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OF

WESTERN AUSTRALIA

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Local Government Amendment Act (No. 2) 1988

PROCLAMATION

WESTERN AUSTRALIA  
FRANCIS BURT,  
Lieutenant-Governor  
and Administrator.

} By His Excellency the Honourable Sir Francis  
Theodore Page Burt, Companion of the Order of  
Australia, Knight Commander of the Most Disting-  
uished Order of Saint Michael and Saint George,  
Queen's Counsel, Lieutenant-Governor and Ad-  
ministrator of the State of Western Australia.

PURSUANT to section 2 of the Local Government Amend-  
ment Act (No. 2) 1988, I, the Lieutenant-Governor and  
Administrator, acting with the advice and consent of the  
Executive Council do hereby fix the day on which this  
proclamation is published in the *Government Gazette* as  
the day on which sections 6, 7 and 11 of the Local  
Government Amendment Act (No. 2) 1988 shall come into  
operation.

Given under my hand and the Public Seal of the State  
on 25 July 1989.

By His Excellency's Command,

E. K. HALLAHAN,  
Minister for Local Government.

GOD SAVE THE QUEEN !

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WESTERN AUSTRALIA

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WESTERN AUSTRALIA

LOCAL GOVERNMENT ACT 1960

**BUILDING REGULATIONS 1989**

Made by His Excellency the Lieutenant-Governor and Administrator in Executive Council.

PART 1—PRELIMINARY

**Citation**

1. These regulations may be cited as the *Building Regulations 1989*.

**Commencement**

2. These regulations shall come into operation on the day that they are published in the *Government Gazette*.

**Interpretation**

3. (1) In these regulations unless the contrary intention appears—

“approved” means approved by the council except where used in relation to plans, drawings and specifications submitted for approval under section 374 of the Act, in which case “approved” has a meaning consistent with the provisions of that section;

“builder” means a person employed to construct any building or to demolish, alter or execute any work on a building already constructed, and includes the owner or occupier of the land upon which any such building is intended to be constructed, or other person for whom, or by whose order or under whose direction and control such alteration or work was done or is intended to be done, as the case may be;

“council” means the council in whose municipal district a building is constructed or proposed to be constructed;

“district” means the municipal district in which a building is constructed or proposed to be constructed;

“Fire Brigades Board” means the Western Australian Fire Brigades Board as constituted under the *Fire Brigades Act 1942*;

“footing” means the construction by which the weight of the building is transferred to the foundations;

“Form” means a form in Schedule 1;

“owner” includes any person in possession or receipt of the whole or any part of the rents or profits of any land or tenement or in the occupation of any land or tenement otherwise than as a tenant from year to year, or for any less term, or as a tenant at will;

“repair” means the reconstruction or renewal of any part of an existing building for the purpose of its maintenance but does not include alteration.

(2) In these regulations “the Building Code” means the Building Code of Australia 1988 published by or on behalf of the Australian Uniform Building Regulations Coordinating Council as amended from time to time.

(3) A reference in these regulations or in the Building Code to a code or standard shall, unless the contrary intention appears in these regulations or in the Building Code, include a reference to that code or standard as amended from time to time.

(4) Without derogating from section 32 (1) of the *Interpretation Act 1984*, the headings of Parts, divisions and subdivisions of these regulations form part of these regulations.

(5) Notwithstanding section 32 (2) of the *Interpretation Act 1984*, the heading to a regulation in these regulations or to a portion of a regulation in these regulations forms part of these regulations.

#### Exemptions

4. (1) These regulations do not apply to the following buildings and work—
- (a) any building that is exempted by Statute;
  - (b) temporary offices and sheds used by builders, on or about the site of any building being constructed, repaired, altered or reinstated, or used by contractors in carrying out works for any public body or corporation on or about the site of the work and used exclusively for the purpose of that building or work; but that exemption shall, however, continue only during the time occupied in completing the building or work, and in any case shall not exceed the duration of building operations, except by special permission of the council;
  - (c) a cabin or chalet outside the metropolitan region to which the Local Government Model By-laws (Holiday Accommodation) No. 18 apply, but only to the extent to which those by-laws modify these regulations; and
  - (b) any building the plans, drawings and specifications of which—
    - (i) were approved before these regulations came into operation in the district or in that part of the district in which the building is situated; or
    - (ii) are approved pursuant to regulation 6 if that building is completed in accordance with and subject to the provisions of the by-laws as in force before those regulations came into operation in relation to which that approval was given.

(2) For the purposes of these regulations the re-erection of a building that has been removed and transported from another site or from another location on the same site shall be regarded as being the erection of a building.

#### Building Code adopted

5. (1) Subject to these regulations, the Building Code applies to and in relation to any building that can be classified according to use under Part A3 of that Code and to any work referred to in Part XV of the Act and in the Building Code.

(2) Any alteration, addition, restoration or repair to a building shall conform with these regulations but where the council is of the opinion that any such work consists only of minor work and does not adversely affect the safety of persons accommodated in or resorting to a building or property in or in the vicinity of a building the council may determine that the Building Code does not apply in relation to such work and that the work shall conform to only such of the provisions the Building Code as are specified by the Council.

### Savings and Transitional Provisions

#### *Savings*

6. (1) Where plans, drawings and specifications relating to the construction or alteration of a building on a site have been submitted to the council for its approval and, before the council has finally disposed of the matter—

- (a) these regulations come into operation in the district or in that part of the district in which the site is located; or
- (b) an amendment to these regulations comes into operation in the district or in that part of the district in which the site is located,

the council shall deal with the matter in accordance with the by-laws or these regulations in operation under Part XV of the Act in the district or that part of the district at the time when the plans, drawings and specifications were submitted.

#### *Transitional Period to Follow Coming into Operation of these Regulations or Amendments Thereto*

(2) Where plans, drawings and specifications relating to the construction or alteration of a building on a site are submitted to the council for its approval then, notwithstanding that those plans, drawings and specifications do not comply with these regulations as in operation, at the time of their submission, in the district or in that part of the district in which the site is located, the council may approve of those plans, drawings and specifications if the council is satisfied that—

- (a) if those same plans, drawings and specifications had been submitted to the council at some time during the period of 6 months prior to the date of their actual submission they would have complied with the by-laws or regulations then in operation under Part XV of the Act in the district or that part of the district; and
- (b) no undue delay has been occasioned in the submission of those plans, drawings and specifications to the council.

## PART 2—LEGAL PROCEEDINGS AND NOTICES

### *Service of Notices etc.*

7. Where the council or an employee of the council is authorized by these regulations to give to any person any notice, demand, direction or order—

- (a) the notice, demand, direction or order may be signed by the clerk of the council or the building surveyor; and
- (b) service of the notice, demand, direction or order may be effected in accordance with the provisions of section 657 of the Act.

### Notices to Other Authorities

#### *Builder to Give Notice*

8. (1) Every builder who intends to construct, alter, add to, underpin, demolish or remove any building shall, prior to the commencement of any work, give notice of that intention to any body, authority or instrumentality which is authorized under a law of the State to direct, regulate or approve the carrying out of any part of that building work.

#### *Powers of Building Surveyor*

(2) The building surveyor may refuse to issue a building licence under the provisions of Part 4 unless or until satisfied that the provisions of subregulation (1) have been complied with, and that the approval of such of the authorities therein mentioned as may apply to the particular case has been obtained, or may issue a building licence or demolition licence subject to compliance with the requirements of those authorities.

(3) Notwithstanding the provisions of subregulation (2) the building surveyor shall before issuing a building licence liaise with the Fire Brigades Board for the purposes of the fire prevention and public safety requirements of the Building Code.

(4) Subregulation (3) does not apply to Class 1 and Class 10 Buildings of the Building Code.

## PART 3—ENFORCEMENT AND INSPECTIONS

### *Power of Building Surveyor to Enter and Inspect*

9. The building surveyor may, at all reasonable times after receipt by the council of the notice mentioned in section 375 of the Act or his learning of the commencement of building operations in his district and until 30 days after his receipt of notice of completion of the building operations, enter and inspect any site, building, erection, structure or work, for the purpose of ascertaining whether the building is complying or has complied with, or whether those building operations are exempt from, the provisions of these regulations.

## PART 4—BUILDING APPLICATIONS

### Application for Licence

10. (1) Every builder intending to construct a building or alter, add to, repair or underpin, demolish or remove an existing building shall before commencing—

(a) that construction, alteration, addition, repair or underpinning, demolition or removal; or

(b) any earthworks necessary for, or incidental to, that construction, alteration, addition, repair or underpinning, demolition or removal,

make written application to the council for a licence to commence that work.

#### *Form and Lodging of Application*

(2) Applications made under subregulation (1) shall be in the form of Form 2 or 3, whichever is appropriate, and shall be lodged at the office of the building surveyor.



**Particulars to Accompany Application***Builder to Submit Drawings etc.*

11. (1) Every builder making application for a building licence shall deposit with the building surveyor—

*Building Details*

- (a) two complete sets of drawings (to scale not less than 1:100) showing—
- (i) a plan of every storey;
  - (ii) at least two elevations of external fronts;
  - (iii) one or more sections, transverse or longitudinal;
  - (iv) the heights of each storey;
  - (v) depth of foundations;
  - (vi) underpinnings;
  - (vii) levels of ground;
  - (viii) construction of the walls, floors and roofs; and
  - (ix) any other information that the building surveyor may require, all clearly figured and dimensioned;

*Block Details*

- (b) a block and drainage plan (to a scale not less than 1:500) showing—
- (i) street names, lot number, and title reference to the site with the north point clearly marked;
  - (ii) the size and shape of the site;
  - (iii) the dimensioned position of proposed new building and of any existing buildings on the site;
  - (iv) the relative levels of the site with respect to the street or way adjoining;
  - (v) the position and size of any existing sewers and existing stormwater drains;
  - (vi) the position of street trees, if any, between the site and the roadway;

*Specifications*

- (c) two copies of specifications describing materials to be used in the construction and, where not indicated on the drawings, the sizes thereof together with all other information not shown on the drawings, which is necessary to show that the building will, if constructed in accordance with the specifications, comply with the provisions of the Building Code;

*Structural Calculations*

- (d) when required by the building surveyor, a complete set of detailed calculations of the stresses and detailed drawings covering the structural members; and

*Cost Estimate*

- (e) an estimate of the cost of the proposed construction and, when so required by the building surveyor, the name and address of any registered architect, practising structural engineer or other person under whose supervision the construction is to be carried out.

*Compliance with Fire Requirements*

(2) Notwithstanding the provision of subregulation (1) every builder making application for a building licence, excluding Classes 1 and 10 of the Building Code, shall deposit with the Fire Brigades Board plans and specifications of sufficient detail to enable the Fire Brigades Board to assess their compliance with the Fire Requirements of the Building Code of Australia.

*Requirements as to Drawings*

(3) The drawings referred to in subregulation (1) shall be legible and durable and shall not be less in size than—

- (a) where the drawings relate to a swimming pool, sheet A4;
- (b) in any other case, sheet A2.

*New and Existing Work*

(4) All new work shall be clearly delineated on the drawings as distinct from existing work by colouring or other suitable means.

*Particulars to Accompany**Application for Demolition Licence*

(5) An application for a licence to demolish or remove a building shall be accompanied by particulars of the location of the building, and such other particulars as the council may require.

*Particulars of Levels to be Supplied  
where Earthworks Involved*

(6) Without limiting the generality of subregulation (1) (a) (vii) where any alteration is proposed to the existing conformation of the ground on the site involving earthworks of any description the council may require the drawings referred to in that paragraph to show all levels, both new and old, clearly marked or indicated by contour lines or in such other manner as the council may direct.

**Copies for records***Copies to be retained*

12. (1) One copy of every drawing, plan, specification or calculation shall remain in the office of the building surveyor as a permanent record.

