ORDINANCE No. 70
under the
LOCAL GOVERNMENT ACT, 1919

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[Reprinted as at 1st June, 1983]

NEW SOUTH WALES


Note.—Historical information concerning the provisions of this Ordinance is contained in the note on page 285.

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.

(1) See also Gazette of 2.7.1982.

p 8149J—1 ($9.60)
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(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.

(3) This Ordinance shall commence on 1st July, 1974.

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

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PART 1.—Preliminary.

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

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

(a) being designed in accordance with the relevant provisions of Specification No. 9 "Access and Facilities for Disabled People" as approved by the Minister for Local Government and published in the Gazette; and

(b) not incorporating a stairway, turnstile, revolving door, escalator or any installation or building feature which could not be negotiated by a person confined to a wheelchair;

"Act" means the Local Government Act, 1919;

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

"approved" means approved by the Council;

"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;

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

"combustible"—

(a) applied to a material, means combustible in accordance with Australian Standard 1530 "Methods for Fire Tests on Building Materials and Structures: Part 1—Combustibility Tests for Materials"; 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);

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

"construct" includes "erect";

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

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

(a) is not connected to a water supply;

(b) is suitable for connection to the equipment of the fire brigade serving the locality in which that building is situated; and
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(c) when so connected, is capable of functioning as a fire main is required to function by Part 27;

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

“exit” means—

(a) an internal or external stairway;
(b) a ramp;
(c) a fire-isolated passageway;
(d) a doorway opening to a road or open space, or a combination of 2 or more such exits providing egress from a storey or space in the nature of a storey to a road or open space;

“external wall” means an outer wall of a building but which is not a party wall or a common wall;

“fire-isolated passageway” means a corridor, hallway, or the like, providing egress to or from a fire-isolated stairway or fire-isolated ramp or to a road or open space, and conforming with clause 24.9;

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

“fire-isolated stairway” means a stairway within a fire-resisting shaft, being a shaft—

(a) which has a floor and a structure enclosing the top of it; and

(b) which complies with the relevant provisions of Part 16;

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

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

“fire-resisting construction” means one of the types of construction of a building referred to in Part 16;
"fire-source feature" means a fire-source feature as defined in clause 16.6 (1);

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

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

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

"flammability index" means that index number for flammability when determined according to Australian Standard 1530 "Methods for Fire Tests on Building Materials and Structures", Part 2, "Test for Flammability of Materials";

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

"floor area" means—

(a) with respect to a storey—the gross area of that storey measured over the enclosing walls, if any, and such portion of the party wall as belongs to that building; and

(b) with respect to a room—the gross area of the room measured within the finished surfaces of the walls, and includes the area occupied by any cupboard or other built-in furniture, fixture or fitting;

"foundation" means the ground which supports the building;

"habitable room" means a room (other than a bathroom, laundry, water closet, or the like) that is designed, constructed, or adapted for the activities normally associated with domestic living, and for this purpose—

(a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, sunroom, and the like; and
(b) excludes in addition to a bathroom, laundry, water closet, or the like, a room or space such as a food-storage pantry, walk-in wardrobe, corridor, hall-way, lobby, photographic darkroom, clothes-drying room, and any other space of a specialised nature occupied neither frequently nor for an extended period;

“hydrant” means a fire hydrant or plug connected to a fire main or to a water main in a public road, as the case requires;

“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;

“internal wall” means a wall of a building which is not an external wall, a common wall or a party wall;

“laundry” means a room designed, constructed, or adapted primarily for the washing of clothes or other laundering purposes;

“lightweight construction” means a form of construction defined in clause 17.3;

“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 next above, or if there is no floor above, the ceiling or roof above,
and in which the intermediate floor does not extend across the full area of the room;

"nearest part of an exit" means the configuration of the exit defined in clause 24.34 (1);

"non-combustible"—
(a) applied to a material, means not combustible in accordance with Australian Standard 1530 "Methods for Fire Tests on Building Materials and Structures: Part 1—Combustibility Tests for Materials"; 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 portions 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 unobstructed 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;

"opening", for the purposes of Part 22, shall have the meaning ascribed to it in clause 22.2;

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

"part", when applied to a building, means a physical component or portion of a component;

"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;
"portion", when applied to a building, means a space or set of adjoining spaces in a building;

