NEW SOUTH WALES.

1973—No. 172

ORDINANCE.

LOCAL GOVERNMENT ACT, 1919.

[Published in Supplement to Government Gazette No. 80 of 20th June, 1973.]

PROCLAMATION.


ORDINANCE No. 70 is hereby proclaimed as set out in the Schedule hereto. (G. 73-13)

By His Excellency’s Command, A. H. JAGO.

GOD SAVE THE QUEEN!

SCHEDULE.

ORDINANCE NO. 70.

BUILDING.

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

GROUP I.—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 XI of the Act applies.

(2) The notice of a proposal to apply Part XI 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.

p 28229—1. [S$1.65]
This Ordinance shall commence on 1st July, 1974.

1.2. This Ordinance is divided into Parts and Groups of Parts as follows:

**GROUP I.—PRELIMINARY.**

**PART 1.—Preliminary.**

**GROUP II.—GENERAL PROVISIONS.**

**PART 2.—Legal Proceedings and Notices.**

**PART 3.—Enforcement and Inspections.**

**PART 4.—Penalties.**

**PART 5.—Establishment of Fire Zones.**

**PART 6.—Classification of Buildings.**

**PART 7.—United Buildings.**

**PART 8.—Building Applications.**

**PART 9.—Fees.**

**PART 10.—Materials and Workmanship — Administrative Provisions.**

**PART 11.—Site Requirements.**

**GROUP III.—BUILDINGS IN COURSE OF ERECTION OR DEMOLITION.**

**PART 12.—Precautions During Construction.**

**PART 13.—Demolitions.**

**GROUP IV.—BUILDINGS IN RELATION TO PUBLIC ROADS.**

**PART 14.—Height in Relation to Widths of Roads.**

**PART 15.—Projections beyond Road Alignments.**

**GROUP V.—FIRE SAFETY AND FIRE RESISTANCE.**

**PART 16.—Fire-resisting Construction of Buildings.**

**PART 17.—Construction Required except in Fire Zones.**

**PART 18.—Construction Required in Fire Zones.**

**PART 19.—Floor-area Limitations.**

**PART 20.—Fire Resistances of Structural Members.**

**PART 21.—Fire Doors, Smoke Doors, Fire Windows, and Fire Shutters—Construction Requirements.**

**PART 22.—Location and Protection of Openings.**

**PART 23.—Separation of Sections of a Building by Fire-resisting Construction.**

**PART 24.—Means of Egress.**

**PART 25.—Chimneys, Flues, Fireplaces, Stoves and Similar Features.**

**PART 26.—Fire Protection in Class IX Buildings.**

**PART 27.—Fire-fighting Services and Appliances.**
GROUP VI.—STRUCTURAL PROVISIONS.
PART 28.—Materials.
PART 29.—Stresses and Load Factors.
PART 30.—Design for Dead and Other Loads.
PART 31.—Excavation, Earthwork, and Retaining Walls.
PART 32.—Foundations.
PART 33.—Footings not on Piling or Caissons.
PART 34.—Piling and Caissons.
PART 35.—Walls—General Requirements.
PART 36.—Walling of Masonry.
PART 37.—Walling not of Masonry, Timber, or Veneer-on-timber.
PART 38.—Floors.
PART 39.—Roofs and Roof Structures.
PART 40.—Structural Concrete and Steelwork.
PART 41.—Timber Construction.
PART 42.—Veneer-on-timber Construction.
PART 43.—Other Kinds of Construction.

GROUP VII.—HEALTH AND AMENITY.
PART 44.—Drainage of Building and Site.
PART 45.—Disposal of Garbage and other Household Wastes.
PART 46.—Provision of Bathrooms, Closets, Kitchens and Laundries.
PART 47.—Weather-proofing, Damp-proofing, and Flashing.
PART 48.—Termite and Rodent Prevention.
PART 49.—Room Sizes and Heights.
PART 50.—Light and Ventilation.
PART 51.—Special Health and Amenity Requirements for Particular Rooms.
PART 52. * * * * * * * *

GROUP VIII.—ANCILLARY PROVISIONS.
PART 53.—Special Requirements for Certain Buildings and Components.
PART 54.—Awnings and Other Attachments.
PART 55.—General Services and Equipment.
PART 56.—Alteration and Restoration.
PART 57.—Ruinous and Dangerous Buildings.
PART 58.—Temporary and Special Structures.
1.3. (1) In this Ordinance, except in so far as the context or subject-matter otherwise indicates or requires—

“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;

“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;

“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;

“combustible”—

(a) applied to a material, means combustible in accordance with Australian Standard A.30 “Fire Tests on Building Materials and Structures”; and

(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);

“construct” includes “erect”;

“curtain wall” means a non-loadbearing external wall that is not a panel wall;

“exit” means an exit referred to in clause 24.4;

“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 that complies with the relevant provisions of Part 16;

"fire-resistance rating" means a fire-resistance rating as determined in 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 wall" means an internal wall that divides a storey or building into sections to resist the spread of fire;

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

"foundation" means the ground which supports the building;

"institutional building" means a building designed, constructed, or adapted as a clinic, convalescent home, hospital, infirmary, nursing home, sanatorium, asylum, pre-school centre, home or institute for orphans, poor, aged, sick, or physically or mentally handicapped persons, or similar institution;

"loadbearing", applied to a wall, a part of a wall, a shaft, or any similar member, means intended to support a vertical load additional to its own weight;

"masonry" means stone, brick, terra-cotta-block, concrete-block, or other similar building unit, or a combination thereof, assembled together unit by unit to form a wall, pier, chimney, or other part of a building;

"mezzanine" means that space within a room which is situated between—
(a) an intermediate floor constructed within the room; and
(b) the floor level, ceiling, or roof above, as the case may be;
and in which the intermediate floor does not extend across the full area of the room;

"non-combustible"—
(a) applied to a material, means not combustible in accordance with Australian Standard A.30 "Fire Tests on Building Materials and Structures"; and
(b) applied to construction or a part of a building, means constructed wholly of materials that are non-combustible as referred to in paragraph (a);
"open-deck parking station" means a parking station in which all parts of the parking storeys are cross-ventilated by means of permanent openings in not fewer than two opposite or approximately opposite sides, the openings in each case being not smaller in area than half the vertical area of the side concerned;

"open space" means a space on the allotment, open to the sky and connecting directly with a public road;

"panel wall" means a non-loadbearing external wall, in frame or similar construction, that is wholly supported at each storey;

"partition wall" means—
(a) a non-loadbearing internal wall that does not extend beyond one storey of a building; or
(b) a non-loadbearing member resembling such a wall, as the case requires;

"pre-school centre" means a building, other than a school, designed, constructed, or adapted for the pre-school care or training of not fewer than six children;

"required" means required by or under this Ordinance;

"rise" in storeys of a building means the number of storeys above the ground, calculated in accordance with the rules set out in clause 17.1;

"school" includes a university, agricultural college, teachers' training college, school of mines, theological college, or similar establishment designed, constructed, or adapted for tertiary education;

"self-closing", applied to a door or window, means equipped with an approved device designed to bring the door or window automatically to the fully closed and latched position after each manual opening;

"shaft" means the walls and other parts of a building bounding a well or a vertical chute, duct, or similar passage, but not a chimney or like part of a building intended for the discharge of hot products of combustion;

"site" means the allotment of land on which a building stands or is to be erected;

"sole-occupancy unit" means—
(a) a flat;
(b) a room or suite of rooms in a Class III building designed, constructed or adapted to include sleeping facilities; or
(c) any portion of a Class V, VI, VII, VIII or IX building, including a room or suite of rooms, designed, constructed or adapted for use in separate occupation by one or more persons pursuant to a right or title, whether contractual or proprietary, distinct from the right or title under which adjacent portions are occupied;
"solid", applied to a wall, means without cavities, vertical cores or holes, or other voids, except those included within its individual masonry units;

"sprinkler system" means a system of water sprinklers within a building set to discharge automatically at a pre-determined temperature;

"stairway" includes the treads and risers of a flight of stairs and the landings between flights;

"Standard Fire Test" means the Fire-resistance Test of Structures set out in Australian Standard A.30 "Fire Tests on Building Materials and Structures";

"storey" means that space within a building which is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—

(a) such a space in which the only use for which the space is designed, constructed, or adapted is for the accommodation of—

(i) lift shafts, stairways, or meter rooms; or
(ii) bathrooms, shower rooms, laundries, water closets, or other sanitary compartments; or
(iii) storerooms in Class I buildings; or
(iv) not more than three vehicles; or

(b) a mezzanine;

"structural member" means a part of the structure of a building, and includes a footing, column, pier, wall, curtain wall, panel wall, spandrel, parapet, partition wall, shaft, floor, roof, ceiling, stair, landing, ramp, or balcony, and any supporting part incorporated therewith;

"tent" shall extend to and include any structure wholly or in the main part of textile material.

(2) For the purposes of this Ordinance—

(a) a corridor, hallway, or the like is described as "public" if it—

(i) serves as a means of egress from two or more sole-occupancy units to a required stairway or other required exit from the storey concerned; or
(ii) is required by this Ordinance to be provided as a means of egress from any part of a storey to such a stairway or exit;

(b) garages are described as follows:

(i) All garages of Class I buildings, and such single-storey garages of other buildings as accommodate not more than three vehicles, are "private garages";
(ii) All garages that are not private garages and that are not
designed, constructed, or adapted for the servicing of vehicles,
other than washing, cleaning or polishing, are “public
garages”; and

(iii) All garages that are not private garages and that are designed,
constructed, or adapted for the servicing of vehicles, other
than washing, cleaning, or polishing only, are “service
stations”; and

(c) walls are described as follows:

(i) The outer walls of a building, not being party walls or
common walls, are its “external walls”; 

(ii) A wall that is common to adjoining buildings, not being a
party wall, is their “common wall”; and

(iii) The walls of a building that are not external or common
walls or party walls are its “internal walls”.

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

(a) * * * * * *

(b) * * * * * *

(c) a reference to a Form quoted by a numeral is a reference to the
Form so numbered and appended hereto;

(d) a reference to a Table quoted by a numeral with or without a
letter or other numerals is a reference to the Table contained
in or next following the clause, subclause, or paragraph similarly
referred to;

(e) language referring to a building in being shall be construed, with
all necessary changes, for a proposed building, so that among
other things—

(i) a reference to the owner of a building shall be construed as
a reference to the person who, if the proposed building were
then completed, would be its owner;

(ii) a reference to a structural member of certain materials shall
be construed as a reference to a proposed structural member
which, if erected as proposed, would be of those materials;
and

(iii) a reference to the purpose of a building shall be construed
as a reference to the purpose for which a proposed building
is to be used on completion;

(f) a reference to a “building” shall be construed as a reference to
an “entire building” or a “portion of a building”, as the case
requires;

(g) * * * * * *

(h) * * * * * * 
(i) abbreviations and symbols for units and multiples and sub-multiples of units have the same meaning as they have ascribed to them in Australian Standard AS1155 “Metric Units for Use in the Construction Industry”.