*Plans etc. May be Inspected By or With  
Consent of Owner*

(2) The owner or mortgagee of any building or any person authorized in writing by the owner or mortgagee may, during the normal office hours of the council, inspect any plan or other document relating to that building retained pursuant to subregulation (1).

**Commencement of work***Buildings or Alterations*

13. (1) A builder shall not commence to construct, alter, add to or underpin any building and shall not commence any earthworks, necessary for, or incidental to, that construction, alteration, addition or underpinning until—

- (a) the plans, drawings and specifications have been approved;
- (b) the building surveyor has stamped the plans, drawings and specifications with the official stamp showing the number of the approval and the date of approval;
- (c) the builder has paid the appropriate fee prescribed in the Table to regulation 24; and
- (d) a licence has been issued in the form of Form 4 or 5.

*Demolition*

- (2) A builder shall not commence to demolish or remove any building until—
- (a) he has paid the appropriate fee prescribed in the Table to regulation 24; and
  - (b) a licence has been issued in the form of Form 7.

**Examination of Drawings etc.***Building Surveyor to Examine*

14. (1) The building surveyor shall examine all plans, drawings, and specifications deposited with him or her, but if any such plans, drawings or specifications are, in the building surveyor's opinion not in conformity with the requirements of this Part or not clear or not easily legible, or do not contain sufficient information, he or she may, within 15 days of their deposit with him or her, return them to the builder for amendment, and in that case the plans, drawings and specifications shall be considered as not having been deposited with the building surveyor until re-submitted by the builder.

*Disapproval of Drawings etc.*

- (2) If—
- (a) the council; or
  - (b) the building surveyor, acting pursuant to a delegation under subsection (1b) of section 374 of the Act,

refuses to approve any plan, drawing or specification, notice of the refusal to approve shall be given in writing to the builder and the reasons for the refusal to approve shall be stated in the notice.

**Duration of Licence***Building Licence*

15. (1) A building licence in the form of Form 4 is void if the work covered by the licence (the building) is not substantially commenced within 12 months of the date of the issue of the licence; but at any time after the expiry of 12 months the approval of the council or the building surveyor, as the case may be, to the plans, drawings and specifications previously approved may, if those plans, drawings and specifications are still in conformity with these regulations, be again obtained subject to the payment of any further fees and the lodging of such further plans, drawings and specifications as the council or building surveyor may at its or his or her discretion require.

*Demolition Licence*

(2) A demolition licence in the form of Form 7 is void if the work covered by the licence is not commenced within 12 months of the date of the issue of the licence.

**Building Left Incomplete***Time for Completion*

16. (1) Where a licence is issued under these regulations for the construction of a building that building shall be completed within 24 months of the date of the issue of the licence, or such other time as approved by council.

*Consequences of Failure to Complete*

(2) Where work on the construction of a building is commenced but is not completed within the time prescribed by subregulation (1) the provisions of section 409A of the Act apply.

### Departure from Approved Plans

17. No variation from or alteration of approved plans, drawings and specifications shall be made by any builder without the consent of the building surveyor in writing having been first obtained, and any alteration or departure from the approved plans, drawings and specifications shall, on the consent of the building surveyor therefore being notified, be drawn, described, and endorsed on and in the plans, drawings and specifications.

### Preliminary Plans and Provisional Approvals

#### *Plans May be Lodged with Owner's Consent*

18. (1) Notwithstanding anything contained in this Part any person having paid the fees prescribed in item 3 of the table to regulation 24 may submit to the building surveyor preliminary plans, drawings and specifications of any building proposed to be constructed, accompanied by the written consent of the owner of the site of the proposed building to the lodging of those plans, drawings and specifications for examination and report as to whether such proposal is capable of being executed in conformity with these regulations.

#### *Application for Provisional Approval*

(2) Without limiting the operation of subregulation (1) a person may apply to the council for its provisional approval of a proposed building, by lodging with the application—

- (a) the fee prescribed in item 3 of the Table to regulation 24;
- (b) preliminary plans, elevations and sections of the proposed buildings; and
- (c) such concise specifications or descriptions as the council may require to satisfy itself as to the nature of the building and its intended use.

#### *Consideration by council*

(3) The council may after considering the report of the building surveyor on an application made pursuant to subregulation (2) give its provisional approval for the construction of the proposed building, if, when constructed, it would conform to these regulations as in force, at the time of the making of the application, in the district or in that part of the district in which the building is proposed to be constructed.

#### *Duration of Provisional Approval*

(4) A provisional approval given pursuant to subregulation (3) shall remain in force for a period of 12 months from the date on which it is given.

#### *Effect of Provisional Approval*

(5) A provisional approval given pursuant to subregulation (3) has the effect, notwithstanding any provision of these regulations to the contrary, of enabling the person to whom it is given, during the period that it is in force, to procure the issue of a licence for the commencement of work on the proposed building, if the final plans, drawings and specifications are in conformity with the provisional approval and the fees prescribed in the Table to regulation 24 are paid.

## PART 5—CERTIFICATE OF CLASSIFICATION

**Classification of Buildings**

19. Every building shall be classified according to Part A3 of the Building Code. The council shall determine the classification of every building.

**Certificate of Classification***Preparation*

20. (1) where approval is given for the erection of a building the council shall—

- (a) on completion of the building; or
- (b) where it consents in writing to the occupation of portion of the building concerned before the completion of the entire building concerned,

prepare a certificate of classification, in duplicate, in the form, or to the effect, of Form 1.

*Issue*

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

*Inspection of Certificates*

(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.

*No Occupation Until Certificate is Issued*

(4) A person shall not occupy any portion of a building until a certificate of classification has been issued in accordance with these regulations.

*Non-application to Class 1 or Class 10 Building*

(5) This regulation does not apply to a Class 1 or 10 building of the Building Code.

**Certificate for a Building Occupied in Stages**

21. 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 regulation 20 covering all portions of the building for which approval to occupy has been given by the council.

**Change of Use***Application of Regulation*

22. (1) This regulation applies to any building, whether erected before or after the commencement of these regulations.

## 10

(2) The use of a building shall not be changed from that of one Class to that of another Class unless—

- (a) the building complies with the requirements of the Building Code applicable to the new Class; and
- (b) the change of use has been approved by the council.

*Change of Use to be Notified*

(3) Before making any change in the use of a building which would result in a change of classification under these regulations, the person proposing to make that change shall notify the council in writing, setting out the nature of the proposed change of use.

*New Certificate*

(4) Upon approving a change of use the council shall—

- (a) revoke any certificate of classification already in existence for the building; and
- (b) prepare a certificate of classification in accordance with regulation 20 in respect of the new use; and
- (c) issue the original of that certificate to the person proposing the change of use.

**Offences**

23. person who uses or occupies or permits the use or occupation of a building in contravention of regulation 20 (4) or 22 is guilty of an offence.

Penalty: \$400 and in addition a daily penalty of \$20 for each day during which the offence continues.

PART 6—FEES

**Scale of Fees**

24. The scale of fees set out in the Table below shall be chargeable by and received by a council on an application for any licence, or for services to be rendered or provided under these regulations.

Table  
SCALE OF FEES

		\$
1. Application form	For application in every case	2.00
2. New buildings, additions and alterations	For a licence for a new building, and alterations or additions to an existing building—for each m <sup>2</sup> (with a minimum fee of \$20)	0.48
3. Preliminary Plans	For an examination and report on preliminary plans—25% of the fees for a licence to carry out the work described in such plans	
4. Transmitting masts	For a licence to erect a transmitting mast—for each metre or part thereof	6.00

		\$
5. Dangerous structure	For survey and report on a dangerous structure	48.00
6. Computation fees	In the case of a building of reinforced concrete, steel frame or masonry construction—for each m <sup>2</sup> (for the purpose of calculating computation fees the building is measured over the outside of external walls at each floor level	0.36
	In the case of alterations or additions to existing buildings, the fee shall be calculated over the areas covered by such alterations or additions.)	
7. Materials on street	For a licence for deposit of building materials on a street—	
	(a) 48c for each month or part of a month for each m <sup>2</sup> of the area of the street enclosed by any hoarding or fence; and	
	(b) 24c for each m <sup>2</sup> for each week of any renewal of such a licence.	
8. Demolition	For a licence to demolish a building—for each storey	12.00

#### PART 7—PRECAUTIONS DURING CONSTRUCTION

##### Licences under section 377 of the Act

25. A licence issued under section 377 of the Act shall be in the form of Form 6.

##### Hoardings

###### *General*

26. (1) The erection, maintenance, lighting and removal of hoardings and fences shall be carried out in accordance with the provisions of Part XV of the Act and with such other requirements as the building surveyor may specify in order to ensure the safety and convenience of the public.

###### *Limit of Encroachment*

(2) A hoarding or fence erected pursuant to Part XV of the Act, or under a licence issued under section 377 of the Act shall not encroach at pavement level past half the width of the public footway or such other width as determined by the Council.

##### Protection of Adjacent Property

###### *Shoring and Underpinning*

27. (1) Where an excavation or demolition is to be made in proximity to an existing building that building shall be protected to ensure stability.

*Additional Precautions*

(2) Where the foundation of an existing building is of material likely to become unstable as a result of the excavation of adjoining ground, additional precautions, to the satisfaction of the building surveyor shall be taken to ensure its stability.

*Building Work Affecting Building of Adjoining Owner*

(3) The provisions of section 391 of the Act apply in relation to building work described in subsection (1) of that section.

*Damage by Vibration*

(4) Where any building operations or earthworks involve the use of equipment that may, in the opinion of the council, cause damage by vibration to the property of an owner of land in the vicinity of the land on which such operations or earthworks are carried out, the council may impose requirements as to the manner of carrying out such operations or earthworks for the purpose of minimising such damage, and effect shall be given thereto.

**Protection of Excavation**

28. Every excavation for a building shall be properly guarded and protected and shall, where necessary, be sheet piled so as to prevent caving in of the adjoining earth or pavement, and in any case required by the building surveyor, sheet piling of an approved type shall be utilized to protect the subsoil from damage by scour of subsoil or surface waters.

**Storage of Material on Streets etc.***Permissible in Certain Circumstances Only*

29. (1) A builder shall not deposit or store any material on a street, way, or other public place except for the purpose of immediate transportation of that material onto the building site or ground being used for the purposes of building operations, and the deposit and transportation shall be carried out as expeditiously as possible, and at such times, as in special circumstances the building surveyor may direct, so as to cause the least possible obstruction to traffic on the street or way, and with due precautions for the public safety and convenience.

*No Restriction where Licence has been Obtained*

(2) Any part of the street or way for which the builder has procured a licence for use and enclosure by a hoarding, shall be deemed part of the building site for the purposes of this Part for the period covered by that licence.