"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;

"private garage" means—
   (a) any garage of a Class I building; or
   (b) any single storey—
      (i) of a building of another class; and
      (ii) capable of accommodating not more than three vehicles;

"public corridor" means a corridor, hallway or the like which—
   (a) serves as a means of egress from two or more sole-occupancy units to a required exit from the storey concerned; or
   (b) is required to be provided as a means of egress from any portion of a storey to a required exit;

"public garage" means a garage which is neither a private garage nor designed, constructed or adapted for the servicing of vehicles, other than washing, cleaning or polishing;

"required" means required by or under this Ordinance;

"rise" means the number of storeys above the ground calculated in accordance with the provisions of clause 17.1;

"rise in storeys" shall be calculated in accordance with Part 17;

"sarking-type material" means a material, such as a reflective foil or other flexible membrane, of a type normally used for water proofing, vapour proofing, thermal reflection or other similar purposes;

"school" includes a university, agricultural college, teachers' training college, school of mines, theological college, or similar establishment designed, constructed, or adapted for tertiary education;
"section", when applied to a building, means a portion of the building which is required to be separated from the remainder of the building as prescribed in Part 19 or Part 23;

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

"service station" means a garage which is not a private garage and which is designed, constructed, or adapted for the servicing of vehicles, other than only washing, cleaning or polishing;

"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;

"smoke-and-heat vent" means a vent, located in or near the roof of a building, to provide means for the escape of smoke and hot gases if there is an outbreak of fire in the building;

"smoke-developed index" means that index number for smoke developed when determined according to Australian Standard 1530 "Methods for Fire Tests on Building Materials and Structures", Part 3, "Test for Early Fire Hazard Properties of Materials";

"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;

"spread-of-flame index" means that index number for spread of flame when determined according to Australian Standard 1530 "Methods for Fire Tests on Building Materials and Structures", Part 3, "Test for Early Fire Hazard Properties of Materials";

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

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


"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) a space which is designed, constructed, or adapted solely for the accommodation of—

(i) a lift shaft, stairway, or meter room;
(ii) a bathroom, shower room, laundry, water closet, or other sanitary compartment;
(iii) a storeroom in a Class I building; or
(iv) not more than 3 vehicles; or

(b) a mezzanine;
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"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;

"window"—

(a) includes a roof light, glass panel, glass brick, glass louvre, glazed sash, glazed door or other device capable of transmitting natural light directly from the exterior of a building to the room concerned; but

(b) does not include a door or other device not capable of transmitting natural light from the exterior of a building to the room concerned when in the closed position.

(2)

(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, sub- clause, 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;
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(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 1155 “Metric Units for Use in the Construction Industry”; and

(j) the numerical values prescribed are subject to tolerances according to—

(i) any appropriate code, rule, specification or provision adopted by reference in this Ordinance;

(ii) normal trade practice; or

(iii) good practice,
as the case may require.

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,
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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.
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(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.
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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 as 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.
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(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 subclause (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 thereto 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.

Definitions. 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.
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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.
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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).
Ordinance No. 70—Local Government Act, 1919.

(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.
Ordinance No. 70—Local Government Act, 1919.

(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, Classes VIIIb, IXa and Class IXb are separate classifications.

(3) *

(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
portion of an uncompleted building and the Council approves the
occupation of a further portion 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 portions 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 com-
mencement of this Ordinance shall not be changed from that of one
class to that of another class unless—

(a) (i) the building complies with the requirements of the
Act and Ordinances applicable to the new class;
and
(ii) the change of use has been approved by the Council;
or

(b) the change of use has been approved by resolution of the
Council under subclause (6).

(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, or the new purpose and the proposed use of the
building have been approved by resolution of the Council under
subclause (6).
Ordinance No. 70—Local Government Act, 1919.

(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 to make that 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) The use of a building, or a portion of a building, may be changed from that of one class to that of another class without the entire building, or portion, being made to comply with the Act and the Ordinances applicable to the new class, Part 27 excepted, if the Council, after consideration of a report by the proper servant and having regard to the circumstances of the case, resolves that in its opinion the building, or portion, with such alterations as it may require,—

(a) will be structurally sound and capable of withstanding the loadings likely to arise from the new use; and

(b) will contain reasonable provision for—

(i) the safety of persons proposed to be accommodated in the building, or portion, in the event of fire, particularly in relation to egress;

(ii) the prevention of fire;

(iii) the suppression of fire; and

(iv) the prevention of the spread of fire.
Ordinance No. 70—Local Government Act, 1919.