1.4. (1) The Ordinances under the Act and the By-laws under the former Sydney Corporation Act, 1932, now deemed to be Ordinances under the Act, listed in the First Schedule are hereby repealed.

(2) Where an application for approval to erect a building has been lodged with a Council, and before the application is dealt with—

(a) this Ordinance and the provisions of subclause (1) take effect;

or

(b) there is proclaimed an amendment of this Ordinance, the Council shall deal with the application in accordance with the Ordinance or Ordinances in force at the time when the application was lodged.

1.5. Where more than half the area of an external wall is rebuilt (whether because this part has fallen or must be taken down for any reason), the whole wall shall be brought into conformity with this Ordinance as though it were a wall of a new building.

1.6. (1) This clause shall apply wherever structural alterations are proposed for a building.

(2) The Council shall not approve any structural alterations unless it is satisfied, after consideration of a report by the proper servant, that those alterations——

(a) will not unduly reduce the existing level of fire protection afforded to persons accommodated in or resorting to the building;

(b) will not unduly reduce the existing level of resistance to fire of the building structure; and

(c) will not unduly reduce the existing safeguards against spread of fire to adjoining buildings.

(3) The Council may require that the entire building shall be brought into conformity with the Act and Ordinances as though it were a new building if——

(a) the proposed alterations, together with any other structural alterations completed or approved within the previous three years, represent more than half the total volume of the original building, measured over the roof and the external walls; or

(b) the Council considers that the safety of persons accommodated in or resorting to the building, or the risk of the spread of fire to adjoining buildings, so warrants.
4. If structural alterations to a building are associated with a change of use from that of one class to that of another, clause 6.6 shall apply.

GROUP II.—GENERAL PROVISIONS.

PART 2.—Legal Proceedings and Notices.

GROUP II.—GENERAL PROVISIONS.

PART 3.—Enforcement and Inspections.

3.1. (1) The Council may order the—

(a) opening;

(b) cutting into; or

(c) pulling down,

of any work where it has reason to believe or suspect that anything has been done in contravention of the Act or of any Ordinance.

(2) In the event of the work referred to in subclause (1) being found to have been done in contravention of the Act or of the Ordinances, the person doing the work shall—

(a) be required to comply with the Act or the Ordinances; and

(b) bear the full cost of such opening, cutting into, or pulling down, and of compliance with the Act or the Ordinances

(3) In the event of the work referred to in subclause (1) being found to have been done in accordance with the requirements of the Act and the Ordinances, the cost of—

(a) the opening, cutting into, or pulling down referred to in subclause (1); and

(b) reinstatement,

shall be borne by the Council.

3.2. If the owner of the land fails to demolish a temporary building referred to in Part 58 of this Ordinance within the period specified by the Council pursuant to the conditional approval granted by the Council the building shall be deemed to be in breach of this Ordinance and upon conviction for an offence against the provisions of subclauses (4) or (5) of clause 58.3 the Council may enter upon the land and demolish the building. All expenses incurred by the Council in effecting such demolition may be recovered by the Council from the owner.
3.3. (1) The person by or in consequence of whose order a building is being erected shall give notice in writing to the Council—
   (a) forthwith upon completion of any unoccupied building; and
   (b) before permitting any person to use or occupy any uncompleted building.

   (2) Upon receipt of a notice referred to in subclause (1) the Council shall cause an inspection to be made by its proper servant. Such servant shall inspect and report to the Council whether or not the building has been erected in accordance with this Ordinance and without material deviation from the approved plans and specifications. The servant's report shall not be read to permit any alteration whatever in the position of the building on the site.

   (3) The report referred to in subclause (2) shall not be deemed to be evidence (in the event of any prosecution by the Council) that this Ordinance has been complied with.

3.4. (1) Application for permission to use or occupy a building which has not been completed in accordance with the approved plans and specifications shall be made in writing to the Council. The Council may grant permission subject to such conditions at it may deem proper in the circumstances and without prejudice to the foregoing may require that the building shall be completed in accordance with the approved plans and specifications within a period to be fixed by the Council.

   (2) The Council may at any time revoke the permission referred to in subclause (1) provided that such revocation shall not be effective until the expiration of a period of not less than six months after service upon the occupant of notice of intention by the Council to do so.

3.5. Prior to the occupation of any building which has installed therein a pressurised fire-isolated stairway, fire-isolated ramp or fire-isolated passageway pursuant to the requirements of clause 55.8 of this Ordinance, the owner of the building shall submit to the Council a certificate of an approved mechanical engineer certifying that the pressurisation system has been tested and found to meet the requirements of paragraph (b) of sub-clause (3) of clause 55.8.

GROUP II.—GENERAL PROVISIONS.

PART 4.—Penalties.

4.1 Any person who, without the permission of the Council, uses or occupies a building which has not been completed in accordance with the approved plans and specifications shall be liable to a penalty not exceeding ten dollars for each day during which such use or occupation continues after notice from the Council.
4.2. (1) Any person who erects a building in contravention of this Ordinance shall be liable to a penalty not exceeding one hundred dollars; and also a daily penalty not exceeding ten dollars per day for any continuance of the offence.

(2) Any person who is guilty of an offence under this Ordinance shall, where a penalty is not elsewhere prescribed, be liable to a penalty not exceeding ten dollars for a first offence, or twenty dollars for a second and any subsequent offence; and also in either case a daily penalty not exceeding one dollar per day for any continuance of the offence.

4.3. Any person who erects a tent in contravention of this Ordinance or who fails to comply with any conditions attached to the approval of the Council therefor shall be liable to the penalties prescribed in subclause (1) of clause 4.2.

4.4. Nothing in this Ordinance shall cause a person to be guilty of an offence in respect of anything done in accordance with the terms of an approval given before the date of commencement of this Ordinance or an extension or renewal of that approval.

GROUP II.—GENERAL PROVISIONS.

PART 5.—Establishment of Fire Zones.

5.1. For the purposes of this Part—

"prescribed planning scheme" means an Ordinance proclaimed pursuant to the Act, prescribing a town or country planning scheme with respect to any land within a shire or municipality; and

"planning scheme in course of preparation" means a town or country planning scheme with respect to any land within a shire or municipality which has not been prescribed but which clearly defines the purposes for which the land covered by the scheme may be used.

5.2. Any part of a shire or municipality—

(a) zoned business or commercial under a prescribed planning scheme; and

(b) meeting the requirements of clause 5.8 or clause 5.9,

shall be deemed to be a primary or secondary fire zone, as the case may be.

5.3. The Council may by resolution declare that any part of its area—

(a) zoned business or commercial under a planning scheme in course of preparation; and

(b) meeting the requirements of clause 5.8 or clause 5.9,

shall be a primary or secondary fire zone, as the case may be.
5.4. Adjacent parts of a shire or municipality—

(a) zoned business or commercial under a prescribed planning scheme or planning scheme in course of preparation; and

(b) so situated that their boundaries are at any point less than 36 m from one another, shall be regarded as a single part of the shire or municipality, and, subject to meeting clause 5.8 or clause 5.9, shall be included in the same primary or secondary fire zone, as the case may be.

5.5. The Council may, with the approval of the Minister, declare that any defined part of its area—

(a) not zoned business or commercial under a prescribed planning scheme or planning scheme in course of preparation; and

(b) meeting the requirements of clause 5.8 or clause 5.9, shall be a primary or secondary fire zone, as the case may be.

5.6. The Minister may, by notice published in the Government Gazette, declare that a defined part of a shire or municipality—

(a) not zoned business or commercial under a prescribed planning scheme; and

(b) meeting the requirements of clause 5.8 or clause 5.9, shall be a primary or secondary fire zone, as the case may be.

5.7. Upon prescription of a planning scheme the provisions of clause 5.2 shall apply, and thereupon any fire zone—

(a) established pursuant to clause 5.3, 5.5, or 5.6 prior to the prescription of the scheme; and

(b) incorporating land included in a fire zone established pursuant to clause 5.2 subsequent to the prescription of the scheme, shall be deemed to be abolished.

5.8. A primary fire zone shall—

(a) be not less than 18 000 m² in area, measured exclusive of public reserves, public places, railways, and rivers; and

(b) include not fewer than four allotments of land.

5.9. A secondary fire zone shall—

(a) be not less than 9 000 m² and not more than 18 000 m² in area, measured exclusive of public reserves, public places, railways, and rivers; and

(b) include not fewer than four allotments of land.
5.10. (1) The Council shall, within six months after the commencement of this Ordinance, cause to be prepared a map and a register of the fire zones established within its area.

(2) The map shall show clearly and accurately the boundaries for the time being of every fire zone established within the area, and their designation as either primary or secondary fire zones.

(3) The register shall—

(a) where the fire zone has been established pursuant to clause 5.2, be noted to that effect, with a reference to the relevant prescribed planning scheme and zoning; or

(b) in other cases, contain a copy of the Council’s resolution or declaration or the Minister’s declaration, as the case may be, establishing the fire zone.

(4) Any person may inspect the fire-zone map and register without fee at any time during the normal office hours of the Council.

5.11. A building shall not be erected in a fire zone established pursuant to this Part unless it complies with such of the requirements of this Ordinance relating to buildings in fire zones as are applicable to that building.

GROUP II.—GENERAL PROVISIONS.

PART 6.—CLASSIFICATION OF BUILDINGS.

6.1. (1) For the purposes of this Ordinance, buildings and portions of buildings are classified as follows:

(a) Class I: Single dwelling-houses.

(b) Class II: Buildings containing two or more flats.

(c) Class III: Residential buildings, being common places of abode for a number of unrelated persons, including—

(i) boarding-houses, guest-houses, hostels, and lodging-houses;

(ii) the residential portions of hotels and motels;

(iii) the residential portions of schools;

(iv) the residential portions of institutional buildings accommodating members of the staff of the institution; and

(v) flats not included in paragraph (b) or paragraph (d).

(d) Class IV: Flats in buildings that elsewhere are of Class V, VI, VII, VIII or IX, being in each case the only flat in the building.