**PART 8—PRECAUTIONS DURING DEMOLITION****Licence to Take Down Buildings**

30. A licence issued under section 374A of the Act shall be in the form of Form 7.



**Demolition of Buildings**

31. Any person demolishing or removing any building or part of a building shall ensure that—

- (a) before any demolition work commences—
  - (i) notification shall be given to—
    - (A) Telecom Australia and arrangements made for disconnection of its services; and
    - (B) the State Energy Commission or other supply authority and arrangements made for disconnection of energy services, except that where partial demolition is proposed the licence holder shall satisfy the supply authority that the portion of the building to be demolished has been isolated as required by the *State Energy Commission Act 1979*; and
  - (ii) a certificate shall be obtained from the Health Surveyor of the local Council certifying that the building to be demolished has been treated so as to ensure that it is not infected by rodents;
- (b) where the building to be demolished comprises more than one storey, the demolition shall be effected by the complete removal of one storey after another, commencing with the uppermost storey and proceeding with the successive removal of the storeys in descending order, or other method approved by the council;
- (c) no part of an external wall abutting on a street or road shall be demolished, except during such hours as are permitted by the building surveyor;
- (d) unless otherwise authorized by the building surveyor, any material removed or displaced from the building shall not be placed upon a floor of the building but shall be immediately lowered to the ground and thereafter removed from the site, but in no case shall loading be such as to cause a floor to collapse;
- (e) materials removed or displaced from the building shall not be placed in any street, road or right of way and, before commencing work, as the case may require, shall be kept sprayed with water so as to prevent any nuisance from dust;
- (f) materials removed or displaced from the building being demolished or materials left standing shall not be burned on the demolition site;
- (g) council shall be notified of the existence of any septic tank(s) on the demolition site 7 days prior to the emptying and filling of such tank(s);
- (h) any septic tank(s) on the demolition site shall be emptied and filled with clean sand or removed entirely and any soakwells, leach drains or similar apparatus shall be removed or filled with clean sand;
- (i) where the building being demolished is more than one storey in height, a hoarding and an overhead gantry shall be provided to protect pedestrians;
- (j) where required by the council, a footpath deposit shall be lodged with the council to cover the cost of any damage caused to footpaths during the demolition operation, against which the actual cost of repairing any damage will be charged and any unexpended balance refunded to the person taking out the licence. In the event of the cost of repairs being in excess of the deposit lodged, the person holding the licence shall, on demand, pay the amount of the excess to the council;
- (k) where necessary, the holder of a licence shall construct a temporary crossing place over the footpath as specified by the council;
- (l) the demolition site shall be cleared, and left clean and tidy to the satisfaction of the building surveyor within 90 days of the date of commencement of the demolition or such other time as agreed by the council;

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- (m) the fee for this licence has been paid being the fee set out in item 8 of the Table to regulation 24;
- (n) the provisions of the *Occupational Health, Safety and Welfare Regulations 1988* are complied with in relation to the demolition work.

## PART 9—PROJECTION BEYOND STREET ALIGNMENTS

### Construction of Projections

#### *Footings*

32. A footing shall not project beyond the street alignment except that where the top of the footing—

- (a) is more than 750 mm and less than 3 m below the pavement level, the footing may extend 300 mm beyond the street alignment; and
- (b) is 3 m or more below the pavement level the footing may extend 750 mm beyond the street alignment.

### Minimum Height Above Pavement

33. A projection shall not extend beyond the street alignment at any height less than 2700 mm from the level of the public footway but the provisions of this regulation do not apply to—

- (a) footings constructed in accordance with the provisions of regulation 32:  
or
- (b) mouldings which do not project more than 12 mm beyond the street alignment in any portion of a shop front.

### Limits of Projection

#### *Fixed by Act or by Reference to Street Width*

34. (1) No part of an awning, verandah or balcony of a cantilever type shall encroach over a street, way or other public place to a greater distance than that provided for by section 400 (2) of the Act, and no other projection shall extend beyond the street alignment more than—

- (a) 900 mm in a street exceeding 12.0 m in width; or
- (b) 600 mm in a street 12.0 m or less in width.

#### *No Projections in Certain Streets*

(2) A projection shall not be permitted in a street or way of less than 6 m in width.

*Windows, Balconies etc.*

35. A balcony shall not encroach over a street, way or public place to a greater distance than that provided by section 400 (2) of the Act, and a balcony or window shall not project more than 900 mm beyond the street alignment in a street over 12.0 m in width, or more than 600 mm in a street from 10 m to 12.0 m in width, and—

- (a) any part of a projection where it overhangs a street shall be not less than 2 700 mm above the level of the street and be not nearer than 1 200 mm to the centre of the nearest party wall or to any adjoining building or allotment not in the same occupation;
- (b) the aggregate length of any projections shall not exceed one-half of the length of the wall of the building on the level of the floor on which the projections are made;
- (c) a projecting window shall not exceed a total overall width of 3 600 mm and the distance between any two projecting windows shall not be less than one-half of the aggregate width of those windows;
- (d) projecting windows shall not be connected by a balcony having any portion projecting beyond the street alignment.

*Gates, Doors etc., Abutting on Street*

36. A person shall not construct or hang any gate, door, window, or shutter in such a manner that any part of the gate, window or shutter when being opened projects over any street or way at a height less than 2700 mm above the level of the pavement.

*Window Shutters*

37. Notwithstanding the provisions of this Part, window shutters are permitted if they project not more than 50 mm beyond the street alignment when in the fully open position.

## PART 10—PRIVATE SWIMMING POOLS

*Private Swimming Pools to be fenced*

38. (1) The owner or occupier of any premises on which there is a swimming pool shall cause that swimming pool to be enclosed by a fence, wall or building or any combination thereof, in accordance with the provisions of these regulations.

(2) The provisions of subregulation (1) do not apply to a swimming pool if the swimming pool is situated in the rear portion of any premises and the rear portion of those premises is itself completely enclosed by a fence, wall or building complying with all the requirements of these regulations.

(3) The provisions of the Building Code relating to fencing of a swimming pool and subregulation (1) apply only to a swimming pool that the public are not entitled to use.

## PART 11—MISCELLANEOUS

**Loading Notice Plates To be Posted on Completion of Certain Buildings**

39. (1) On completion of any Class 5, 6, 7 or 8 building and before occupation of any such building, any floor or part of a floor which has been designed to sustain a uniformly distributed live load exceeding 5kPa shall have a notice conspicuously and permanently posted adjacent thereto in the form hereunder indicating the actual loadings for which the floor or part of the floor has been structurally designed.

Designed Floor Loading	
Distributed .....	kg/m <sup>2</sup>
Concentrated .....	kg

*Design and Position of Notice Plates*

(2) The lettering of a notice posted pursuant to subregulation (1) shall be embossed or cast into a metal tablet not less than 230 mm square and located not less than 1 m above floor level.

**Seismic Activity***Interpretation*

40. For the purpose of interpreting the Building Code "Zone" means a Seismic Zone defined in Schedule 2.

**Variation of Requirements**

41. The council may exempt a building from any of the requirements of Part E1—Fire Fighting Equipment of the Building Code upon production of a certificate, issued by the Fire Brigades Board, recommending such exemption in the particular case and subject to compliance with any alternative requirements recommended by that Board.

**Offences and Penalties***Offences*

42. (1) Where, by these regulations anything is directed, or forbidden, to be done, or authority is given to any person to direct, or forbid, anything to be done and that authority is exercised, any person failing or neglecting to do anything so directed, or doing anything so forbidden, commits an offence.

*Penalties*

(2) A person who commits an offence against these regulations is liable to the penalty expressly mentioned in relation to the offence, or, if no penalty is expressly mentioned, to a penalty not exceeding \$400.

**Repeals**

43. The following subsidiary legislation is repealed—

- (a) the *Uniform Building By-laws 1974*;
- (b) the *Uniform Private Swimming Pool By-laws*; and
- (c) the *Local Government Uniform General By-laws Relating to Television Masts and Antennae*.

SCHEDULE 1

FORMS

Form 1

Regulation 20 (1)

Local Government Act 1960

Certificate No. ....

.....  
(Name of Municipality)

CERTIFICATE OF CLASSIFICATION

Date of Certificate ..... 19.....

Reference to Building Application .....

This is to certify that the council has approved the use of the building situated at .....

(description of land)

as a building of the class or classes specified herein.

Storey or Portion of Building	Class or Classes of Building

Signed .....  
Town/Shire Clerk

NOTE: The use of the above building or any portion thereof for a purpose not covered by this certificate is an offence.

Form 2 Regulation 10 (2)  
 Local Government Act 1960  
 Application No. ....  
 .....  
 (Name of Municipality)

APPLICATION FOR BUILDING LICENCE

To the Building Surveyor:

As the builder or person causing and directing the works undermentioned to be executed, I hereby apply for a Building Licence for same.

The following are the particulars of the proposed works:—

Situation:

Ward ..... Street .....

Town Lot ..... Subdivision ..... House No. ....

New Building to be used as .....

Additions and/or alterations to .....

The nature of the work is .....

.....

Estimated Cost of Construction \$ .....

Dimensions of building or structure .....

Area .....m<sup>2</sup>; Depth .....mm: Width .....mm; Height .....

Number of Storeys .....

Owners: Name ..... Address .....

Occupier: Name ..... Address .....

Classification sought by owner if not previously classified or if change of use is sought .....

Signature of Applicant .....

Address .....

Date ..... 19.....

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Form 3

Regulation 10 (2)

Local Government Act 1960

Application No. ....

.....  
(Name of Municipality)

APPLICATION FOR DEMOLITION LICENCE

To the Building Surveyor:

Application is hereby made for a licence to demolish/remove the building referred to in the undermentioned particulars:—

Situation: Ward ..... Street ..... Street No. ....

Town Lot ..... Subdivision .....

Type of Building .....

(Here describe type of construction, i.e., Brick, Timber Frame, etc.)

Number of Storeys .....

(Note: if demolition is of part of building only, application should set out particulars of demolition work to be performed.)

Owner's Name and Address .....

Demolition Contractor's  
Name and Address .....

Signature of Applicant .....

Date ..... 19.....

Form 4

Regulation 13

Local Government Act 1960

Application No. .... Date .....

.....  
(Name of Municipality)

BUILDING LICENCE

Granted to: .....

Address .....

Authorizing the construction of certain buildings in the .....

Ward ..... Street, Town Lot .....

Subdivision ..... as per application No. ....

and in accordance with the approved plans, drawings and specifications and subject to the provisions of the Local Government Building Regulations made under the Local Government Act 1960.

Whenever required so to do by the Building Surveyor, the holder of this licence shall produce the approved plans, drawings and specifications for inspection.

This licence is void if the work covered by it is not substantially commenced within twelve months of the date of issue of this licence.

.....  
Building Surveyor

Form 5 Regulation 399 Reg. 13 (1) (d)  
Local Government Act 1960

Special Licence No. .... Date ..... 19.....

.....  
(Name of Municipality)

SPECIAL LICENCE

(issued in pursuance of the Local Government Act 1960, and the Building Regulations made thereunder.)

The council hereby grants permission, subject, however, to the conditions set out hereunder to .....  
to erect and maintain until the ..... day of .....  
19....., on Town Lot ..... Subdivision .....  
situate in ..... Street, a building in accordance  
with the plans and specifications which have been lodged with the Building Surveyor.

CONDITIONS

1. The Council may in its discretion on or after the ..... day of ..... next, and on or after the ..... day of ..... in each succeeding year, grant a licence, to be called a Special Renewal Licence, to maintain the above-described building for a further period of twelve months, upon payment by the abovenamed ..... of the appropriate fee in that behalf contained in Part 7 of these Regulations.
2. The council may at any time revoke this licence or any Special Renewal Licence granted in respect to the above-described building, and direct the removal of such building, and in default of such removal may proceed to enforce the provisions of any by-law made under the Local Government Act 1960, or under any other Act, in the same manner as if this licence had not been granted.

.....  
Building Surveyor



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Form 6

Section 377 Reg. 25

Local Government Act 1960

Licence No. .... Date ..... 19.....

.....  
(Name of Municipality)

LICENCE FOR EXCAVATION NEAR, AND DEPOSIT OF BUILDING MATERIAL ON, STREET

..... of .....  
..... is hereby licenced to deposit building material on ..... (name of street) for the purposes of building work to be carried out on ..... (land description of building site) and to excavate, if required, on that portion of that land abutting or adjoining that street for a period commencing the ..... day of ..... 19..... subject to the following conditions and also subject to the provisions of any regulations made under the Local Government Act 1960, or any other Act.

CONDITIONS

Every excavation shall be securely fenced off from the street to the satisfaction of the Building Surveyor.

Around that portion of the street on which the building materials are to be deposited, a hoarding and gangway shall be strongly and securely constructed of materials and to a design to be approved by the Building Surveyor, and the hoarding and gangway shall be maintained in good order and condition throughout the currency of this licence, and at any time during the currency the Building Surveyor may, if he thinks fit, order any alteration or additions to be made to the hoarding and gangway for the better protection and convenience of the public.

The gangway and all water channels shall at all times during the continuance of the licence be kept clear.