6.7. (1) Notwithstanding the provisions of clause 6.1, where portion 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.

(2) Notwithstanding clause 6.1—

(a) a building containing only—

(i) 1 storey or 2 or 3 storeys of flats; and

(ii) 1 storey for the purposes of a public garage or some other purpose ancillary to that of the storey or storeys referred to in subparagraph (i),

shall for the purposes only of Group V be deemed to be entirely a Class II building; and

(b) a building containing only—

(i) 1 storey or 2 storeys for residential purposes (being a common place of abode for a number of unrelated persons); and

(ii) 1 storey for the purpose of a public garage or some other purpose ancillary to that of the storey or storeys referred to in subparagraph (i),

shall for the purposes only of Group V be deemed to be entirely a Class III building.

6.8. Any person who uses or occupies or permits the use or Offences. 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.
Ordinance No. 70—Local Government Act, 1919.

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.
Ordinance No. 70—Local Government Act, 1919.

(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) Where—

(a) the plans and specifications relate to a proposal to carry out, in respect of an existing building, any alteration or rebuilding; or

(b) it is proposed to modify plans and specifications which have been submitted to the Council,

both copies of the general plan required by this clause to be submitted to the Council shall be coloured or otherwise marked to the satisfaction of the Council so as adequately to distinguish the proposed alteration, rebuilding or modification. The general plan shall not otherwise be required to be so coloured or marked.

(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.
Ordinance No. 70—Local Government Act, 1919.

(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.
Ordinance No. 70—Local Government Act, 1919.

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 $5.

<table>
<thead>
<tr>
<th>Cost</th>
<th>Fee (Expressed as percentage of cost)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not exceeding $5,000</td>
<td>0.5 per cent.</td>
</tr>
<tr>
<td>Exceeding $5,000 but not exceeding $100,000</td>
<td>0.5 per cent for the first $5,000, plus 0.3 per cent of the amount in excess of $5,000.</td>
</tr>
<tr>
<td>Exceeding $100,000 but not exceeding $250,000</td>
<td>0.5 per cent for the first $5,000, plus 0.3 per cent of the next $95,000, plus 0.2 per cent of the amount in excess of $100,000.</td>
</tr>
<tr>
<td>Exceeding $250,000</td>
<td>0.5 per cent for the first $5,000, plus 0.3 per cent of the next $95,000, plus 0.2 per cent of the next $150,000, plus 0.1 per cent of the amount in excess of $250,000.</td>
</tr>
</tbody>
</table>

(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 $5, 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), the amount to be returned pursuant to an application being made in the terms of subclause (3) shall be three-quarters of the fee.

(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 in certain cases.

(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 $75. 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;
Ordinance No. 70—Local Government Act, 1919.

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

c) erect a building to be used exclusively for the purpose of a green-house, conservatory, summer-house, private boat-house, fuel shed, tool-house, cycle shed, aviary, 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 $20. No part of the fee shall be refundable if the certificate is not issued by the Council.

GROUP II.—GENERAL PROVISIONS.

PART 10.—Materials and Workmanship.

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

10.2. (1) A material that is proposed to be used in the erection of a building shall not be so used if the material—

(a) is faulty;

(b) is unsuitable for the purpose for which it is proposed to be used;

(c) is dangerous to health;

(d) has been used in the construction of any cesspit, drain or sewer; or

(e) does not comply with any relevant requirement of this Ordinance.

(2) The Council may test any material that is proposed to be used in the erection of a building to ascertain whether the use of the material is or is not prohibited by subclause (1).
(3) Where a Council tests any material pursuant to sub-clause (2), the Council shall inform the person who proposes to use the material in the erection of a building as to whether the use of the material is or is not prohibited by subclause (1).

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 provision of the Ordinance,

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.
Ordinance No. 70—Local Government Act, 1919.