(e) Class V: Office buildings, being buildings for professional or commercial purposes, excluding buildings of Classes VI, VII, VIII, and IX.
(f) Class VI: Shops and other buildings for the sale of goods by retail or the supply of services direct to the public, including—
   (i) eating rooms, tea rooms, coffee rooms, cafes, restaurants, and milk and soft-drink bars;
   (ii) the non-residential portions of hotels and motels;
   (iii) hairdresser's and barber's shops, public laundries, and undertaker's establishments; and
   (iv) markets, sale rooms, show rooms, and service stations.

(g) Class VII: Buildings that are—
   (i) warehouses, being buildings for the storage of goods only or for the display of goods for sale by wholesale; or
   (ii) public garages.

(h) Class VIII: Buildings that are—
   (i) factories, being buildings in which a handicraft or a process in or incidental to the making, assembling, altering, repairing, renovating, preparing, ornamenting, finishing, cleaning, washing, or adapting of goods is carried on for trade, sale, or gain—
      (A) those used for a handicraft or process not mentioned in the Second Schedule being of Class VIIIa; and
      (B) those involving a process mentioned in the Second Schedule being of Class VIIIb.
   (ii) laboratories—
      (A) those involving a process not mentioned in the Second Schedule being of Class VIIIa; and
      (B) those involving a process mentioned in the Second Schedule being of Class VIIIb.

(i) Class IX: Buildings of a public nature, comprising—
   (i) institutional buildings as defined in clause 1.3 being of Class IXa; and
   (ii) schools and other assembly buildings as defined in clause 1.3 being of Class IXb, but excluding portions of such buildings that are of Class III or used as laboratories.

(j) Class X: Outbuildings.

(2) Unless the contrary intention appears, Class VIIIa and Class VIIIb are separate classifications.

(3) Unless the contrary intention appears, Class IXa and Class IXb are separate classifications.

(4) For the purposes of this clause the classification of a building or portion of a building is determined by the purpose for which it is designed, constructed, or adapted to be used.
(5) Where portions of a building each have different purposes, each such portion shall, subject to clause 6.7, be separately classified in accordance with this clause.

6.2. (1) Where there is any doubt or dispute as to the classification of a building or portion of a building, the building or portion shall be classified in such one of the classes mentioned in clause 6.1 as the Council considers appropriate and the decision of the Council shall be deemed to be an approval for the purposes of any appeal pursuant to the provisions of the Act.

(2) A classification so determined for a building or portion of a building shall be deemed to be its classification for the purposes of this Ordinance.

6.3. (1) Where, after the commencement of this Ordinance, approval is given for the erection of a building, the Council shall—

(a) on completion of the building; or

(b) where it approves, pursuant to Part 3, the occupation of an uncompleted building, prepare a certificate of classification, in duplicate, in or to the effect of Form 1.

(2) The original of the certificate shall be issued to the person on whose behalf the building was erected.

(3) The duplicate shall be retained in the Council's office and shall be open to inspection free of charge by any person during the normal office hours of the Council.

(4) This clause does not apply to a Class I or Class X building.

6.4. A certificate of classification shall show—

(a) the class or classes for which the building has been—

(i) designed;

(ii) constructed; or

(iii) adapted to be used, and approved; and

(b) where the building has portions differently classified, the portions to which each classification or group of classifications relates.

6.5. Where a certificate of classification has been issued for part of an uncompleted building and the Council approves the occupation of a further part of the building it shall—

(a) revoke that certificate; and

(b) issue a further certificate of classification in accordance with clause 6.3, covering all parts of the building for which approval to occupy has been given by the Council.
6.6. (1) This clause applies to all buildings, whether erected before or after the commencement of this Ordinance.

(2) The use of a building in existence before the commencement of this Ordinance shall not be changed from that of one class to that of another class unless—

(a) the building complies with the requirements of the Act and Ordinances applicable to the new class; and

(b) the change of use has been approved by the Council.

(3) A building erected after the commencement of this Ordinance shall not be used for a purpose—

(a) not specified in the certificate of classification; or

(b) for which it is required that a certificate of classification be issued, unless the building complies with the requirements of the Act and Ordinances applicable to the new purpose and the proposed use of the building.

(4) Before making any change in the use of a building which would result in a change of classification under this Ordinance, the person proposing the change shall notify the Council in writing, setting out the nature of the proposed change of use.

(5) Upon approving a change of use the Council shall—

(a) revoke any certificate of classification already in existence for the building;

(b) prepare a certificate of classification in accordance with clause 6.3 in respect of the new use; and

(c) issue the original of that certificate to the person proposing the change of use.

6.7. Notwithstanding the provisions of clause 6.1, where part of a storey, not being a laboratory, is used for a purpose—

(a) for which a different classification applies; but

(b) ancillary to a purpose for which not less than ninety per cent of the floor area of the storey is used,

the Council may determine that the classification applying to the major use shall apply to the whole of the storey.

6.8. Any person who uses or occupies or permits the use or occupation of a building in contravention of subclause (2) or subclause (3) of clause 6.6 shall be guilty of an offence under this Ordinance.
GROUP II.—GENERAL PROVISIONS.

PART 7.—UNITED BUILDINGS.

7.1. If two or more buildings abutting each other—

(a) are connected through openings in the walls dividing them from one another; and

(b) collectively comply with all the requirements of this Ordinance as though they were a single building,

they shall, for the purposes of this Ordinance, be deemed to be united to form one building.

7.2. If any alteration is made such that two or more buildings deemed to be united pursuant to clause 7.1 cease to be connected through openings in the walls dividing them from one another then each such building shall, after the alteration, comply with all the requirements of this Ordinance for a single building.

GROUP II.—GENERAL PROVISIONS.

PART 8.—BUILDING APPLICATIONS.

8.1. (1) Before the erection of a building is commenced—

(a) two copies of the plans and specifications of the building;

(b) two copies of a plan and specification of any fences already erected or to be erected on the allotment or on the boundaries of the allotment; and

(c) a written application for approval, shall be submitted to the Council.

(2) The plans of the building shall be drawn to scale and consist of a general plan and a block plan.

(3) The general plan of the building shall—

(a) be drawn to a suitable scale;

(b) show a plan of each floor section;

(c) show a plan of each elevation of the building;

(d) show the levels of the lowest floor and of any yard or unbuilt upon area belonging thereto and the levels of adjacent ground; and

(e) indicate the height, design, construction and provision for fire safety and fire resistance (if any).
(4) The general plan shall not be required to be coloured except where the plans and specifications relate to a proposal to carry out, in respect of an existing building, any alteration or rebuilding, in which case one copy of the general plan shall be coloured so as adequately to distinguish the proposed alteration or rebuilding.

(5) The specification of the building shall—

(a) describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply; and

(b) state whether the materials will be new or second-hand, and if second-hand materials are to be used shall give particulars.

(6) The plan of fences shall be in such form as the Council may require.

(7) The specification of the fences shall—

(a) describe in some sufficient manner the height, materials, stability, design and position or proposed position thereof; and

(b) state whether the materials will be new or second-hand, and if second-hand materials are to be used shall give particulars.

8.2. Where an application for the approval of plans and specifications of a building necessitates the submission of a structural engineer's drawings or other engineering details prepared by a structural engineer, such drawings or details may be omitted from the plans and specifications at the time of lodging the application. If the application is approved by the Council, such approval shall be subject to the following conditions—

(a) work on the footings shall not be commenced until full engineering details relating thereto have been submitted to and approved by the Council; and

(b) no stage of the building work other than footings shall be commenced until full engineering details relating to that stage of the building work and such other stages as may be specified by the Council have been submitted to and approved by the Council.

8.3. When giving approval the Council may impose a condition that forty-eight hours notice in writing shall be given prior to the covering of any or all of the following works in order that they may be inspected:

(a) trenches before footings are laid;

(b) footings before trenches are filled in; and

(c) drains before they are covered in.
8.4. Notwithstanding anything to the contrary in this Part the Council may, if it sees fit, dispense with the necessity for the submission of—

(a) a plan and specification of the fences;

(b) plans and specifications to make minor alterations in an existing building; or

(c) plans and specifications for the erection of 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, milking bail, hay shed, stable, fowl-house, pigsty, barn, verandah or the like.

8.5. (1) The Council may, in respect of an application to erect a building, require the submission of a certificate or certificates of survey in the cases, and subject to the conditions, set out in this clause.

(2) Except in the case of a Class I building or a Class X building appurtenant thereto the Council may, prior to determining the application, require the submission of a certificate of survey setting out the boundaries of the site and the location of the building proposed to be erected thereon and the location of any existing buildings on the site. If such certificate, together with a true copy thereof, is submitted with the application for approval to erect the building, it shall not be necessary to submit a block plan as required by subclause (2) of clause 8.1 of this Ordinance.

(3) When giving approval for the erection of a building, the Council may, subject to subclause (4) of this clause, impose a condition that a certificate of survey shall be submitted to the Council setting out the boundaries of the site, and the actual situation of the building on the site. Such certificate shall be furnished at the earliest stage (which stage shall be specified by the Council when giving its approval in the particular case) at which the actual location of the building on the site may be established.

(4) Subclause (3) of this clause shall not apply in the case of a Class I building or a Class X building appurtenant thereto except where—

(a) the Council is of opinion that the levels or width of the allotment or other exceptional conditions of the site necessitate the submission of a certificate of survey as mentioned in that subclause; and

(b) the Council determines by special resolution in the individual case that such a certificate shall be submitted.
GROUP II.—GENERAL PROVISIONS.

PART 9.—FEES.

9.1. (1) The person making application for the approval of plans and specifications of a building shall lodge therewith a fee calculated according to the scale set out in this subclause except that in no case shall the fee be less than one dollar.

<table>
<thead>
<tr>
<th>COST</th>
<th>FEE</th>
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<tbody>
<tr>
<td>Not exceeding $2,000</td>
<td>0·5 per cent</td>
</tr>
<tr>
<td>Exceeding $2,000 but not exceeding $100,000</td>
<td>0·5 per cent for the first $2,000, plus 0·2 per cent of the amount in excess of $2,000</td>
</tr>
<tr>
<td>Exceeding $100,000</td>
<td>0·5 per cent for the first $2,000, plus 0·2 per cent of the next $98,000, plus 0·065 per cent of the amount in excess of $100,000</td>
</tr>
</tbody>
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(2) For the purposes of subclause (1) the cost shall mean:
   (a) the contract price; or
   (b) where there is no contract the cost of the proposed building as determined by the Council.

(3) One-half of the amount of the fee, with a minimum of one Retention dollar, 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, if the building is not commenced and provided the approval is surrendered.