A sufficient light shall be displayed and maintained at the exterior angles of the hoarding each night from sunset to sunrise. The fee to be paid for this licence shall be the amount as set out in Part 7 of these regulations, and shall be paid in advance.

A renewal of the licence may be granted at the discretion of the Building Surveyor, and the abovementioned fee shall be paid for such renewal.

The area to be enclosed shall be restricted to a frontage of ..... metres, a maximum width of ..... metres, height ..... metres. At the expiration of the period for which this licence is granted or renewed, the hoarding shall be cleared away and all necessary repairs shall be effected by the licensee to the footpath, kerbing, channelling, and road, and the same put in good order to the satisfaction of the Building Surveyor.

If default be made by the licensee in complying with the last condition or any part thereof, the work required may be done by the council and all expenses thereof may be recovered by the council from the licensee.

The licensee shall deposit with the Building Surveyor the sum of ..... as a security for the satisfactory performance of these conditions.

Dated this ..... day of ..... 19.....

.....  
Building Surveyor

Form 7 Section 374A Regs. 13 (2) & 30

Local Government Act 1960

Licence No. .... Date ..... 19.....

.....  
(Name of Municipality)

DEMOLITION LICENCE

Granted to (Owner's Name) .....

Address .....

Contractor .....

The abovenamed is hereby authorized to demolish the building or part of the building situated in ..... Ward, ..... Street, Town Lot ..... Subdivision ..... particulars of which proposed demolition work are set out in Application No. ....

This licence is issued subject to regulation 31 of the *Building Regulations 1989*.

.....  
Building Surveyor

SCHEDULE 2

Regulation 40

SEISMIC ZONES IN WESTERN AUSTRALIA

ZONE A

The whole of the districts of each of the following Cities, Towns and Shires—

- City of Armadale
- City of Bayswater
- City of Belmont
- City of Canning
- City of Cockburn
- City of Fremantle
- City of Gosnells
- City of Melville
- City of Nedlands
- City of Perth
- City of Rockingham
- City of South Perth
- City of Stirling
- City of Subiaco
- City of Wanneroo
- Town of Bassendean
- Town of Claremont
- Town of Cottesloe
- Town of East Fremantle
- Town of Kwinana
- Town of Mandurah
- Town of Mosman Park
- Shire of Gingin
- Shire of Kalamunda
- Shire of Murray
- Shire of Peppermint Grove
- Shire of Serpentine-Jarrahdale

All of that portion of the Shire of Chittering not included in Zone 1.

All of that portion of the Shire of Swan not included in Zone 1.

All of that portion of the Shire of Mundaring not included in Zone 1.

## ZONE 1

All that portion of land, not including land included in Zone 2, bounded by lines starting from the westernmost northwestern corner of the northern severance of Victoria Location 8990, a present northwestern corner of the *Shire of Dalwallinu* and extending generally easterly, generally northerly, again generally easterly and generally southerly along boundaries of that Shire to the northernmost northern boundary of the *Shire of Koorda*; thence easterly and southerly along boundaries of that Shire to the prolongation northwesterly of the centre-line of Scotsman Road, thence southeasterly to and southeasterly and generally easterly along that centre-line to the centre-line of Marindo North Road; thence southerly along that centre-line to the centre-line of Beacon Rock Road; thence easterly along that centre-line to the centre-line of Bimbijy Road; thence southerly along that centre-line and onwards to the centre-line of Bonnie Rock-Burakin Road; thence easterly along that centre-line to the prolongation northerly of the centre-line of Beacon Back Road; thence southerly to and generally southerly along that centre-line to the centre-line of Crabb Road; thence generally easterly along that centre-line and onwards to the centre-line of Beacon-Bencubbin Road; thence generally southerly along that centre-line to the prolongation northerly of the centre-line of Sachse North South Road; thence southerly to and southerly and easterly along that centre-line and onwards to the centre-line of Bencubbin-Dalgouring Road; thence generally southerly along that centre-line to the prolongation northerly of the centre-line of Marshall Rock North Road; thence southerly to and along that centre-line and onwards to the centre-line of Marshall Rock South Road; thence generally southerly along that centre-line and onwards to the centre-line of Bencubbin-Kununoppin Road; thence generally southerly along that centre-line to the centre-line of Harrod Road; thence generally westerly along that centre-line to the prolongation northwesterly of the centre-line of Moujakine Road; thence southeasterly to and generally southeasterly and generally southerly along that centre-line and onwards to the centre-line of Doodlakine-Kununoppin Road; thence generally southerly along that centre-line to the centre-line of Minniberri Road; thence generally southeasterly along that centre-line and onwards to the centre-line of Purdy Road; thence southwesterly along that centre-line to the prolongation northerly of the centre-line of Doherty Road; thence southerly to and along that centre-line and onwards to the northern boundary of Avon Location 12155, a point on a present northern boundary of the *Shire of Kellerberrin*; thence generally easterly, generally southeasterly, generally southerly, generally westerly, again generally southerly, easterly, southerly, again easterly and again southerly along boundaries of that Shire to the northeastern corner of the northeastern severance of Location 15303; thence easterly along the prolongation easterly of the northern boundary of that severance to the centre-line of Liebeck Road; thence southerly along that centre-line to the prolongation westerly of the centre-line of Sippe Road; thence easterly to and generally easterly along that centre-line to the prolongation northerly of the centre-line of Eujinyn Road; thence southerly to and along that centre-line and onwards to the centre-line of Bruce Rock-Quairading Road; thence easterly along that centre-line to the prolongation northerly of the centre-line of Eujinyn Road South; thence southerly to and generally southerly along that centre-line and onwards to the centre-line of the Corrigin-Bruce Rock Railway; thence generally southwesterly along that centre-line to the northern boundary of Babakin Townsite; thence easterly, generally southwesterly, generally southeasterly, southwesterly, northwesterly and again generally southwesterly along boundaries of that townsite to the centre-line of Babakin Road East; thence generally easterly along that centre-line to the prolongation northerly of the centre-line of Babakin Road South East; thence southerly to and southerly and easterly along that centre-line to the prolongation northerly of the centre-line of Branson Road; thence southerly to and along that centre-line to the prolongation westerly of the northernmost northern boundary of Location 12502, a present northern boundary of the *Shire of Corrigin*; thence easterly, southerly and again easterly along boundaries of that Shire and onwards to the centre-line of Bruce Rock-Corrigin Road; thence generally southerly, generally westerly, again

generally southerly, southwesterly, again generally southerly, westerly and again southwesterly along that centre-line to the centre-line of Parson Road; thence southerly, easterly and again southerly along that centre-line and onwards to the centre-line of Nambadilling Road; thence easterly along that centre-line to the prolongation northerly of the centre-line of Crossland Road; thence generally southerly along that centre-line and onwards to the centre-line of Gnerkadilling Road; thence southeasterly, southerly and easterly along that centre-line to the prolongation northerly of the centre-line of Rogers Road; thence southerly to and generally southerly along that centre-line and onwards to the centre-line of Corrigin-Kondinin Road; thence generally southwesterly, westerly and northwesterly along that centre-line to the prolongation northerly of the centre-line of Old Kulin Road; thence generally southerly along that centre-line and onwards to the centre-line of Doyles Road North; thence generally southerly along that centre-line and onwards to a southern side of Doyles Road, a present southern boundary of the *Shire of Corrigin*; thence generally westerly, southerly and again generally westerly along boundaries of that Shire to the eastern corner of Location 9823, the present easternmost northeastern corner of the *Shire of Wickepin*; thence generally southerly along boundaries of that Shire to the centre-line Henderson Road; thence westerly along that centre-line to the prolongation northerly of the centre-line of Elsinore Road; thence southerly to and generally southerly along that centre-line to the centre-line of Williams-Kondinin Road; thence generally westerly along that centre-line to the prolongation northerly of the centre-line of Helm Road; thence southerly to and generally southerly, generally westerly, again generally southerly, generally easterly and again generally southerly along that centre-line and onwards to the centre-line of Tincurrin Road North; thence generally southerly along that centre-line to the centre-line of Wickepin-Harrismith Road; thence westerly along that centre-line to the prolongation northerly of the centre-line of Wedin Road North; thence southerly to and southerly, westerly, southwesterly and again southerly along that centre-line and onwards to the centre-line of Line Road; thence generally westerly along that centre-line to the prolongation northeasterly of the centre-line of Wedin Road South; thence southwesterly to and generally southwesterly and generally southerly along that centre-line and onwards to the prolongation easterly of the centre-line of Angwin Road; thence westerly to and westerly and generally southwesterly along that centre-line to the prolongation easterly of the northern boundary of Williams Location 11776, a point on a present southern boundary of the *Shire of Wickepin*; thence generally westerly along boundaries of that Shire to the prolongation southerly of the eastern boundary of Location 10809, a present southeastern corner of the *Shire of Narrogin*; thence generally southwesterly along boundaries of that Shire to the southwestern corner of location 3088, a present southeastern corner of the *Shire of Williams*; thence generally southwesterly along boundaries of that Shire to the centre-line of Albany Highway; thence generally northwesterly along that centre-line to a western boundary of that Shire; thence generally northerly along boundaries of that Shire to a southern boundary of the *Shire of Wandering*; thence generally northerly along boundaries of that Shire to the right bank of the Hotham River; thence generally westerly downwards along that bank to the centre-line of Albany Highway; thence generally northwesterly along that centre-line to a northwestern boundary of the *Shire of Wandering*; thence northeasterly and easterly along boundaries of that Shire to a present southwestern corner of the *Shire of Beverley*; thence generally northwesterly and northerly along boundaries of that Shire to the present southwestern corner of the *Shire of York*; thence northerly along the western boundary of that Shire and onwards to a southwestern boundary of the *Shire of Mundaring*; thence generally northwesterly along boundaries of that Shire to the prolongation southerly of the centre-line of O'Connor Road; thence northerly to and generally northerly along that centre-line and onwards to the prolongation southwesterly of the centre-line of Jacoby Street; thence northeasterly to and generally northeasterly along that centre-line to the prolongation southerly of the centre-line of Robinson Road; thence northerly to and generally northerly along that centre-line and onwards to the centre-line of Great Eastern Highway;