(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) Wherever 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 this Ordinance to a code, rule, specification or provision of a kind referred to in subclause (1), is unless the reference otherwise specifies—

(a) subject to paragraph (b)—a reference to the code, rule, specification or provision as amended up to and including 30th June, 1981; or

Reference is to code, etc., as amended to certain date.
(b) where the reference was inserted in this Ordinance on or after 1st July, 1981—a reference to the code, rule, specification or provision as amended to the date on which the reference was inserted.

(3)  *  *  *  *  *

10.5. Wherever in this Ordinance evidence is required to be submitted to the Council any copy of that evidence so submitted shall be a complete and unabridged copy of the original report.

GROUP II.—GENERAL PROVISIONS.

PART 11.—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.
Ordinance No. 70—Local Government Act, 1919.

Council may fix minimum sizes of allotments for Class I buildings.

(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.

Exceptions.

(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, that parcel being in existence as a separate parcel on 27th February, 1942, the Council shall grant the application if the proposed building is suitable for approval apart from the question of the area of the site.

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 from storeys or of 1 500 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 terrace 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 impracticable by reason of the levels or width of the allotment or other exceptional conditions of the site; and
Ordinance No. 70—Local Government Act, 1919.

(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 1 500 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 sub-clause (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 sub-clause (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) 1 125 mm in the case of a building containing more than two storeys,

from that boundary line.

(5) Where an existing external wall of a Class I building is veneered or refaced, eaves, hoods and similar structures or attachments erected between the external plane of the face of the external wall and any boundary line shall be at a distance of not less than 450 mm from that boundary line.
Concession for certain eaves, carports, etc.

(6) Notwithstanding the requirements of subclause (4)—

(a) a cornice or eave may return along a wall for a maximum distance of 1800 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.

Class III buildings. Application of clause.

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.

Interpretative provisions.

(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 allotment as, and as an appurtenance to, a Class II or Class III building only if the area occupied by the appurtenant building does not exceed 10 per cent of the required unbuilt upon area of the allotment.

(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, shall not be included as a building in calculating the proportion of the area of the allotment that may be occupied by a building.

(3) Notwithstanding subclause (1), where a Class II or Class III building encroaches on the required unbuilt upon area of an allotment, the maximum area that may be occupied by an appurtenant building on the allotment under subclause (1) is reduced by the area of the encroachment.
Ordinance No. 70—Local Government Act, 1919.

(4) In this clause, "the required unbuilt upon area", in interpretation, means the minimum area of the allotment that may not be occupied by a Class II or Class III building by reason of Schedule 7 to the Act or clause 11.7, as the case may be.

11.10. (1) Where, in an unsewered district, an earth closet, septic tank, 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 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 nightsoil disposal.

(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.

(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.

(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.

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.

12.1. This Part shall apply to buildings only while they are in the course of construction.
Ordinance No. 70—Local Government Act, 1919.

12.2. In this Part, “hydrant” means a fire hydrant or plug capable of being connected to a fire main or dry riser.

12.3. (1) A fire main and associated hydrants shall be installed in a building under construction so that when the building reaches a height of 30 m above the floor of the lowest storey providing egress to a road or open space, that fire main and those hydrants shall be available to serve all storeys in the building (other than the 2 uppermost storeys) as though the storeys so served comprised a completed building and that building were subject to Part 27.

(2) When construction of a building proceeds beyond the height referred to in subclause (1) the fire main shall be extended and additional hydrants connected thereto progressively so that at any point in time all storeys (other than the 2 uppermost storeys) shall be served with hydrants as though the storeys so served comprised a completed building and that building were subject to Part 27.

(3) Notwithstanding anything to the contrary in subclauses (1) and (2), for the purposes of this clause, a dry riser may be installed instead of a fire main.

Group III.—Buildings in Course of Erection or Demolition.

Part 13.—Demolitions.

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Group IV.—Buildings in Relation to Public Roads.

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

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Ordinance No. 70—Local Government Act, 1919.

GROUP IV.—BUILDINGS IN RELATION TO PUBLIC ROADS.

PART 15.—Projections beyond road alignments.

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.
Ordinance No. 70—Local Government Act, 1919.

2. Notwithstanding paragraph (a) of subclause (1), the Council may approve projections of the nature referred to in that subclause 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 alignments to the extent of not more than—

(a) 450 mm if the projecting parts are not less than 1 350 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.

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.