(4) Notwithstanding the provisions of subclause (3), where—
   (a) an application for the approval of plans and specifications of a building necessitates the submission of a structural engineer’s drawings or other engineering details prepared by a structural engineer; and
   (b) at the time of receipt of application for return of portion of the fee such drawings or details have not been checked by the Council,
   the amount to be returned pursuant to an application being made in the terms of subclause (3) shall be three-quarters of the fee.
(5) In addition to the fee payable under subclause (1), there shall, if the Council so requires, be paid by the person making application for approval to erect a Class I building pursuant to Part 43 of this Ordinance (OTHER KINDS OF CONSTRUCTION) an amount not exceeding twenty dollars. Such amount shall be applied in or towards meeting the costs of investigation by a practising structural engineer or other person or body approved by the Council as to whether or not the building, when completed, will be structurally sound. Any residue after payment of such costs shall be refunded to the person making such application.

9.2. Notwithstanding anything to the contrary in this Part the Council may reduce or dispense with the payment of a fee in the case of an application for approval to—

(a) erect fences;

(b) make minor alterations to an existing building; or

(c) erect a building to be used exclusively for the purpose of a greenhouse, conservatory, summer-house, private boat-house, fuel shed, tool-house, cycle shed, aviary, milking bail, hay shed, stable, fowl-house, pigsty, barn, verandah or the like.

9.3. The person making application for a certificate of compliance in accordance with the provisions of section 317a of the Act shall lodge therewith a fee of four dollars and twenty cents. The sum of one dollar of the fee paid shall be for the examination of the application and shall be retained whether the certificate is issued by the Council or not.

GROUP II.—GENERAL PROVISIONS.

PART 10.—MATERIALS AND WORKMANSHIP—ADMINISTRATIVE PROVISIONS.

10.1. Every part of a building shall be erected in a good and workmanlike manner.

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

(2) Faulty or unsuitable materials shall not be used in the erection of a building.

(3) The Council may test any material used or proposed to be used in the erection of a building, and may prohibit the use of any material which does not meet the relevant requirements of this Ordinance or which is found to be unsuitable or unfit for the purposes for which it is intended.
10.3. (1) Where it is proposed to use in any part of a building any material or form of construction that is required by this Ordinance—

(a) to meet a specific performance requirement; or

(b) to comply with any code, rule, specification or provision,

the Council may require that the building application shall be accompanied by satisfactory documentary evidence in support of the proposed use of that material or form of construction.

(2) The documentary evidence referred to in subclause (1) may be in one of the following forms:

(a) A report issued by a competent testing authority, showing that the material or form of construction has been submitted to the tests listed in the report, and setting out the results of those tests and any other relevant information that demonstrates its suitability for use in the building as proposed.

(b) An Accreditation Certificate, being a certificate that—

(i) has been issued by the Director, Commonwealth Experimental Building Station, Commonwealth Department of Works;

(ii) relates the properties and performance of a material or form of construction that is referred to therein to a specific provision of this Ordinance, or to specific provisions thereof; and

(iii) has not been revoked or cancelled by the said Director.

(c) Any other form of satisfactory documentary evidence that, in the opinion of the Council, correctly describes the properties and performance of the material or form of construction and adequately demonstrates its suitability for use in the building as proposed.

(3) The provisions of this clause do not operate so as to permit the acceptance by the Council for the purposes of clause 20.1 or 20.2 of any evidence other than the evidence referred to in those clauses.

10.4. (1) Whereever any clause of this Ordinance adopts by reference any code, rule, specification or provision included in any document issued by the British Standards Institution, the Standards Association of Australia or other body, the adoption, unless the relevant clause specifies otherwise, shall not include the adoption of any provision—

(a) specifying or defining the respective rights, responsibilities, or obligations as between themselves of any manufacturer, supplier or purchaser; or

(b) specifying or defining the responsibilities of any tradesman or other building operative; or
(c) requiring the submission for approval of any material, building component, or form or method of construction, or details thereof, to any person or body other than a person or body specifically empowered by the Act or this Ordinance to give that approval; or

(d) specifying that a material, building component, or form or method of construction, or details thereof, shall be submitted to the Standards Association of Australia or a committee of the Association for expression of opinion; or

(e) permitting a departure from the code, rule, specification or provision at the sole discretion of the manufacturer, supplier or purchaser, or by arrangement or agreement between the manufacturer, supplier or purchaser.

(2) A reference in any clause in this Ordinance to a document mentioned in subclause (1) shall, unless the relevant clause specifies otherwise, be deemed to be a reference to that document as amended to the date of commencement of this Ordinance.

**GROUP II.—GENERAL PROVISIONS.**

**PART II.—Site Requirements.**

11.1. (1) The building line in each part of a street shall, when fixed by the Council, be—

(a) marked upon a plan; or

(b) clearly described in a resolution of the Council.

(2) The plan or resolution referred to in subclause (1) shall be open for inspection by the public free of charge during the office hours of the Council.

(3) The Council may, in respect of any part of a proposed building, alter the building line where—

(a) the levels or depth of the allotment;

(b) exceptional conditions of the site; or

(c) the nature of the building,

make it necessary or expedient to do so.
11.2. (1) A Class I building shall not be erected on an allotment of land having an area of less than 232 m².

(2) 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 Class I building may be erected subject to the minimum size of any such allotment being not less than 232 m².

(3) Notwithstanding the foregoing provisions of this clause the minimum size of an allotment on which a Class I building may be erected may be less than the minimum size prescribed or fixed by this clause subject to the following rules:

(a) If an applicant, in subdividing his land provides common garden or play-ground spaces 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 paragraph shall extend also to any subsequent purchaser of any such allotment.

(b) 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 139 m² the Council shall grant such application if the proposed building is suitable for approval apart from the question of the area of the site; but if the parcel contains less than 139 m² the Council may grant approval to build but shall only do so in pursuance 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 specific street or portion of a street, or a specified category of cases.

11.3. (1) A Class I building, together with any Class X buildings appurtenant thereto, to be erected on an allotment, shall not occupy more than two-thirds of such allotment, and the minimum unoccupied area shall not be less than 46.4 m².

(2) Notwithstanding the requirements of subclause (1), the Council may approve the erection of a Class I building occupying more than two-thirds of an allotment, or with a minimum of unoccupied area of less than 46.4 m², in replacement of an existing Class I building which occupies more than two-thirds of the allotment.
(3) Notwithstanding the requirements of subclause (1) the Council may approve the erection of a laundry, bathroom, shower room or closet as an addition to a Class I building which was erected prior to 1st January, 1922, where such Class I building, together with any Class X buildings appurtenant thereto, would occupy more than two-thirds of the allotment or the unoccupied area would be less than 46.4 m².

11.4. (1) Notwithstanding the requirements of clause 11.3 the Council may permit a combined Class I and Class VI building to occupy not more than four-fifths of the allotment if:

(a) the unbuilt upon area is not less than 46.4 m²; and

(b) the allotment is considered by the Council to be within an established shopping locality.

(2) Where a combined Class I and Class VI building is:

(a) to be erected in a sewered district; and

(b) the Class I portion of the building is to be erected wholly above the ground floor,

the open space required by paragraph (a) of subclause (1) may be provided in the form of a flat roof over the Class VI portion of the building if such roof is adapted for the common use of tenants.

(3) Where a Class I building is erected on the same allotment as a Class V, VI, VII, VIII or IX building the roof of the Class V, VI, VII, VIII or IX building may be taken into account as yard space for the Class I building if such roof is—

(a) a flat roof; and

(b) adapted for the use of the occupants of the Class I building.

11.5. For the purposes of clauses 11.3 and 11.4 a garage erected at a low level, the roof of which serves as 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.

11.6. (1) For the purposes of this clause—

(a) a window in a recess in a wall shall be deemed to be a window in such wall;

(b) the external wall of any garage, laundry, workshop or the like which is attached to a Class I building shall be deemed to be an external wall of that building; and

(c) any gable having a surface area exceeding 10 m² shall be deemed to be a wall.
(2) A wall of a Class I building shall be at a distance from the boundary line of not less than 900 mm in the case of a building containing one or two storeys or of 1500 mm in the case of a building containing more than two storeys except where—

(a) the boundary line is also the boundary of any public place; or

(b) two or more Class I buildings attached to each other such as are commonly known as semi-detached or terraced buildings are—

(i) erected on two or more parcels of land; and

(ii) separated from each other by party walls; or

(c) the wall or part of the wall does not contain windows and the Council—

(i) is satisfied, in the case of a single Class I building that compliance would be impractical by reason of the levels or width of the allotment or other exceptional conditions of the site; and

(ii) permits, by resolution in the individual case, the erection of a wall or part of a wall at a less distance from the boundary line of the allotment than 900 mm or 1500 mm as the case may be; or

(d) a Class I building combined with a Class VI building is to be erected on an allotment considered by the Council to be within an established shopping locality and in which the wall or part of the wall does not contain windows; or

(e) an existing wall is to be veneered or refaced.

(3) In the case of a proposal to alter any Class I building which was erected before 1st August, 1962, the provisions of subclause (2) shall not be held to prevent the Council from granting approval to the construction of windows in a wall if, in the opinion of the Council, any such windows are necessary to make the building a more healthy building.

(4) Unless a Class I building is subject to one of the exceptions set out in paragraph (a), (b), (c) or (d) of subclause (2), eaves, hoods and similar structures or attachments erected between the external plane of the face of an external wall and any boundary line shall be at a distance of not less than—

(a) 675 mm in the case of a building containing one or two storeys; and

(b) 1125 mm in the case of a building containing more than two storeys,

from that boundary line.
(5) Notwithstanding the requirements of subclause (4)—

(a) a cornice or eave may return along a wall for a maximum distance of 1 800 mm subject to such cornice or eave at any part being not less than 450 mm from the boundary line; and

(b) an open carport, open porch, awning, pergola or similar structure may extend to the boundary line of the allotment if the Council is satisfied that it will not materially affect the amenity of any adjoining site.

11.7. (1) This clause shall apply to every Class III building except where the land on which the building is to be erected is zoned for business, commercial or industrial purposes under any prescribed planning scheme or interim development order made pursuant to Part XIIA of the Act.