thence generally easterly along that centre-line to the prolongation southerly of the centre-line of Seaborne Street; thence northerly to and generally northerly along that centre-line and onwards to the centre-line of Byfield Road; thence generally northerly along that centre-line and onwards to the centre-line of Richardson Road; thence generally westerly along that centre-line to the prolongation southerly of the centre-line of Roland Road; thence northerly to and generally northerly along that centre-line and onwards to the centre-line of Road Number 10509; thence generally northerly along that centre-line and generally northerly along the centre-line of a road passing along the western boundaries of Lots 188, 199, 234, 236, 2, 1 and 238 of Swan Location 1317 and Lots 124 to 126 inclusive of Location 1316, as shown on Land Titles Office Diagrams 13143, 13390, 13533, 54664, 13535 and Plan 7501 respectively, to the centre-line of Clenton Road; thence generally northerly along that centre-line to the prolongation easterly of the centre-line of Ewing Road; thence westerly to and westerly and northwesterly along that centre-line to the prolongation southeasterly of the northernmost southwestern boundary of Lot 50 of Location 1316, as shown on Land Titles Office Plan Number 11522; thence northwesterly to and along that boundary and onwards to the centre-line of the Avon River; thence generally northeasterly upwards along that centre-line to the prolongation southerly of the centre-line of the Brockman River; thence northerly to and generally northerly upwards along that centre-line to the centre-line of Summers Road; thence westerly along that centre-line and onwards to the centre-line of Wilson Road; thence generally northwesterly along that centre-line and onwards to the centre-line of Chittering Road; thence generally northerly, generally northwesterly, generally northeasterly and again generally northwesterly along that centre-line and onwards to the centre-line of Great Northern Highway; thence generally northeasterly along that centre-line to the prolongation southerly of the centre-line of Bindoon-Moora Road; thence northerly to and generally northerly and generally westerly along that centre-line to the prolongation southeasterly of the centre-line of Mooliabeenee Road; thence northwesterly to and generally northwesterly and generally westerly along that centre-line and onwards to the centre-line of the Millendon Junction-Narngulu Railway; thence generally northerly along that centre-line to the southernmost southern boundary of Wannamal Townsite; thence westerly, northwesterly, again westerly, northerly and easterly along boundaries of that townsite to the centre-line of the Millendon Junction-Narngulu Railway; thence generally northerly along that centre-line to the prolongation easterly of the southern boundary of Koojan Townsite; thence westerly to and westerly, northerly and easterly along boundaries of that townsite and onwards to the centre-line of the Millendon Junction-Narngulu Railway; thence generally northerly along that centre-line to the prolongation easterly of the southernmost southern boundary of Moora Townsite; thence westerly to and westerly, northerly, again westerly, again northerly, easterly, again northerly, again easterly, again northerly, southeasterly, again easterly, again northerly, again westerly, again northerly and again easterly along boundaries of that Townsite and onwards to the centre-line of the Millendon Junction-Narngulu Railway; thence generally northerly along that centre-line to the prolongation northwesterly of the southernmost southwestern boundary of Coomberdale Townsite; thence southeasterly to and southeasterly, northerly, easterly, again northerly, westerly, again northerly, again westerly, again northerly and again westerly along boundaries of that Townsite and onwards to the centre-line of the Millendon Junction-Narngulu Railway; thence generally northerly along that centre-line to the prolongation westerly of the southernmost southern boundary of Watheroo Townsite; thence easterly to and easterly, northerly and westerly along boundaries of that Townsite to the centre-line of the Millendon Junction-Narngulu Railway; thence generally northerly along that centre-line to the prolongation westerly of the northern boundary of Victoria Location 8633, a present northern boundary of the *Shire of Moora*; thence generally easterly along boundaries of that Shire to a western boundary of the *Shire of Dalwallinu* and thence generally northerly along boundaries of that Shire to the starting point.

## ZONE 2

All that portion of land bounded by lines starting from the northwestern corner of Melbourne Location 1693, a point on a present northern boundary of the *Shire of Wongan-Ballidu*, and extending generally easterly and generally southerly along boundaries of that Shire to a northern boundary of the *Shire of Dowerin*; thence southerly, easterly, generally southerly and westerly along boundaries of that Shire to the centre-line of the Rabbit Proof Fence Road North; thence generally southeasterly along that centre-line and onwards to the centre-line of the Meckering-Tammin Railway; thence generally easterly along that centre-line to the prolongation northerly of the eastern boundary of eastern severance of Avon Location 5539, a point on a present eastern boundary of the *Shire of Cunderdin*; thence generally southerly and generally southwesterly along boundaries of that Shire to the centre-line of Cunderdin-Quairading Road; thence generally southeasterly along that centre-line and onwards to the centre-line of Cubbine Road; thence generally southwesterly along that centre-line to the prolongation northwesterly of the centre-line of Hayes Road; thence southeasterly to and generally southeasterly along that centre-line and onwards to the centre-line of the York-Quairading Railway; thence generally southwesterly along that centre-line to the prolongation northerly of the western boundary of the northeastern severance of Location 21615; thence southerly to and southerly and westerly along boundaries of that severance and onwards to the centre-line of Dangin-Mears Road; thence generally southeasterly and generally southerly along that centre-line to the prolongation easterly of the easternmost southern boundary of the southeastern severance of Location 21257; thence westerly to the easternmost southeastern corner of the last mentioned severance, a point on a present southern boundary of the *Shire of Quairading*; thence generally westerly along boundaries of that Shire to the northwestern corner of Location 8864; thence westerly along the prolongation westerly of the northern boundary of the last mentioned location to the centre-line of Lake Mears Road; thence generally southerly, generally southwesterly and again generally southerly along that centre-line and onwards to the centre-line of Aldersyde Road North; thence generally southerly along that centre-line to the northern boundary of Aldersyde Townsite; thence easterly, southerly and westerly along boundaries of that townsite to the centre-line of Aldersyde-Pingelly Road; thence generally southerly along that centre-line to the prolongation northwesterly of the centre-line of Aldersyde Road; thence southeasterly to and generally southeasterly and generally southerly along that centre-line and onwards to the centre-line of Stewart Road; thence generally southerly along that centre-line and onwards to the centre-line of Bullarine-Pingelly Road; thence generally southwesterly along that centre-line to the prolongation northerly of the centre-line of Stanes Road; thence southerly to and along that centre-line and onwards to the centre-line of Tutanning Road; thence westerly, southerly and again westerly along centre-lines of that road to the prolongation northerly of the centre-line of Brain Road; thence southerly to and along that centre-line and onwards to the centre-line of Wickepin-Pingelly Road; thence generally southeasterly along that centre-line to the prolongation northeasterly of the centre-line of Bettison Road; thence southwesterly to and along that centre-line and onwards to the centre-line of Neamutin Road; thence southeasterly along that centre-line to the prolongation easterly of the southern boundary of Location 10180; thence westerly to and westerly and northerly along boundaries of that location to the centre-line of Yenellin Road; thence generally westerly along that centre-line to the prolongation northerly of the centre-line of Tanners Road; thence southerly to and along that centre-line to the prolongation northeasterly of the centre-line of Reeds Road; thence southwesterly to and southwesterly and generally southerly along that centre-line and onwards to the centre-line of Popanyinning Road East; thence generally southwesterly along that centre-line to the eastern boundary of Popanyinning Townsite; thence southerly and westerly along boundaries of that townsite to the centre-line of Pingelly-Narrogin Railway; thence generally southeasterly along that centre-line to the prolongation easterly of the centre-line of Barkley Street (Yornaning Townsite); thence westerly to and along that centre-line and

onwards to the centre-line of Yornaning Road; thence generally westerly along that centre-line and onwards to the centre-line of Wandering-Narrogin Road; thence generally northeasterly and generally northwesterly along that centre-line to the prolongation easterly of the centre-line of Stephens Road; thence westerly to and generally westerly along that centre-line and onwards to the centre-line of York-Williams Road; thence generally northerly along that centre-line to the prolongation northeasterly of the centre-line of Carabin Road; thence southwesterly to and generally southwesterly, generally northwesterly and again generally southwesterly along that centre-line to the prolongation southerly of the centre-line of Codjatotine-Mooterdine Road; thence northerly to and northerly and generally northwesterly along that centre-line and onwards to the centre-line of Wandering-Pingelly Road; thence northeasterly along that centre-line to the prolongation southerly of the centre-line of Codjatotine-Hastings Road; thence northerly to and generally northerly along that centre-line to the prolongation easterly of the centre-line of Potts Road; thence westerly to and westerly, generally northwesterly and again westerly along that centre-line and onwards to the centre-line of Wandering Road North; thence generally northeasterly along that centre-line to the prolongation southeasterly of the centre-line of Ricks Road; thence northwesterly to and generally northwesterly, generally southwesterly and generally westerly along that centre-line to the prolongation southerly of the centre-line of Herdigan Road; thence northerly to and generally northerly along that centre-line and onwards to the centre-line of Youngs Road; thence generally northeasterly along that centre-line and generally northeasterly along to the centre-line of Young Road and onwards to the centre-line of Ulbrich Road; thence northwesterly along that centre-line and onwards to and generally northwesterly along the centre-line of Dale Park Road and again onwards to the centre-line of Lupton Road; thence westerly and generally northerly along that centre-line and onwards to the centre-line of Brookton Highway; thence generally northwesterly, generally westerly and generally northerly along that centre-line and onwards to the southeastern corner of the northern severance of Avon Location 7951, a point on a western boundary of Westdale Townsite; thence northerly and easterly along boundaries of that townsite to the centre-line of Dalebin North Road; thence generally northerly along that centre-line and onwards to the centre-line of Dale West Road; thence generally northeasterly and easterly along that centre-line to the prolongation southerly of the centre-line of Dobaderry Road; thence northerly to and generally northerly and generally northeasterly along that centre-line to the prolongation southerly of the easternmost eastern boundary of Location 28575; thence northwesterly to the southeastern corner of Location 10384; thence northwesterly to the intersection of the northern boundary of the last mentioned location with the prolongation southerly of the centre-line of Gunapin Road; thence northerly to and generally northerly along that centre-line and onwards to the centre-line of Luelf Road; thence generally northerly and generally northeasterly along that centre-line and onwards to the centre-line of Talbot Road West; thence generally northwesterly along that centre-line to the northern boundary of Location 1771, a point on a present southern boundary of the *Shire of Northam*; thence easterly, generally northeasterly and generally northwesterly along boundaries of that Shire to the northern corner of Location 27700; thence northerly along the prolongation northerly of the northernmost western boundary of the last mentioned location to the centre-line of Berry Brow Road; thence generally northwesterly, generally westerly and again generally northwesterly along that centre-line to the prolongation southwesterly of the centre-line of Hill Road; thence northeasterly to and northeasterly, generally southeasterly and generally northeasterly along that centre-line and onwards to the centre-line of Decastilla Road; thence generally northwesterly along that centre-line to a southeastern side of Great Eastern Highway; thence northeasterly along that side to the northwestern corner of Bakers Hill Lot 13, a point on a present southwestern boundary of the northeastern section of Bakers Hill Townsite; thence southeasterly, northeasterly, northwesterly, generally northeasterly, again northwesterly, again northeasterly, again southeasterly, again generally northeasterly, generally easterly, again

northeasterly, generally southwesterly, again northwesterly, southwesterly, again southeasterly, again northeasterly, again generally southwesterly, again southeasterly, again southwesterly and again southeasterly along boundaries of that section of townsite to the southern corner of Bakers Hill Lot 11; thence southwesterly along a northwestern side of Great Eastern Highway to the eastern corner of Lot 170, a point on a present northeastern boundary of the southwestern section of Bakers Hill Townsite; thence generally northwesterly and southwesterly along boundaries of that section of townsite to the centre-line of Chitty Road; thence northwesterly, northeasterly, again northwesterly, generally northeasterly and generally northwesterly along that centre-line and onwards to the centre-line of Salt Valley Road; thence northeasterly, northerly and generally northeasterly along that centre-line and onwards to the centre-line of Hoddy Well Road; thence generally northwesterly along that centre-line and onwards to the centre-line of Toodyay Road; thence northwesterly along that centre-line to the prolongation southeasterly of the centre-line of Sandplain Road; thence northwesterly to and generally northwesterly along that centre-line and onwards to the centre-line of Folewood Road; thence generally northwesterly along that centre-line and onwards to the centre-line of River Road; thence generally northerly along that centre-line to the southernmost southeastern boundary of West Toodyay Townsite; thence southwesterly, northwesterly, northeasterly, again northwesterly, again southwesterly, again northwesterly, again northeasterly, southeasterly, again northeasterly, again southeasterly, again northeasterly, again northwesterly, again northeasterly, again southeasterly, again northeasterly, again northwesterly, again northeasterly, again southeasterly, and again northeasterly along boundaries of that townsite to the centre-line of the southern section of Picnic Hill Road; thence northwesterly to and northwesterly, generally northerly and generally northeasterly along that centre-line and onwards to the centre-line of the northeastern section of Picnic Hill Road; thence northeasterly along that centre-line and onwards to the centre-line of Bindi Bindi-Toodyay Road; thence generally northerly and generally northeasterly along that centre-line to the prolongation southerly of the centre-line of Telegraph Road; thence northerly to and generally northerly along that centre-line to the prolongation southeasterly of the centre-line of Old Plains Road; thence northwesterly to and generally northwesterly along that centre-line to the prolongation southerly of the centre-line of Kargotich Road; thence northerly to and generally northerly along that centre-line and onwards to the centre-line of Newdale Road; thence northerly along that centre-line and onwards to the centre-line of Yenart Road; thence generally easterly and generally northerly along that centre-line and onwards to the centre-line of Calingiri-New Norcia Road; thence generally southeasterly along that centre-line to the prolongation southerly of the centre-line of Skilling South Road; thence northerly to and northerly, easterly and again northerly along that centre-line and onwards to the centre-line of Carani West Road; thence generally westerly along that centre-line to the prolongation southerly of the centre-line of Skilling Road; thence generally northerly along that centre-line and onwards to the centre-line of Gabalong West Road; thence generally northeasterly along that centre-line to the prolongation easterly of the centre-line of Clarke Road; thence westerly to and generally westerly, northerly, again generally westerly and generally northerly along that centre-line to the centre-line of Urquhart Road; thence easterly along that centre-line and onwards to the centre-line of Summers West Road; thence northerly and generally westerly along that centre-line and onwards to the centre-line of Indarrie Road; thence generally northerly along that centre-line and onwards to the centre-line of Great Northern Highway; thence generally northeasterly along that centre-line to the prolongation southwesterly of the centre-line of Ballidu-Bindi Road; thence northeasterly to and generally northeasterly and generally southeasterly along that centre-line to the prolongation southerly of the centre-line of Duncan Road; thence northerly to and generally northerly along that centre-line and onwards to the centre-line of Lyons East Road; thence easterly along that centre-line to the prolongation northerly of the eastern boundary of Melbourne Location 3491, a point on a



