinery rooms and the like, the minimum unobstructed width of an interior stairway not serving as a means of exit shall not be less than 2 feet 6 inches.

Treads—Non-skid Material.

61f. (d) Treads of stairs and the graded surfaces of the stairway shall be effectively treated with non-skid materials.

Treads and Risers—Width and Height.

(e) Treads and risers of interior stairways shall be of uniform width and height throughout but risers shall not exceed 7 inches in height and treads, exclusive of nosing, shall be not less than 6 inches in width.

Provided that this subclause shall not apply in the case of stairways serving lift machinery rooms and the like.

Winders.

61g. (f) The use of winders may be permitted in interior stairways other than fire-isolated stairways if no tread is less than 6 inches in width, exclusive of nosing, at any point throughout any one flight of the stairway.
Landings.  

(g) (i) A flight of stairs shall not have more than 18 rises between floors or landings.  
(ii) The length and width of landings shall be not less than the length of the width of stairways in which they occur, provided that the length of the width of stairways in flights continuing in the same direction shall be not less than the width of three treads.

Hand Rails.  

(h) A stairway shall have a wall or balustrade or guard on each side. A stairway exceeding 44 inches in width shall have a handrail on each side. A stairway not exceeding 44 inches in width may have a handrail on one side only.  
Where the width of a stairway exceeds 60 inches an intermediate handrail continuous between landings and terminating at the upper end in newels or standards at least 6 feet high shall be provided.  

(i) Where the Council approves of a building being converted into a residential flat building in accordance with the Local Government (Regulation of Flats) Act, 1938, such building shall not be required to comply with subclauses (a), (c), (d), (e), (f), (g) and (h) of this clause.

Fire-isolated Stairways.  

§10. (a) Except as otherwise required by this clause fire-isolated stairways shall conform with subclauses (b) to (h) inclusive of clause §10 of this Ordinance.  

Construction.  

(b) Fire-isolated stairways shall be of fire-resisting construction.  

Width.  

(c) Where the means of exit required by this Part consist of two or more stairways, including a fire-isolated stairway or stairways, the aggregate width of such fire-isolated stairways shall be at least equal to half the aggregate width of all stairways serving as means of exit.

Enclosing Walls.  

(d) The enclosing walls, floors, supports and ceilings of fire-isolated stairways shall be of reinforced concrete not less than 4 inches thick, of terra-cotta not less than 6 inches thick, or brick 44 inches thick rendered to be 6 inches, or of other approved incombustible material of at least equal fire and heat-resistance. Such walls shall be carried at each floor.

Openings.  

(e) No openings other than necessary doorways and windows shall be constructed in the walls of fire-isolated stairways and no openings other than necessary doorways shall be constructed in interior walls. Access to the stairways at each storey served by a fire-isolated stairway shall be by approved self-closing or automatic fire-doors sliding or swinging in the direction of travel from the building to the fire-isolated stairway.

Outlets.  

(f) Every fire-isolated stairway shall give access either directly or through a passageway conforming with the requirements of this Part to a public place or to a courtyard or open area connecting directly with a public place.

Electricity and Gas Services.  

(g) Electricity and gas services ducts, motors and switchboards shall not be placed within fire-isolated stairways unless isolated therethrough by walls, ceilings and doors as required for fire-isolated stairways and provided with approved permanent ventilation.

Passageways—Width.  

61b. (a) The clear width of passageways serving as means of exit shall be—  

(i) when the width of the stairways discharging therein is less than 4 feet, not less than the width of the stairway;  

(ii) when the aggregate width of the stairway or stairways discharging therein is 4 feet or more, not less than three-fourths of the aggregate width of the stairway or stairways but not less than 4 feet in any case.  

Height.  

(b) Such passageways shall have a clear height of not less than 8 feet, except under intermediate stair landings where there shall be a clear height of not less than 6 feet 8 inches.

Floor.  

(c) Where the floors of such passageways are not level, gradients of not more than one in ten may be used; Provided that at a door leading into a passageway or at the foot of a stairway the floor shall be level across the entire width of the passageway and along its length for a distance of 12 inches more than the width of the door and for a distance of not less than 40 inches at the foot of the stairway.