(2) For the purposes of this clause—

“Total area of the site” means—

(a) in the case where an allotment on which the building stands has a frontage to one road only—the actual area of the allotment plus an additional area equivalent to the area of a rectangular parcel of land having one side equal in length to the frontage of the allotment to the road and the other side equal to 10 m or to one-half the width of the road whichever is the less; or

(b) in the case where the allotment on which the building stands has a frontage to more than one road—the actual area of the allotment plus an additional area in respect of each such frontage, the additional area to be added in respect of any particular frontage to a road being an area equivalent to the area of a rectangular parcel of land having one side equal in length to the length of that frontage and the other side equal to 10 m or to one-half the width of that road whichever is the less,

and where a road to which an allotment has a frontage is of variable width, the width of the road for the purposes of this definition shall be the width of the road at the middle point of that frontage.

“Total floor plan area” means the sum of the floor plan areas of the various storeys and the floor plan area of any storey shall mean the area contained within the extreme external boundaries of such storey as shown on the floor plan.

“Floor plan” means a horizontal-section drawing showing the thickness of walls and partitions, arrangement of passages, rooms and openings at any storey.

“Storey” shall have the meaning ascribed to it by section 304 of the Act and the relevant definition in clause 1.3 of the Ordinance shall not apply.
(3) A Class III building shall not occupy more than the following proportion of the allotment upon which the building stands:

(a) in the case of a building containing one storey—50 per cent;
(b) in the case of a building containing two storeys—40 per cent;
(c) in the case of a building containing more than two storeys—35 per cent.

(4) The total floor plan area shall not exceed one and one-half times the total area of the site.

(5) The minimum distance of the external walls of the first and second storeys from the side boundaries of the allotment on which the building stands shall be 2,290 mm; and the minimum distance of the external walls of any particular storey (other than the first and second) from the side boundaries of such allotment shall be ascertained by adding to 2,290 mm a distance of 450 mm in respect of each storey additional to the second, up to and including that particular storey.

11.8. (1) In a Class II or Class III building, 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 minimum distance of the external wall from the side boundary line of the allotment required by Schedule 7 to the Act or clause 11.7 of this Ordinance, as the case may be, so as to encroach upon such distance by more than one-fourth thereof.

(2) Notwithstanding the requirements of subclause (1), the Council may permit 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.

11.9. (1) A building containing only one storey may be erected on the same site as and as an appurtenance to a Class II or III building, but shall not encroach upon the required unbuilt upon area to an extent greater than 10 per cent of such unbuilt upon area.

(2) For the purposes of subclause (1), a garage erected at a low level, the roof of which serves as a portion of the garden, yard, or court, low level, shall not be included as a building in calculating the proportion of the area of the allotment that may be occupied by a building.

11.10. (1) Where, in an unsewered district, an earth closet, septic tank, Access to septic closet, or other means of nightsoil disposal is situated at the rear of any building and there is no public and convenient access to the rear of the site, the building shall be so designed as to leave outside the building removal of a way of access at least 900 mm wide from a public road to such earth closet, septic tank, septic closet, or other means of night soil disposal.
Access for garbage: Class I buildings.

(2) Where, in any district, there is no public and convenient access to the rear of the site of a Class I building for the removal of garbage and refuse, the building shall be so designed as to leave outside the building a way of access at least 900 mm wide from a public road to the rear of the Class I building.

Access may be common right of way.

(3) The access referred to in subclauses (1) and (2) may be provided by a common right-of-way 900 mm wide to serve two adjoining buildings.

Access by a covered passage.

(4) 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.

Class X Buildings: Council may determine position.

11.11. In the case of an application to erect any Class X building 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 Class X building may be erected.

GROUP III.—BUILDINGS IN COURSE OF ERECTION OR DEMOLITION.

PART 12.—Precautions during construction.

GROUP III.—BUILDINGS IN COURSE OF ERECTION OR DEMOLITION.

PART 13.—Demolitions.

GROUP IV.—BUILDINGS IN RELATION TO PUBLIC ROADS.

PART 14.—Height in relation to widths of roads.

GROUP IV.—BUILDINGS IN RELATION TO PUBLIC ROADS.

PART 15.—Projections beyond road alignments.

Projections generally prohibited.

15.1. Except as otherwise provided in this Part and in Ordinance No. 30 made under the Act, no part of a building shall project beyond the alignment of the road or roads to which the building has frontage.
15.2. Projections designed or intended as protection from the sun and projections of a decorative nature such as cornices, courses, eaves, sills, mullions, and architraves may project beyond the alignment of a road if—

(a) the road is not less than 12.2 m wide; and

(b) the projections—

(i) extend not more than 450 mm beyond the road alignment,

(ii) are at least 3 m above the pathway level of the road over which they project; and

(iii) are constructed of masonry, reinforced concrete, or other approved fire-resisting material.

15.3. (1) Sunblind canopies, sun louvres and the like may project beyond the alignment of the road if—

(a) the road is not less than 12.2 m wide; and

(b) the projections—

(i) in their fully open position, extend not more than 450 mm beyond the road alignment;

(ii) are at least 3 m above the pathway level of the road over which they project; and

(iii) are constructed of approved non-combustible material throughout.

(2) Notwithstanding paragraph (a) of subclause (1), the Council Over roads may approve projections of the nature referred to in that subclause as extending beyond the alignment of a road less than 12.2 m wide in the case of a shop erected prior to 28th July, 1961, subject to compliance with paragraph (b) of that subclause.

15.4. Footings may project beyond the road alignment to the extent of footings under roads.

(a) 450 mm if the projecting parts are not less than 1350 mm below pathway level at the road alignment; and

(b) 750 mm if the projecting parts are not less than 3 m below pathway level at the road alignment,

but in no case shall such projections extend under the carriageway of the road.

15.5. Traps on sewerage service pipes shall not be installed in a road, except that—

(a) boundary traps may be so installed with the approval of the Council, and

(b) reflux valves may be installed in the pathway beneath existing pavement lights.
Pipes and services. 15.6 Pipes and services shall not project beyond the road alignment, except that—

(a) rainwater heads may project not more than 450 mm;

(b) rainwater downpipes may project not more than 150 mm above a height of 2 700 mm above pathway level; and

(c) in the case of an existing building the Council may approve the projection of essential service pipes.

Bay windows and balconies. 15.7. Bay windows or balconies may project not more than 450 mm beyond the road alignment if—

(a) the road is not less than 12.2 m in width; and

(b) such projections—

(i) are limited in extent to not more than 50 per cent of any road frontage of the building at any level;

(ii) are not at any part within 1 350 mm of the adjoining property at the road alignment, and

(iii) are not at any part within 3.6 m of the road below.

Flagpoles. 15.8. Flagpoles may project beyond the road alignment if—

(a) the poles or flags suspended therefrom are at least 3.6 m above the pathway level of the road;

(b) they do not project over the carriageway of the road; and

(c) no interference with public services is caused thereby.

Permissible projections to be constructed in certain way. 15.9. All permissible projections other than footings shall be so constructed that they may be removed at any time after their erection without causing the building of which they are a part to become structurally unsafe and without causing a reduction in the fire-resistance rating of any structural member of the building required by this Ordinance.

GROUP V.—FIRE SAFETY AND FIRE RESISTANCE.

PART 16.—Fire-resisting Construction of Buildings.

Certain buildings to be of certain types of construction. 16.1. (1) Unless otherwise permitted by this Ordinance, buildings of Classes II to IX inclusive shall be erected in one of the following types of construction:

(a) Type 1, in accordance with clause 16.7.

(b) Type 2, in accordance with clause 16.8.

(c) Type 3, in accordance with clause 16.9.

(d) Type 4, in accordance with clause 16.10.

(e) Type 5, in accordance with clause 16.11.
(2) For the purposes of this Ordinance, a building that meets the requirements of this Part for one of the types of construction described in subclause (1) shall be deemed to be a building of fire-resisting construction.

(3) Type 1 construction shall be deemed to be the most fire-resistant and Types 2 to 5 the successively less fire-resistant of the types of fire-resisting construction.

16.2. (1) The type of fire-resisting construction required in a building shall be the least fire-resistant type of construction permissible—

(a) under Part 17 if the building is not in a fire zone; or

(b) under Part 18 if the building is in a fire zone.

(2) A building that is required by Part 17 or Part 18 to be of a particular type of fire-resisting construction may be erected in a more fire-resistant type of construction.

16.3. Each section of a building that is fire-separated according to Part 23 from the remainder of the building shall be subject to this Part as though it were itself a building.

16.4. A part of a building that gives direct or indirect vertical support to another part, required to have a fire-resistance rating shall have a fire-resistance rating not less than the greater of—

(a) the fire-resistance rating required for the part it supports; and

(b) the fire-resistance rating, if any, required for the part itself, and be non-combustible if the part it supports is required to be non-combustible.

16.5. The following materials, though combustible or containing combustible fibres, may be used wherever this Ordinance requires a non-combustible material:

(a) Plasterboard.

(b) Perforated gypsum lath with a normal paper finish.

(c) Fibrous-plaster sheet conforming to Australian Standard A.44 “Fibrous Plaster Products”.

16.6. (1) In this Ordinance, “fire-source feature” means, in relation to a building, and as the case requires—

(a) the farther boundary of a road adjoining the site; or

(b) a side boundary of the site, together with a 1.5-m straight projection of that boundary on to the road; or

(c) a rear boundary of the site; or

(d) an external wall of another building, not of a Class I or Class X, that stands on the site.
(2) Except as in subclause (3), a part of a structural member shall be deemed to be exposed to a fire-source feature if any of the horizontal straight lines between that part and the fire-source feature, or a vertical projection thereof, is not obstructed by another part of the building that—

(a) has a fire-resistance rating of not less than ½ hour; and

(b) is neither transparent nor translucent.

(3) A part of a structural member shall not be deemed to be exposed to a fire-source feature if—

(a) the fire-source feature is an external wall of another building that stands on the site and the part concerned is more than 15 m above the highest part of that external wall; or

(b) the fire-source feature is a side or rear boundary of the site and the part concerned is below the level of the finished ground at every relevant part of the boundary concerned.

(4) The "effective distance" between a part of a structural member and a fire-source feature to which it is exposed means the lesser of—

(a) the horizontal distance from that part to the fire-source feature, or a vertical projection thereof, measured at right angles to the vertical face of the part; and

(b) three times the horizontal distance from the fire-source feature to that part, measured at right angles to the fire-source feature or a vertical projection thereof,

or, if one of these distances cannot be found (because of the particular geometrical considerations concerned), then the other distance or triple-distance, as applicable.

(5) Where, in terms of this clause, various "effective distances" apply for different portions of a structural member, that member shall be so constructed that—

(a) the entire member has the fire-resistance rating applicable to that portion having the least "effective distance" between itself and the relevant fire-source feature; or

(b) each such portion of the member has the fire-resistance rating applicable according to its individual "effective distance" from the relevant fire-source feature,

but this provision shall not so operate as to permit exemption from clause 16.4.