present western boundary of the *Shire of Wongan-Balidu* and thence northerly and easterly along boundaries of that Shire to the starting point excluding—All that portion of land bounded by lines starting from the intersection of a line in prolongation easterly of the centreline of Ewing Road with the centreline of Clenton Road, a point on a present western boundary of Zone 1, and extending generally easterly along that centreline and onwards to the centreline of Berry Road; thence generally southeasterly and generally easterly along that centreline and onwards to the centreline of Toodyay Road; thence generally southwesterly along that centreline to a line in prolongation northwesterly of the centreline of Lillydale Road; thence generally southeasterly along that centreline to the southern side of Stone Street; thence westerly along that side to the northwestern corner of Chidlow Lot 310; thence southerly along the western boundary of that lot and onwards to the northwestern corner of Lot 231; thence southerly along the western boundary of that lot and southerly along the western boundaries of lots 232, 233 and 297 to the northeastern corner of Lot 338; thence southwesterly along the northwestern boundary of that lot to the northeastern corner of the northeastern severance of Swan Location 1503; thence southerly along the eastern boundary of that severance to its southeastern corner, thence southerly to the northeastern corner of Location 2013; thence southerly along the eastern boundary of that location to a northern corner of State Forest Number 7; thence southerly and easterly along boundaries of that state forest to an eastern side of Old Northam Road, a present northwestern corner of Avon Land District; thence generally southerly and generally southwesterly along boundaries of that land district to the left bank of the Helena River Reservoir, a point on a present southwestern boundary of Zone 1, and thence generally northwesterly, generally northerly and again generally northwesterly along boundaries of that zone to the starting point.

By His Excellency's Command,

G. PEARCE,  
Clerk of the Council.

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LOCAL GOVERNMENT ACT 1960  
(Sections 259A, 373 and 691)

## ORDER IN COUNCIL

**LOCAL GOVERNMENT (BUILDINGS)  
ORDER 1989**

Made by His Excellency the Lieutenant-Governor and Administrator in Executive Council.

1. This Order may be cited as the *Local Government (Buildings) Order 1989*.
2. This Order takes effect on the day that the *Building Regulations 1989* come into operation.
3. It is declared that—
  - (a) all of the provisions of Part of the *Local Government Act 1960*; and
  - (b) the *Building Regulations 1989*,
 do not apply to the whole or parts of the districts of the local authorities specified in Schedule 1.
4. The Orders in Council specified in Schedule 2 are revoked.

## SCHEDULE 1

Shire of Brookton:	those portions of the district outside the townsites.
Shire of Broome:	those portions of the district outside the townsite of Broome.
Shire of Carnarvon:	those portions of the district outside the Commercial, South, Babbage Island and East wards, and the areas described in the schedules to the Orders in Council made with respect to the Shire of Carnarvon under section 433A of the Act published in the <i>Government Gazette</i> on 29 March 1968, at page 811, 18 October 1968, at page 3101, 26 r 1971, at page 4893 and 14 June 1974, at page 1871.
Shire or Coorow:	those portions of the district outside the townsites.
Shire of Corrigin:	those portions of the district outside the townsite of Corrigin.
Shire of Cuballing:	those portions of the district outside the townsites of Cuballing and Popanyinning.

Shire of Cue:	those portions of the district outside the townsite of Cue.
Shire of Cunderdin:	those portions of the district outside the townsites of Cunderdin and Meckering.
Shire of Dumbleyung:	those portions of the district outside the townsites of Dumbleyung and Kukerin.
Shire of Halls Creek:	those portions of the district outside the area delineated on Lands and Surveys Department Miscellaneous Plan No. 1551 excluding Reserves 30788 and 37420 and Bulara Location No. 68.
Shire of Jerramungup:	those portions of the district outside the townsites.
Shire of Katanning:	those portions of the district outside the townsite of Katanning.
Shire of Kellerberrin:	those portions of the district outside the townsites of Kellerberrin, Doodlakine and Baandee.
Shire of Kent:	those portions of the district outside the townsites of Nyabing and Pingrup.
Shire of Koorda:	those portions of the district outside the townsites of Koorda, Narkal, Kulja and Dukin.
Shire of Laverton:	those portions of the district outside the townsites.
Shire of Leonora:	those portions of the district outside the townsites.
Shire of Meekatharra:	those portions of the district outside the townsites.
Shire of Merredin:	those portions of the district outside the townsites of Burracoppin, Hines Hill, Korbel, Merredin, Muntadgin, Nangeenan, Nokaning and Nukarni.
Shire of Menzies:	those portions of the district outside the townsites.
Shire of Mt Magnet:	those portions of the district outside the townsites.
Shire of Murchison:	whole of the district.
Shire of Narembeen:	those portions of the district outside the townsites.
Town of Port Hedland:	those portions of the district outside the townsites.
Shire of Quairading:	those portions of the district outside the townsites of Balkuling, Dangin, Pantapin, Quairading and Yoting.
Shire of Ravensthorpe:	those portions of the district outside the townsites of Ravensthorpe, Desmond, Hopetoun, Jerdacuttup, Fitzgerald and Munglinup.
Shire of Sandstone:	those portions of the district outside the Sandstone Ward.
Shire of Tammin:	those portions of the district outside the townsite of Tammin.
Shire of Trayning:	those portions of the district outside the townsites of Trayning, Kununoppin and Yelbeni.
Shire of Wagin:	those portions of the district outside the Town Ward and Williams Locations 440, 507, 545, 618, 945, 1165 and 5330.
Shire of Wandering:	those portions of the district outside the Wandering townsite.
Shire of West Kimberley:	those portions of the district outside the townsites.
Shire of Wickpin:	those portions of the district outside the townsites.
Shire of Wiluna:	those portions of the district outside the townsite of Wiluna.

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- Shire of Wongan-Ballidu: those portions of the district outside the townships of Wongan Hills, Ballidu, Cadoux, Kondut and Burakin.
- Shire of Woodanilling: those portions of the district outside the township of Woodanilling.
- Shire of Yilgarn: those portions of the district outside the townships.

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SCHEDULE 2

Order	<i>Government Gazette</i>
Uniform Building By-laws (section 373) Order 1984	7 September 1984 pp. 2886-2887
Uniform Building By-laws (section 373) Order No. 2 of 1984	9 November 1984 p. 3613
Uniform Building By-laws (section 373) Order No. 1 of 1985	1 November 1985 p. 4221
Uniform Building By-laws (section 373) Order No. 1 of 1986	26 September 1986 pp. 3731-3732
Uniform Building By-laws (section 373) Order No. 1 of 1987	7 August 1987 p. 3123
Uniform Building By-laws (section 373) Order No. 2 of 1987	18 September 1987 p. 3650
Uniform Building By-laws (section 373) Order No. 1 of 1988	13 May 1988 p. 1623

By His Excellency's Command,  
G. PEARCE,  
Clerk of the Council.

## LOCAL GOVERNMENT ACT 1960

## ORDER IN COUNCIL

**BUILDING REGULATIONS ORDER 1989**

(Sections 259A and 691)

Made by His Excellency the Lieutenant-Governor and Administrator in Executive Council.

1. This Order may be cited as the *Building Regulations Order 1989*.
2. This Order takes effect on the day that the *Building Regulations 1989* come into operation.
3. It is hereby declared that—
  - (a) the provisions of the *Building Regulations 1989* in so far as they relate to a building classified as a Class 10 Building under those regulations shall not apply to the municipal districts or portions of the municipal districts specified in Schedule 1;
  - (b) the municipal districts or portions of municipal districts of the local authorities outside the districts or portions of the districts specified in Schedule 2 are exempt from the operation of Part 10 of the *Building Regulations 1989* and from the requirements imposed by Part G1.1 (b) of the Code adopted under those regulations.
4. The Orders in Council referred to in Schedule 3 are revoked.

## SCHEDULE 1

Shire of Broomehill:	those parts of the district that are outside a townsite.
Shire of Bruce Rock:	those parts of the district that are outside a townsite.
Shire of Carnamah:	those parts of the district that are outside a townsite.
Shire of Cranbrook:	those parts of the district that are outside a townsite.
Shire of Cue:	the whole of the district.
Shire of Dalwallinu:	those parts of the district that are outside a townsite.
Shire of Dandaragan:	those parts of the district that are outside a townsite.

Shire of Denmark:	those parts of the district that are zoned for rural purposes by zoning by-laws or a town planning scheme.
Shire of Esperance:	those parts of the district that are outside a townsite.
Shire of Gnowangerup:	those parts of the district that are outside a townsite.
Shire of Goomalling:	those parts of the district that are outside a townsite.
Shire of Kojonup:	those parts of the district that are outside a townsite.
Shire of Lake Grace:	those parts of the district that are outside a townsite.
Shire of Mt Marshall:	those parts of the district that are outside a townsite.
Shire of Mingenew:	those parts of the district that are outside a townsite.
Shire of Moora:	those parts of the district that are outside a townsite.
Shire of Morawa:	those parts of the district that are outside a townsite.
Shire of Mukinbudin:	those parts of the district that are outside a townsite.
Shire of Mullewa:	those parts of the district that are outside a townsite.
Shire of Murray:	those parts of the district that are zoned for rural purposes by zoning by-laws or a planning scheme.
Shire of Narrogin:	those parts of the district that are outside a townsite.
Shire of Perenjori:	those parts of the district that are outside a townsite or a town planning scheme.
Shire of Plantagenet:	those parts of the district that are outside a townsite.
Shire of Three Springs:	those parts of the district that are outside a townsite.
Shire of Victoria Plains:	those parts of the district that are outside a townsite.
Shire of West Arthur:	those parts of the district that are outside a townsite.
Shire of Yalgoo:	those parts of the district that are outside a townsite.

## SCHEDULE 2

1. The whole of the municipal districts of—
  - (a) the cities of Armadale, Bayswater, Belmont, Bunbury, Canning, Cockburn, Fremantle, Geraldton, Gosnells, Melville, Nedlands, Perth, Rockingham, South Perth, Stirling, Subiaco and Wanneroo;
  - (b) the towns of Albany, Bassendean, Claremont, Cottesloe, East Fremantle, Kalgoorlie-Boulder, Kwinana, Mandurah, Mosman Park, Narrogin and Northam;
  - (c) the shires of Busselton, Capel, Dardanup, Kalamunda, Mundaring, Murray, Northam, Peppermint Grove, Serpentine-Jarrahdale and Swan;
2. Those parts of every municipal district within the State, except the municipal districts specified in clause 1 of this schedule, as are comprised in townsites.
3. Those parts of the municipal district of the Shire of Manjimup as are comprised in areas or millsites, as the case may be, defined by proclamations —
  - (a) made on 22 September 1915 and published in the *Government Gazette* on 1 October 1915 at page 3215;
  - (b) made on 19 August 1930 and published in the *Government Gazette* on 22 August 1930 at pages 1979 and 1980;
  - (c) made on 17 September 1940 and published in the *Government Gazette* on 20 September 1940 at pages 1705 and 1706;
  - (d) made on 11 September 1946 and published in the *Government Gazette* on 13 September 1946 at page 1134; and
  - (e) made on 23 December 1947 and published in the *Government Gazette* on 31 December 1947 at page 2338,
 respectively.