Type 1 construction. Requirements.

16.7. (1) In a building required to be of Type 1 construction, each part mentioned in Table 16.7, and any beam or column incorporated in it, shall (subject to the modifications set out in this clause and clause 16.22)—

(a) be non-combustible except where a rating is not listed;

(b) have a fire-resistance rating not less than that listed in the Table, for the particular class of building concerned; and

(c) be constructed according to subclause (11) or subclause (12) if applicable.
<table>
<thead>
<tr>
<th>Structural members</th>
<th>Class of building</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>II</td>
</tr>
<tr>
<td>External walls (including beams and columns incorporated in them) and other external structural members where, in terms of clause 16.6, the effective distance between the wall or other member and any fire-source feature to which it is exposed is—</td>
<td></td>
</tr>
<tr>
<td>for loadbearing parts—</td>
<td></td>
</tr>
<tr>
<td>less than 4·5 m</td>
<td>3</td>
</tr>
<tr>
<td>4·5 m to less than 6 m</td>
<td>2</td>
</tr>
<tr>
<td>6 m or more</td>
<td>1½</td>
</tr>
<tr>
<td>for non-loadbearing parts (including spandrels)—</td>
<td></td>
</tr>
<tr>
<td>less than 4·5 m</td>
<td>3</td>
</tr>
<tr>
<td>4·5 m to less than 6 m</td>
<td>2</td>
</tr>
<tr>
<td>6 m to less than 7·5 m</td>
<td>1½</td>
</tr>
<tr>
<td>7·5 m to less than 9 m</td>
<td>1</td>
</tr>
<tr>
<td>9 m or more</td>
<td>1</td>
</tr>
<tr>
<td>Common walls and party walls. Internal loadbearing walls and fire walls (including those bounding public corridors, public hallways, and the like, or between or bounding sole-occupancy units, and those of loadbearing shafts)</td>
<td></td>
</tr>
<tr>
<td>Lift shafts and stair shafts required to be fire-resisting that are not loadbearing</td>
<td>1½</td>
</tr>
<tr>
<td>Ventilating, pipe, garbage, and like shafts neither intended for discharge of hot products of combustion nor loadbearing</td>
<td>1½</td>
</tr>
<tr>
<td>Internal non-loadbearing walls (including partition walls)—</td>
<td></td>
</tr>
<tr>
<td>bounding public corridors, public hallways, and the like</td>
<td>1</td>
</tr>
<tr>
<td>between or bounding sole-occupancy units</td>
<td>1</td>
</tr>
<tr>
<td>bounding a stairway that is not required to be enclosed by a fire-resisting shaft</td>
<td></td>
</tr>
<tr>
<td>Floors (including floor beams), roofs (including roof beams and trusses), and internal columns</td>
<td>1½</td>
</tr>
</tbody>
</table>
Class II buildings not in fire zones: concession.

(2) In a Class II building not in a fire zone a fire-resistance rating of 1½ hours shall apply, as a modification of Table 16.7, for any structural member, except a common or party wall, required by that Table to have a fire-resistance rating exceeding 1½ hours.

Class II buildings: concession for floors within flats.

(3) In a Class II building of Type I construction, where—

(a) a flat extends through two storeys; and
(b) all the walls bounding that flat are non-combustible and have a fire-resistance rating of not less than 1½ hours,

the floor separating the two storeys within the flat may be combustible and need not have a fire-resistance rating.


(4) In a Class II, III, V or IX building of Type I construction, the following floors need not have a fire-resistance rating or be non-combustible:

(a) A floor laid directly on the ground.
(b) A floor, not laid directly on the ground, the space below which is not a storey and is not designed, constructed, or adapted for—
   (i) the accommodation of motor vehicles; or
   (ii) the accommodation of bathrooms, shower rooms, laundries, water closets, or other sanitary compartments; or
   (iii) use as a work area; or
   (iv) storage or any other ancillary purpose thereto.

Classes V and IXb buildings: concession according to floor loading.

(5) In a Class V or IXb building, if any floor is designed for a live load not exceeding 3.0 kPa, a fire-resistance rating of 1½ hours shall apply, as a modification of Table 16.7, for—

(a) the floor next above (including floor beams); or
(b) the roof, if that is next above (including roof beams).

Certain Class VII buildings: concession for certain internal non-loadbearing walls.

(6) In a Class VII building having a rise of not more than six storeys, internal non-loadbearing walls (including partition walls) bounding public corridors, public hallways, and similar spaces may contain combustible framing, if the combustible material so concerned—

(a) has not been glued or similarly joined; and
(b) has a mass per unit length in the aggregate of not more than 45 kg/m of partition wall measured horizontally.
(7) For an open-deck parking station the following fire-resistance Class VII—
ratings shall apply, as modifications of Table 16.7:

(a) For a column situated, in terms of clause 16.6, at an effective distance of less than 4.5 m from a fire-
source feature to which it is exposed ... 3 hours.
(b) For any other column ... 2 hours.
(c) For an internal loadbearing wall or fire wall ... 2 hours.
(d) For a floor beam wherever more than half its cross-
section is less than 3 m from an edge of a floor ... 2 hours.
(e) For a floor beam otherwise ... 1 hour.
(f) For a floor ... 1 hour.

(8) In a Class II, III or IX building having a rise of not more than six storeys, the roof need not comply with subclause (1) if—

(a) the roof covering is non-combustible; and
(b) the ceiling immediately below the roof has a resistance to the incipient spread of fire to the roof space of one hour, as deter-
mined in the Standard Fire Test.

(9) In a Class V, VI, VII, or VIII building having a rise of not more than six storeys, the roof need not comply with subclause (1) but if the building has a rise of more than three storeys—

(a) the roof covering shall be non-combustible; and
(b) the ceiling immediately below the roof shall have a resistance to the incipient spread of fire to the roof space of one hour, as determined in the Standard Fire Test.

(10) That section of Table 16.7 specifying fire-resistance ratings according to effective distance extends also to those parts of an internal column that—

(a) face and are within 1.5 m of a window; and
(b) are exposed (in terms of clause 16.6) through that window to a fire-source feature.

(11) Every internal wall (including a partition wall) required by Table 16.7 to have a fire-resistance rating—

(a) shall extend to
   (i) the underside of the floor, if any, next above; or
   (ii) the underside of a roof complying with subclause (1); or

---

Certain buildings of Classes II, III and IX: concession for roof.

Certain buildings of Classes V to VIII: concession for roof.
(iii) the roof covering of any other roof; or

(iv) a ceiling immediately below the roof and having a resistance to the incipient spread of fire to the roof space of one hour, as determined in the Standard Fire Test; and

(b) shall be so fixed to the floor, roof, or ceiling concerned as to be held by it against overturning in the event of fire.

(12) In a building of Type 1 construction—

(a) internal loadbearing walls and fire walls (including those that are parts of loadbearing shafts) shall be of concrete or masonry; and

(b) non-loadbearing—

(i) lift shafts and stair shafts required to be fire-resisting; and

(ii) ventilating, pipe, garbage, and similar shafts that are not intended for discharge of hot products of combustion, shall be of concrete, masonry, or plaster on metal lath or other material not less hard and dense than plaster on metal lath.

(13) Where, pursuant to subclause (8) or subclause (9), a roof that does not have a fire-resistance rating is used in a building having a rise of not more than six storeys, internal columns (excluding those referred to in subclause (10)) and internal loadbearing walls (excluding fire walls) in the storey immediately below that roof may have the following fire-resistance ratings instead of those listed in Table 16.7:

(a) Class II and Class III buildings—one hour;

(b) Class V, VI, VII and VIII buildings—one hour if the building has a rise exceeding three storeys, but otherwise no rating.

16.8. (1) In a building required to be of Type 2 construction—

(a) external walls, common or party walls, and any beams or columns incorporated in them shall be non-combustible; and

(b) each part mentioned in Table 16.8, and any beam or column incorporated in it, shall (subject to the modifications set out in this clause)—

(i) have a fire-resistance rating not less than that listed in the Table, for the particular class of building concerned; and

(ii) be constructed according to subclause (10) or subclause (11) if applicable.
### TABLE 16.8.
**Type 2 Construction: Fire-Resistance Ratings of Structural Members.**

<table>
<thead>
<tr>
<th>Structural members</th>
<th>Class of building</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>II</td>
</tr>
<tr>
<td>External walls (including beams and columns incorporated in them) and other external structural members where in terms of clause 16.6, the effective distance between the wall or other member and any fire-source feature to which it is exposed is—</td>
<td></td>
</tr>
<tr>
<td>for loadbearing parts—</td>
<td></td>
</tr>
<tr>
<td>less than 4-5 m</td>
<td>3</td>
</tr>
<tr>
<td>4-5 m to less than 6 m</td>
<td>2</td>
</tr>
<tr>
<td>6 m or more</td>
<td>1½</td>
</tr>
<tr>
<td>for non-loadbearing parts (including spandrels)—</td>
<td></td>
</tr>
<tr>
<td>less than 4-5 m</td>
<td>3</td>
</tr>
<tr>
<td>4-5 m to less than 6 m</td>
<td>2</td>
</tr>
<tr>
<td>6 m to less than 7-5 m</td>
<td>1½</td>
</tr>
<tr>
<td>7-5 m to less than 9 m</td>
<td>1</td>
</tr>
<tr>
<td>9 m or more</td>
<td>4</td>
</tr>
<tr>
<td>Common walls and party walls.</td>
<td></td>
</tr>
<tr>
<td>Internal loadbearing walls and fire walls (including those bounding public corridors, public hallways, and the like, or between or bounding sole-occupancy units, and those of loadbearing shafts).</td>
<td></td>
</tr>
<tr>
<td>Lift shafts and stair shafts required to be fire-resisting that are not loadbearing</td>
<td>1½</td>
</tr>
<tr>
<td>Ventilating, pipe, garbage, and like shafts neither intended for discharge of hot products of combustion nor loadbearing</td>
<td>1½</td>
</tr>
<tr>
<td>Internal non-loadbearing walls (including partition walls), bounding public corridors, public hallways, and the like.</td>
<td>1½</td>
</tr>
<tr>
<td>between or bounding sole-occupancy units</td>
<td>1</td>
</tr>
<tr>
<td>bounding a stairway that is not required to be enclosed by a fire-resisting shaft.</td>
<td>1</td>
</tr>
<tr>
<td>floors (including floor beams), roofs (including roof beams), and trusses, and internal columns.</td>
<td>1</td>
</tr>
</tbody>
</table>
Certain floor and roof construction deemed to comply.

(2) In a building of Type 2 construction, a floor or roof shall be deemed to have a fire-resistance rating of one hour if—

(a) the ceiling immediately below the floor or roof has a resistance to the incipient spread of fire to the space above itself of one hour, as determined in the Standard Fire Test; and

(b) in the case of a roof, the roof covering is non-combustible.

Concession for certain floors.

(3) In a building of Type 2 construction the following floors need not have a fire-resistance rating:

(a) A floor laid directly on the ground.

(b) A floor, not laid directly on the ground, the space below which is not a storey and is not designed, constructed or adapted for—

(i) the accommodation of motor vehicles; or

(ii) the accommodation of bathrooms, shower rooms, laundries, water closets, or other sanitary compartments; or

(iii) use as a work area; or

(iv) storage or any other ancillary purpose thereto.

Class II buildings not in fire zones: concession.

(4) In a Class II building not in a fire zone a fire-resistance rating of 1½ hours shall apply, as a modification of Table 16.8, for any structural member, except a common or party wall, required by that Table to have a fire-resistance rating exceeding 1½ hours.

Class II buildings: concession for floors within flats.

(5) In a Class II building of Type 2 construction a floor separating two storeys within a single flat need not have a fire-resistance rating if the walls bounding that flat are non-combustible.

Concession for certain loadbearing walls.

(6) Where the roof of a building and the ceiling immediately below that roof comply with subclause (2), a fire-resistance rating of one hour shall apply as a modification of Table 16.8, for an internal loadbearing wall (excluding a fire wall) in the storey immediately below that roof.

Class VII—open deck parking stations: modifications for certain parts.

(7) For an open-deck parking station the following fire-resistance ratings shall apply, as modifications of Table 16.8:

(a) For a column situated, in terms of clause 16.6, at an effective distance of—

(i) less than 4.5 m from a fire-source to which it is exposed . . . . . . . . . 2 hours;

(ii) 4.5 m to less than 9 m from such a feature . . . . 1½ hours;

(iii) 9 m or more from such a feature . . . . 1 hour.

(b) For an internal loadbearing wall or fire wall . . . 2 hours.
(8) In a building of Type 2 construction, the roof and its internal supporting columns (excluding those referred to in subclause (9)) need not comply with subclause (1) if the rise of the building does not exceed two storeys.

(9) Those parts of an internal column in a building of Type 2 construction that—

(a) face and are within 1.5 m of a window; and

(b) are exposed (in terms of clause 16.6) through that window to a fire-source feature—

shall, if the effective distance between the fire-source feature and the part of the column concerned is less than 6 m, have a fire-resistance rating of not less than 1½ hours.

(10) A partition wall required by Table 16.8 to have a fire-resistance rating—

(a) shall extend to—

(i) the underside of the floor, if any, next above; or

(ii) the underside of a roof complying with subclause (1); or

(iii) a ceiling as described in subclause (2); and

(b) shall—

(i) be so fixed to the floor, roof, or ceiling concerned as to be held by it against overturning in the event of fire; or

(ii) be of concrete or masonry carried on a wall of concrete or masonry below.

(11) In a building of Type 2 construction—

(a) internal loadbearing walls and fire walls (including those that are parts of loadbearing shafts) shall be of concrete or masonry; and

(b) non-loadbearing—

(i) lift shafts and stair shafts required to be fire-resisting; and

(ii) ventilating, pipe, garbage, and similar shafts that are not intended for discharge of hot products of combustion,

shall be of concrete, masonry, or plaster on metal lath or other material not less hard and dense than plaster on metal lath.

16.9. (1) In a building required to be of Type 3 construction—

(a) external walls, common or party walls, and any beams or columns incorporated in them shall be non-combustible;

(b) each part mentioned in Table 16.9, and any beam or column incorporated in it, shall (subject to the modifications set out in this clause)—

(i) have a fire-resistance rating not less than that listed in the Table, for the particular class of building concerned; and

(ii) be constructed according to subclause (6) or subclause (9) if applicable; and

(c) parts mentioned in subclause (5) shall be constructed in the way specified in that subclause.
### Type 3 Construction: Fire-Resistance Ratings of Structural Members

<table>
<thead>
<tr>
<th>Structural members</th>
<th>Class of building</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>II</td>
</tr>
<tr>
<td>External walls (including beams and columns incorporated in them) and other external structural members where, in terms of clause 16.6, the effective distance between the wall or other member and any fire-source feature to which it is exposed is— for loadbearing parts— less than 4-5 m</td>
<td>3</td>
</tr>
<tr>
<td>4-5 m to less than 6 m</td>
<td>2</td>
</tr>
<tr>
<td>6 m or more</td>
<td>3-1/2</td>
</tr>
<tr>
<td>for non-loadbearing parts (including spandrels)— less than 4-5 m</td>
<td>3</td>
</tr>
<tr>
<td>4-5 m to less than 6 m</td>
<td>2</td>
</tr>
<tr>
<td>6 m to less than 7-5 m</td>
<td>1-1/2</td>
</tr>
<tr>
<td>7-5 m to less than 9 m</td>
<td>1</td>
</tr>
<tr>
<td>9 m or more</td>
<td>3-1/2</td>
</tr>
<tr>
<td>Common walls and party walls</td>
<td>4</td>
</tr>
<tr>
<td>Internal loadbearing walls and fire walls (including those bounding public corridors, public hallways, and the like, or between or bounding sole-occupancy units, and those of loadbearing shafts)</td>
<td>1-1/2</td>
</tr>
<tr>
<td>Lift shafts and stair shafts required to be fire-resisting that are not loadbearing</td>
<td>1-1/2</td>
</tr>
<tr>
<td>Ventilating, pipe, garbage and like shafts neither intended for discharge of hot products of combustion nor loadbearing</td>
<td>1-1/2</td>
</tr>
<tr>
<td>Internal non-loadbearing walls (including partition walls)— bounding public corridors, public hallways, and the like</td>
<td>1</td>
</tr>
<tr>
<td>between or bounding sole-occupancy units</td>
<td>1</td>
</tr>
<tr>
<td>bounding a stairway that is not required to be enclosed by a fire-resisting shaft</td>
<td>1</td>
</tr>
</tbody>
</table>
(2) In a Class II building not in a fire zone a fire-resistance rating of 1 1/2 hours shall apply, as a modification of Table 16.9, for any structural member, except a common or party wall, required by that Table to have a fire-resistance rating exceeding 1 1/2 hours.

(3) An internal loadbearing wall (excluding a fire wall) in a storey immediately below the roof shall not be required to comply with subclause (1), but in a Class II or Class III building—

(a) shall have a fire-resistance rating of not less than one hour if the wall bounds—

(i) a public corridor, public hallway, or the like; or

(ii) a sole-occupancy unit; or

(iii) a stairway that is not required to be enclosed by a fire-resisting shaft; and

(b) shall, if it is a wall referred to in paragraph (a), extend—

(i) to the underside of a ceiling having a resistance to the incipient spread of fire to the roof space of not less than one hour, as determined in the Standard Fire Test; or

(ii) to the underside of the roof covering if it is non-combustible; or

(iii) 450 mm above the adjoining roof covering if it is combustible,

and in the case of subparagraphs (ii) and (iii) shall not be crossed by timber purlins or other combustible material.

(4) For an open-deck parking station the following fire-resistance ratings shall apply, as modifications of Table 16.9:

(a) For a column situated, in terms of clause 16.6, at an effective distance of—

(i) less than 6 m from a fire-source feature to which it is exposed—1 hour;

(ii) 6 m or more from such a feature—Nil.

(b) For an internal loadbearing wall or fire wall—2 hours.

(5) Where, in a building of Type 3 construction, a stair shaft supports a floor or any structural part thereof, the junction of—

(a) the stair shaft; and

(b) the floor or part,

shall, unless the floor or part has a fire-resistance rating of one hour or more, be so constructed that the floor or part, if sagging or falling as a result of fire, will be free to do so without causing structural damage to the shaft.
(6) In a Class II or Class III building, a partition wall required by Table 16.9 to have a fire-resistance rating shall extend—
(a) to the underside of the floor, if any, next above; or
(b) to the underside of a ceiling having a resistance to the incipient spread of fire to the space above itself of not less than one hour, as determined in the Standard Fire Test; or
(c) to the underside of the roof covering if it is non-combustible; or
(d) 450 mm above the adjoining roof covering if it is combustible, and in the case of paragraphs (c) and (d) shall not be crossed by timber purlins or other combustible material.

(7) In a Class II or Class III building of Type 3 construction, the ceiling of the topmost storey shall be as specified in clause 16.12, except where all internal walls in that storey extend to the roof.

(8) In a Class II, III or IX building of Type 3 construction, the following, if combustible or of metal, shall be covered with a fire-protective material in accordance with clause 16.12:
(a) The underside of a floor (including the sides and undersides of its floor beams, if any) where the floor is above a storey or above a space (not being a storey) that is designed, constructed, or adapted for—
(i) the accommodation of motor vehicles; or
(ii) the accommodation of bathrooms, shower rooms, laundries, water closets, or other sanitary compartments; or
(iii) use as a work area; or
(iv) storage or any other ancillary purpose thereto.
(b) A column supporting such a floor.

(9) In a building of Type 3 construction—
(a) internal loadbearing walls and fire walls (including those that are parts of loadbearing shafts) shall be of concrete or masonry; and
(b) non-loadbearing—
(i) lift shafts and stair shafts required to be fire resisting; and
(ii) ventilating, pipe, garbage, and similar shafts that are not intended for discharge of hot products of combustion, shall be of concrete, masonry, or plaster on metal lath or other material not less hard and dense than plaster on metal lath.
16.10. (1) In a building of Type 4 construction all parts mentioned in
this clause shall be constructed in accordance with the relevant requirements
set out herein.

(2) Each part mentioned in Table 16.10, and any beam or column
incorporated in it, shall (subject to the modification set out in subclause
(3))—

(a) be non-combustible; and

(b) have a fire-resistance rating not less than that listed in the Table,
for the particular class of building concerned.

TABLE 16.10

<table>
<thead>
<tr>
<th>Structural members</th>
<th>Class of building</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>V</td>
</tr>
<tr>
<td>External walls (including beams and columns incorporated in them) and other external structural members where, in terms of clause 16.6, the effective distance between the wall or other member and any fire-source feature to which it is exposed is less than 3 m</td>
<td>1</td>
</tr>
<tr>
<td>Fire walls</td>
<td>2</td>
</tr>
</tbody>
</table>

(3) For an open-deck parking station a fire-resistance rating of Class
2 hours shall apply, as a modification of Table 16.10, for a fire wall (includ-
ing one that is part of a shaft).