## SCHEDULE 3

1. Orders relating to certain provisions of the *Uniform Building By-laws 1974* as follows:

Order	<i>Government Gazette</i>
Uniform Building By-laws (section 259A) Order 1984	7 September 1984 pp. 2884-2885
Uniform Building By-laws (section 259A) Order No. 2 of 1984	23 November 1984 p. 3802
Uniform Building By-laws (section 259A) Order No. 3 of 1984	28 December 1984 p. 4228
Uniform Building By-laws (section 259A) Order No. 4 of 1984	28 December 1984 p. 4228-4229
Uniform Building By-laws (section 259A) Order No. 1 of 1985	1 November 1985 pp. 4221-4222
Uniform Building By-laws (section 259A) Order No. 1 of 1986	10 October 1986 p. 3871

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Order	<i>Government Gazette</i>
Uniform Building By-laws (section 259A) Order No. 1 of 1987	7 August 1987 p. 3123
Uniform Building By-laws (section 259A) Order No. 2 of 1987	18 September 1987 p. 3650
Uniform Building By-laws (section 259A) Order No. 3 of 1987	16 October 1987 p. 3921
Uniform Building By-laws (section 259A) Order No. 1 of 1988	13 May 1988 p. 1622
Uniform Building By-laws (section 259A) Order No. 2 of 1988	19 August 1988 p. 2960

2. Orders relating to the Uniform Private Swimming Pool By-laws made under section 245A of the Act which Orders were published in the *Government Gazette* on 19 December 1975 p. 4565, 26 March 1973 p. 859, 11 May 1979 p. 1215, 27 February 1981 p. 797, 22 February 1985 p. 697; 21 August 1987 p. 3260 and 22 July 1988 p. 2518.

By His Excellency's Command,  
G. PEARCE,  
Clerk of the Council.



## TOWN PLANNING AND DEVELOPMENT ACT 1928

**TOWN PLANNING (BUILDINGS) UNIFORM  
GENERAL BY-LAWS 1989**

Made by His Excellency the Lieutenant-Governor and Administrator in Executive Council.

**Citation**

1. These by-laws may be cited as the *Town Planning (Buildings) Uniform General By-laws 1989*.

**Commencement**

2. These by-laws shall come into operation on the day that the *Building Regulations 1989* made under the *Local Government Act 1960* come into operation.

**Interpretation**

3. (1) Subject to the Act, except where the contrary intention appears, expressions used in these by-laws that are also used—

(a) in the Statement of Planning Policy No. 1 published in the *Government Gazette* on 30 January 1985 (No. 9 of 1985) as amended from time to time; or

(b) in the *Building Regulations 1989* as amended from time to time,

have in these by-laws the same meanings as those expressions have in that Statement of Policy or those regulations as the case requires.

**Application**

4. (1) Subject to section 31 (2) of the Act and sub-by-law (2) these by-laws apply throughout the State.

(2) These by-laws do not apply to the whole or any part or parts of the district of any municipality to which Part XV of the *Local Government Act 1960* does not apply, or to any Class of building to which the Building Regulations do not apply, by virtue of any order in force from time to time under sections 373 or 259A of the *Local Government Act 1960*.

#### Restriction on construction of buildings

5. (1) A person shall not on a lot that is within—
- (a) the metropolitan region;
  - (b) the municipal district of a town; or
  - (c) the boundaries of a townsite,

and on which a building of Class 1, Class 2 or Class 3 exists, construct any building of Class 1, Class 2 or Class 3 or any part of such a class of building unless—

- (d) the council approves of the construction of the building on an application that provides for the demolition of any existing building; or
- (e) the building to be constructed is an addition to or an extension of an existing building.

(2) Notwithstanding sub-by-law (1), a person may construct 2 buildings of Class 1 on a lot within the metropolitan region if—

- (a) the area of the lot is not less than 1 ha;
- (b) both buildings will be erected in positions on the lot that conform with the provisions of these by-laws relating to the siting of a building; and
- (c) the council is of the opinion that, in the circumstances of the particular case, the construction should be permitted.

#### Distances from boundaries in residential area

6. A person shall not on any lot in a residential area build or construct a building or any addition to a building—

- (a) within the area of the lot that is between the street alignment and other boundaries of the lot and the building set back fixed by the council under any law in relation to the lot; or
- (b) where no set back is fixed by the council in relation to the lot, within any area of the lot that is—
  - (i) within 7.50 m of the street alignment that forms the frontage to the lot and, where there is more than one frontage, not less than 7.5 m from that other frontage; or
  - (ii) within 750 mm of any other boundary of the lot,or such lesser distance as the council may fix under any law in relation to the particular lot by reason of any natural impediments on the lot or by reason of the particular circumstances of the case.

#### Siting of Class 2 Buildings

7. A person shall site a Class 2 Building on a lot in such a manner that—

- (a) the building is set back not less than 7.5 m from the frontage or any other street alignment;

- (b) the walls of the building are not less distant from any other boundary of the lot as is prescribed below according to the number of storeys of the building.

Number of storeys	Distance from boundary (m)
1-3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
over 10	10.5; and

- (c) where a wall of a building is not parallel to a boundary, the average distance of the wall is not less distant from the boundary than the distance prescribed by the table to paragraph (b) and calculated according to the Statement of Planning Policy referred to in by-law 3 (1) (a).

#### Area and frontage restrictions Class 1 building

8. Subject to these by-laws, a person shall not construct a Class 1 single dwelling building on lot having—

- (a) an area less than 550 m<sup>2</sup>; or
- (b) a frontage less than 15 m.

#### Siting restrictions Class 1 building

9. (1) Subject to these by-laws, a person shall site a Class 1 building on a lot in such a manner that—

- (a) the external walls of the building facing the rear boundary of the lot have an average distance of not less than 7.5 m from that boundary;
- (b) any external walls of the building (including a footing wall), other than the walls facing the rear boundary of the lot and the walls facing the frontage, is not less than—
  - (i) where the floor of the lowest storey of the building is not more than 1 800 mm above the ground level at that point—900 mm;
  - (ii) where the floor of the lowest storey is more than 1 800 mm above the ground level at that point—3 300 mm;
- (c) reasonable access to the rear of the lot is provided by a driveway having a width of not less than 2 400 mm, unless provision is made in the building itself for a garage; and
- (d) provision is made behind the building line for the parking or standing of a motor vehicle either in the form of a garage or carport that conforms with these by-laws.

(2) The calculation of set back distances for the purposes of sub-by-law (1) shall be in accordance with the Statement of Planning and Policy No. 1, and the council may in accordance with that Statement permit the construction of a Class 1 building the siting of which does not conform with sub-by-law (1) if the council is satisfied that the variation is desirable.

**Plot ratio**

10. (1) A person shall not construct a Class 1 building on a lot so that the area of the building has a plot ratio that exceeds 0.5.

(2) For the purposes of sub-by-law (1) the area of a building shall be deemed to include the area of outbuildings but does not include unroofed terraces.

**Spaces to be provided for Class 2 building**

11. (1) External walls of a Class 2 Building having windows to a habitable room facing each other shall be not less than 6 m apart.

(2) Sufficient space shall be provided behind the set back to the frontage on a lot on which a Class 2 building is constructed for the parking or standing of motor vehicles on the basis of  $1\frac{1}{3}$  space for each dwelling in the building.

(3) Sufficient open space shall be provided on a lot on which a Class 2 building is constructed for a motor vehicle to be turned around on the lot so as to enable the motor vehicle to enter the street without being reversed into it.

**Frontage restriction for a Class 2 Building**

12. A person shall not construct a Class 2 Building on a lot with a frontage less than 20 m unless the council otherwise prescribes under any law.

**Plot ratio for Class 2 Building**

13. (1) The plot ratio of a Class 2 Building shall not exceed the plot ratio specified in relation to the area of a lot covered by building in the table below—

Building area % of lot	Plot ratio
33	1
27.5	1.1
25	1.2
20	1.25
16.5	1.33

except where the council under any law prescribes a lesser plot ratio.

(2) The plot ratio prescribed by sub-by-law (1) does not apply where a Class 2 Building consists of single occupancy flats and the number of such dwellings in the building does not exceed 300 to the hectare.

(3) For the purposes of calculating the area of a lot covered by building of a Class 2 Building any passage or accessway having a width exceeding 1 m shall be regarded as having a width of 1 m.

**Restrictions on land abutting  
Class 1, 2 or 3 Building**

14. A person shall not on land that abuts a lot on which a Class 1, 2 or 3 Building is constructed or on which a building of any of those classes may be constructed, construct a building unless the building is set back—

(a) at least 7.5 m from the frontage; and

(b) at least 900 mm from any boundary common to another lot,

but this by-law does not apply where both the lot and the abutting lot are situated within an area other than a residential area.

**Siting of Class 3 Buildings**

15. (1) The provisions of by-laws 9 to 12 apply to and in relation to a Class 3 Building that consists of multiple dwellings.

(2) Subject to sub-bylaw (3), the provisions of by-laws 9 to 12 apply to and in relation to a Class 3 Building that consists of a club or hotel but the area occupied by the building shall not exceed—

- (a) where the lot has a frontage to one street, more than 66 per cent of the area of the lot;
- (b) where the lot has a frontage to 2 streets, more than 75 per cent of the area of the lot;
- (c) where the lot has a frontage to 3 streets, more than 80 per cent of the area of the lot.

(3) Subject to requirements imposed by the council under any law, a ground floor of a club or hotel may occupy the whole of the area of the lot if sleeping accommodation is not provided on that floor.

**Siting requirements for general residential zones**

16. (1) In this by-law—

“general residential zone” means a general residential zone declared under the *Uniform Building By-laws 1974* as in force before the coming into operation of these by-laws.

(2) Nothing in this by-law operates so as to prevent the construction, occupancy or use of a single family detached unit on a lot created prior to the definition and classification of the general residential zone in which the lot is comprised.

(3) Notwithstanding anything to the contrary in these by-laws but subject to this by-law, a person shall not construct a building on a lot in a general residential zone, except in conformity with Part A, B or C of the table to this by-law whichever applies in relation to the lot in question, as the class of the general residential zone may require.

(4) Subject to the particular provisions of the table to this by-law the following provisions apply to all residential buildings in every general residential zone—

- (a) Lot coverage by buildings: A residential building or buildings shall not occupy a greater percentage of a lot than is shown in the table to this paragraph;

**LOT COVERAGE IN G R ZONES**

On lots subject to a of maximum plot ratio—	Maximum percentage of lot which may be covered by buildings
Up to and including 0.7 .....	35
From 0.7 up to and including 0.9 .....	20
From 0.9 up to and including 1.1 .....	16.66
Over 1.1 .....	15

- (b) Distances between buildings on the same lot: Where more than one building is constructed on a lot, all standards shall be observed, as though the development were a single structure. In addition, the minimum distance between two buildings shall be 9 m or that required under the formula set out below, whichever is the greater. The formula regulating the minimum distance between any buildings (referred to as "Building A" and "Building B") is as follows—

$$D = \frac{L^A + L^B + 2(H^A + H^B)}{6}$$

where

D is the required minimum horizontal distance between any wall of Building A and any wall of Building B or the vertical prolongation of either.

L<sup>A</sup> is the total length of Building A. The total length of Building A is the length of that portion or portions of a wall or walls of Building A from which, when viewed from directly above, lines drawn perpendicular to Building A will intersect any wall of Building B.