(4) External walls not mentioned in Table 16.10 and internal
loadbearing walls (including those that are parts of loadbearing shafts) shall—

(a) be of concrete or masonry; or

(b) have their main framing (including its diagonal bracing) in steel
or concrete, and their sheeting, if any, in non-combustible
material, except for that part, if any, of an internal wall that supports only a roof.

(5) Fire walls in a building of Type 4 construction shall be of Fire walls,
concrete or masonry.
(6) Internal columns, if any, that support a floor in a building of Type 4 construction shall be of—

(a) steel, concrete, or masonry; or

(b) hardwood having nominal dimensions of not less than 125 mm x 125 mm.

(7) Floors in a building of Type 4 construction shall (subject to the modification set out in subclause (8))—

(a) be non-combustible; or

(b) have their main framing (including all floor beams and joists) in—

(i) steel or concrete; or

(ii) hardwood having nominal dimensions of not less than 100 mm x 75 mm; or

(iii) timber, other than hardwood, having nominal dimensions of not less than 125 mm x 100 mm.

(8) In a building of Type 4 construction the following floors need not comply with subclause (7):

(a) A floor laid directly on the ground.

(b) A floor, not laid directly on the ground, the space below which is not a storey and is not designed, constructed, or adapted for—

(i) the accommodation of motor vehicles; or

(ii) the accommodation of bathrooms, shower rooms, laundries, water closets, or other sanitary compartments; or

(iii) use as a work area; or

(iv) storage or any other ancillary purpose thereto.

(9) A Class II, III or IX building of Type 4 construction shall, in addition to meeting the relevant requirements of this clause, comply with the provisions of clause 16.11 applicable to a building of the class concerned, regarding, as the case requires—

(a) the fire-resistance rating and construction of internal walls (including partition walls)—

(i) bounding public corridors, public hallways and the like; or

(ii) between or bounding sole-occupancy units; or

(iii) bounding a stairway;

(b) the level to which a wall referred to in paragraph (a) shall extend;
(c) the protection to be afforded to the underside of a floor and its supporting columns, if any; and

(d) the construction of the ceiling of the topmost storey.

(10) A Class IX building of Type 4 construction shall, in addition to meeting the relevant requirements of this clause, comply with the provisions of subclause (10) of clause 16.11 as though it were a building of Type 5 construction.

16.11. (1) In a building required to be of Type 5 construction all parts mentioned in this clause shall be constructed in accordance with the relevant requirements set out herein.

(2) Each part mentioned in Table 16.11, and any beam or column incorporated in it, shall (subject to the modifications set out in this clause) have a fire-resistance rating not less than that listed in the Table, for the particular class of building concerned.

**TABLE 16.11.**

**Type 5 Construction: Fire-Resistance Ratings of Structural Members.**

<table>
<thead>
<tr>
<th>Structural members</th>
<th>Class of building</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>II</td>
</tr>
<tr>
<td>External walls</td>
<td>1</td>
</tr>
<tr>
<td>(including beams</td>
<td>1</td>
</tr>
<tr>
<td>and columns</td>
<td></td>
</tr>
<tr>
<td>(incorporated in</td>
<td>1</td>
</tr>
<tr>
<td>them) and other</td>
<td></td>
</tr>
<tr>
<td>external</td>
<td>1</td>
</tr>
<tr>
<td>structural members</td>
<td></td>
</tr>
<tr>
<td>where, in terms of</td>
<td></td>
</tr>
<tr>
<td>clause 16.6, the</td>
<td>1</td>
</tr>
<tr>
<td>effective distance</td>
<td></td>
</tr>
<tr>
<td>between the wall</td>
<td>1</td>
</tr>
<tr>
<td>or other-member</td>
<td></td>
</tr>
<tr>
<td>and any fire-source</td>
<td>1</td>
</tr>
<tr>
<td>feature to which</td>
<td></td>
</tr>
<tr>
<td>it is exposed is</td>
<td>1</td>
</tr>
<tr>
<td>less than 3 m</td>
<td></td>
</tr>
<tr>
<td>Fire walls</td>
<td>1</td>
</tr>
<tr>
<td>Internal walls</td>
<td></td>
</tr>
<tr>
<td>(including partition</td>
<td>1</td>
</tr>
<tr>
<td>walls)—bounding</td>
<td></td>
</tr>
<tr>
<td>public corridors,</td>
<td></td>
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<tr>
<td>public hallways,</td>
<td></td>
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<tr>
<td>and the like</td>
<td></td>
</tr>
<tr>
<td>between or</td>
<td></td>
</tr>
<tr>
<td>bounding sole-</td>
<td></td>
</tr>
<tr>
<td>occupancy units</td>
<td></td>
</tr>
<tr>
<td>bounding a stairway</td>
<td></td>
</tr>
</tbody>
</table>
(3) An external wall (including beams and columns in it) that is required by Table 16.11 to have a fire-resistance rating shall, subject to subclause (4), be non-combustible.

(4) Where an external wall is required by subclauses (2) and (3) to have a fire-resistance rating and be non-combustible, those requirements shall be deemed to have been met if the outer section of the wall has the required fire-resistance rating and is non-combustible.

(5) In a Class VII building of Type 5 construction for the storage or display of goods referred to in the Second Schedule, or in a Class VIIIb building of Type 5 construction, an external wall—

(a) that faces and is within 7.5 m of a boundary of an adjoining allotment of land; and

(b) that is not required by Table 16.11 to have a fire-resistance rating,

shall be non-combustible or be sheeted externally with non-combustible material.

(6) In a Class II or Class III building of Type 5 construction, internal walls (including partition walls) bounding a sole-occupancy unit, or separating adjoining sole-occupancy units, need not have a fire-resistance rating if—

(a) each sole-occupancy unit concerned has direct egress to the ground or to an external balcony providing egress in two different directions from the building; and

(b) the sheeting of those walls, if not backed by concrete or masonry, is non-combustible.

(7) In a building containing two storeys and of Type 5 construction, fire walls shall be of concrete or masonry.

(8) In a Class II or Class III building a partition wall required by Table 16.11 to have a fire-resistance rating shall extend—

(a) to the underside of the floor, if any, next above; or

(b) to the underside of a ceiling having a resistance to the incipient spread of fire to the space above itself of not less than one hour, as determined in the Standard Fire Test; or

(c) to the underside of the roof covering if it is non-combustible; or

(d) 450 mm above the adjoining roof covering if it is combustible, and in the case of paragraphs (c) and (d) shall not be crossed by timber purlins or other combustible material.
(9) In a Class II or Class III building of Type 5 construction, the ceiling of the topmost storey shall be as specified in clause 16.12, except where all internal walls in that storey, required by Table 16.11 to have a fire-resistance rating, extend to the roof.

(10) In a Class II, III or IX building of Type 5 construction, the following, if combustible or of metal, shall be covered with a fire-protective material in accordance with clause 16.12:

(a) The underside of a floor (including the sides and undersides of its floor beams, if any) where the floor is above a storey, or above a space (not being a storey) that is designed, constructed, or adapted for—

(i) the accommodation of motor vehicles; or
(ii) the accommodation of bathrooms, shower rooms, laundries, water closets, or other sanitary compartments; or

(iii) use as a work area; or

(iv) storage or any other ancillary purpose thereto.

(b) A column supporting such a floor.

16.12. The fire-protective covering or ceiling required by subclauses (7) and (8) of clause 16.9 and subclauses (9) and (10) of clause 16.11 for certain parts of Class II and Class III buildings of Type 3 or Type 5 construction shall be a lining or ceiling of—

(a) 12.7-mm plasterboard; or

(b) 12.7-mm asbestos-silica board; or

(c) 12.7-mm mesh-reinforced fibrous plaster in which the mesh is one of 12.7-mm x 12.7-mm x 0.71-mm welded wire located not more than 6 mm from the exposed face; or

(d) any other material not less fire-protective than 12.7-mm plasterboard,

the material in each case being of fire-protective grade and fixed in accordance with the normal trade practice applicable to the fixing of the material as a fire-protective covering.

16.13. (1) In stairways that are required to be within fire-resisting shafts—

(a) the stairs and landings shall be constructed only of—

(i) reinforced or prestressed concrete in no part less than 75 mm thick, measured exclusive of topping; or

(ii) precast reinforced concrete, not prestressed, in no part less than 63 mm thick,

finished throughout in non-combustible material; and

(b) structural members, if any, supporting stairs or landings shall be non-combustible and have a fire-resistance rating of not less than one hour.
Class II buildings: stairways not required to be within fire-resisting shafts.

(2) In a Class II building having a rise of more than two storeys, the stairs and landings (including any supporting structural members) of a required stairway that is not required to be within a fire-resisting shaft shall—

(a) be constructed according to subclause (1); or

(b) be constructed only of—

(i) reinforced or prestressed concrete; or

(ii) steel in no part less than 6.3-mm thick; or

(iii) timber that has not been glued or similarly joined and has an average density at a moisture content of 12 per cent of not less than 800 kg/m³ and a finished thickness of not less than 44 mm.

Construction of ramps. 16.14. Ramps and their landings, where required to be within fire-resisting shafts, shall—

(a) be non-combustible; and

(b) have a fire-resistance rating of not less than one hour.

Fire-resistance ratings of fire walls and floors common to two sections of a building. 16.15. (1) Where a building has sections of different classes—

(a) the fire-resistance rating of a fire wall required between the sections (including a Class IV section, if any) shall be as follows:

(i) Where the sections are served in any storey by the same public corridor, public hallway, or the like—1½ hours in that storey;

(ii) In every other case—the fire-resistance rating prescribed in this Part for the fire wall of both sections (if those ratings are the same) or for the fire wall of that section for which the greater rating is prescribed (if those ratings are different); and

(b) a fire-resistance rating that applies according to clause 16.7 or clause 16.8 for a floor in the lower section (if one section is below the other) shall apply also for the floor between the sections.

(2) A fire wall required to bound a room designed, constructed, or adapted for the housing of equipment such as lift, heating, ventilating, or air-conditioning plant or transformers, generators, or other electrical equipment, or other special equipment for the servicing of the building, shall have a fire-resistance rating not less than the greater of—

(a) 2 hours; and

(b) the rating for a fire wall prescribed in this Part for the particular class of the building in which the room is situated.