L<sup>B</sup> is the total length of Building B. The total length of Building B is the length of that portion or portions of a wall or walls of Building B from which, when viewed from directly above, lines drawn perpendicular to Building B will intersect any wall of Building A.

H<sup>A</sup> is the height of Building A. The height of Building A is the height above natural ground level of any portion or portions of a wall or walls along the length of Building A. Natural ground level is the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

H<sup>B</sup> is the height of Building B. The height of Building B is the height above natural ground level of any portion or portions of a wall or walls along the length of Building B. Natural ground level is the mean level of the ground immediately adjoining that portion or portions of the wall or walls, along the total length of the building.

The minimum required distance between 2 buildings as derived from the formula set out in this paragraph may be reduced by 15 per cent if—

- (i) either of the buildings has a height of 2 storeys or less and the other has a height of 6 storeys or more; and
- (ii) the difference between the heights of the 2 buildings is 18 m or more.

Single storey covered parking areas shall not be regarded as separate buildings for the purposes of this paragraph.

- (c) Setbacks for lots with multiple street frontages: Setbacks from all effective street frontages shall conform to the standards for front boundaries, except in the case of a lot at a corner or intersecting streets, where the minimum setback from not more than one secondary street is reduced to one-half the minimum setback from the effective frontage to the primary street or streets.
- (d) Sizes, location and design of car-parking, natural planting and pedestrian spaces on lots: The minimum dimensions of every required car-parking space shall be 5.4 m x 2.4 m excluding all access drives. A minimum of 50 per cent of the area of every lot shall be designed, developed and maintained as natural planting and pedestrian space (access driveways between street alignment and setback line may be included in the 50 per cent of the area maintained as natural planting). When considering any development, the council shall have regard to and may impose conditions on, the details of locating and designing the

required car-parking spaces, natural planting and pedestrian spaces on the lot. In particular, the council shall take into account, and may impose conditions concerning—

- (i) the proportion of car spaces to be roofed or covered;
- (ii) the proportion of car spaces to be below natural ground level;
- (iii) the means of access to each car space and the adequacy of any vehicular manoeuvring area;
- (iv) the location of the car spaces on the site and their effect on the amenity of adjoining development, including the potential effect, if those spaces should later be roofed or covered;
- (v) the extent to which car spaces are located within required building setback area;
- (vi) the locations of proposed public footpaths, vehicular crossings or private footpaths, within the lot, and the effect on both pedestrian and vehicular traffic movement and safety;
- (vii) the suitability and adequacy of proposed screening or natural planting; and
- (viii) the suitability and adequacy of elevated structural decks for development and service as a proportion of the required area for natural planting and pedestrian space.

#### **Open space for Class 4 Buildings**

17. (1) A person shall construct a Class 4 Building on a lot in such a manner that provision is made for an unroofed open space of not less than 42 m<sup>2</sup> having a length of not less than 3 m on at least one side.

(2) Sub-by-law (1) does not apply where provision is made for an unroofed open space of the dimensions referred to in that sub-by-law on a floor of the Class 4 Building at a level other than the ground level of the lot.

#### **Area and frontage restrictions for Class 6 Building**

18. A person shall not construct a Class 6 Building on a lot unless—

- (a) the area of the lot exceeds 185 m<sup>2</sup>; and
- (b) the frontage of the lot exceeds 5 m.

#### **Loading docks for Class 6, 7 and 8 Buildings**

19. A Class 6, 7 or 8 Building shall be provided with loading docks and access ways sufficient in size wholly to contain vehicles within the building or on the lot on which the building stands and to permit a motor vehicle to enter the street without reversing.

#### **Rear access for Class 6, Class 1 and 6, Class 7 and Class 8 Buildings**

20. (1) A Class 6 Building, Class 1 and 6 Building combined, a Class 7 Building or Class 8 Building shall be provided with means of access from a street for the purposes of the removal of rubbish from the building and servicing every separate occupancy within the building.

(2) The means of access required under sub-by-law (1)—

- (a) shall be not less than 1 500 mm in width;
- (b) shall not pass through the building or any arcade of the building;
- (c) shall not pass through the street entrance to the building.

TABLE  
PART A—GENERAL RESIDENTIAL ZONE—CLASS 4 (G.R. 4)

Minimum Lot Area Square Metres	Minimum Effective Frontage Metres	Maximum Number of Dwelling Units D.U.	Maximum Plot Ratio P.R.	Minimum Number of Car Spaces	Minimum Setbacks from Boundaries Metres		
					Front	Side(s)	Rear
680	18	1	0.50	2 per D.U.	7.5	Minimum 2.4 on one side and 1.5 on the other or, where a garage is incorporated in the side of the structure, 1.5 on each side	7.5
1 000	20	2	0.50	2 per D.U.	7.5	3.0 per storey each side	7.5
1 250	23	3	0.30	2 per D.U.	9.0	3.0 per storey each side	7.5
1 510	25	4	0.30	2 per D.U.	9.0	3.0 per storey each side	7.5
2 000	30	Multiple	0.30	5 D.U. or less 8 spaces	9.0	3.0 per storey each side	9.0
2 520	35	Multiple	P.A. increases 0.000 625 for each 25 m <sup>2</sup> increase in lot area between 2 000 m <sup>2</sup> and 10 080 m <sup>2</sup>	6-20 D.U.—1.5 spaces for each D.U.	9.0	3.0 per storey each side	9.0
3 000	40	Multiple		Over 20 D.U.—30 plus 1.25 spaces for each D.U. in excess of 20	9.0	3.0 per storey each side	9.0
4 000	50	Multiple			9.0	3.0 per storey each side	9.0
10 080	60	Multiple	0.50		9.0	3.0 per storey each side	9.0
Where comprehensive architectural plans and designs of houses, such as are commonly known as "Patio Houses" are submitted for a minimum group of 4 dwelling units, the council has, with the consent of the State Planning Commission, a discretion to modify standard as follows—							
300	12	1 (Single family house)	0.35	1 per D.U.	6.0	Nil between patio houses, 3.0 at ends of each row	6.0

Where comprehensive architectural plans and designs are submitted for multi-unit development with a lot area of 1 ha the Minister may, after considering reports from the council and the State Planning Commission, modify any standard, other than the plot ratio, if he is satisfied that the modifications are both socially and aesthetically desirable.

Where comprehensive subdivision plans and development designs are submitted for precincts or neighbourhoods with a minimum area of 8 ha, the Minister may, after considering reports from the council and the State Planning Commission, modify any standard if he is satisfied that the modifications are both socially and aesthetically desirable.



TABLE  
PART B—GENERAL RESIDENTIAL ZONE—CLASS 5 (G.R. 5)

Minimum Lot Area Square Metres	Minimum Effective Frontage Metres	Maximum Number of Dwelling Units D.U.	Maximum Plot Ratio P.R.	Minimum Number of Car Spaces	Minimum Setbacks from Boundaries Metres		
					Front	Side(s)	Rear
450	16	1	0.50	2 per D.U.	7.5	1.5 m per storey each side	7.5
900	20	2	0.50	2 per D.U.	7.5	1.5 m per storey each side	7.5
1 200	23	3	0.35	2 per D.U.	9.0	1.5 m per storey each side	7.5
1 510	25	4	0.35	2 per D.U.	9.0	1.5 m per storey each side	7.5
2 000	30	Multiple	0.35	5 D.U. or less 8 spaces	9.0	1.5 m per storey each side	9.0
2 520	35	Multiple	P.R. increases 0.003 75 for each 25 m <sup>2</sup> increase in lot area between 2 000 m <sup>2</sup> and 9 000 m <sup>2</sup>		9.0	1.5 m per storey each side	9.0
3 000	40	Multiple		5-20 D.U.—1.5 spaces for each D.U. Over 20 D.U.—30 spaces plus 1.25 spaces for each D.U. in excess of 20	9.0	1.5 m per storey each side	9.0
4 000	40	Multiple			9.0	1.5 m per storey each side	9.0
6 000	40	Multiple			9.0	1.5 m per storey each side	9.0
8 000	40	Multiple			9.0	1.5 m per storey each side	9.0
9 000	40	Multiple	1.4		9.0	1.5 m per storey each side	9.0
Where comprehensive architectural plans and designs of houses, such as are commonly known as "row houses" are submitted for a minimum group of 4 dwelling units, the council has, with the consent of the State Planning Commission, a discretion to modify standards as follows—							
220	10	1 (Single family row house)	0.50	1 per D.U.	6.0	Nil between row houses; 1.5 at ends of each row	6.0

Where comprehensive architectural plans and designs are submitted for multi-unit development with a lot area exceeding 9 000 m<sup>2</sup>, the Minister may, after considering reports from the council and the State Planning Commission, modify any standard, other than the plot ratio, if he is satisfied that the modifications are both socially and aesthetically desirable.

Where comprehensive subdivision plans and development designs for precincts or neighbourhoods are submitted for a minimum area of 4 ha the Minister may, after considering reports from the council and the State Planning Commission, modify any standard, if he is satisfied that the modifications are both socially and aesthetically desirable.

TABLE  
PART C—GENERAL RESIDENTIAL ZONE—CLASS 6 (G.R. .6)

Minimum Lot Area Square Metres	Minimum Effective Frontage Metres	Maximum Number of Dwelling Units D.U.	Maximum Plot Ratio P.R.	Minimum Number of Car Spaces	Minimum Setbacks from Boundaries Metres		
					Front	Side(s)	Rear
450	16	1	0.50	2 per D.U.	6.0	1.5 per storey each side	6.0
700	18	2	0.50	2 per D.U.	6.0	1.5 per storey each side	6.0
800	18	3	0.35	2 per D.U.	7.5	1.5 per storey each side	6.0
900	19	4	0.35	2 per D.U.	7.5	1.5 per storey each side	6.0
1 000	20	Multiple	0.35	5 D.U. or less 8 spaces	9.0	1.5 per storey each side up to a max. of 9.0	7.5
1 510	25	Multiple	P.R. increases 0.006 25 for each 25 <sup>2</sup> increase in lot area between 1 000 m <sup>2</sup> and 8 000 m <sup>2</sup>	5-20 D.U.—1.5 spaces for each D.U.	9.0	1.5 per storey each side up to a max. of 9.0	7.5
2 000	30	Multiple			9.0	1.5 per storey each side up to a max. of 9.0	7.5
2 520	35	Multiple		20-50—30 spaces plus 1.25 spaces for each D.U. in excess of 20	9.0	1.5 per storey each side up to a max. of 9.0	7.5
3 000	40	Multiple		Over 50 D.U.—68 spaces plus 1 space for each D.U. in excess of 50	9.0	1.5 per storey each side up to a max. of 9.0	7.5
7 000	40	Multiple	2.1		9.0	1.5 per storey each side up to a max. of 9.0	7.5
8 000	40	Multiple			9.0	1.5 per storey each side up to a max. of 9.0	7.5
150	6	1 (Single family town house)	0.70	1 per D.U.	6.0	Nil	6.0

Where comprehensive architectural plans and designs of houses, such as are commonly known as "town houses" are submitted for a minimum group of 4 dwelling units, the council has, with the consent of the State Planning Commission, a discretion to modify standard as follows—

Where comprehensive architectural plans and designs are submitted for multi-unit development with a lot area exceeding 8 000 m<sup>2</sup>, the Minister may, after considering reports from the council and the State Planning Commission, modify any standard, other than the plot ratio, if he is satisfied that the modifications are both socially and aesthetically desirable.

- (3) Sub-by-law (1) does not apply to—
- (a) banks, boot repair shops, pharmacies, dry cleaning depots, jewellers' shops, newsagencies, hairdressing shops, watchmakers' shops or professional chambers;
  - (b) arts and crafts, clothing and fabric or gift shops, if the total floor area of the shop does not exceed 140 m<sup>2</sup>.

#### Siting of outbuildings

21. (1) An outbuilding shall not be sited on a lot nearer to the frontage of the lot than the set back of the building to which it is appurtenant or less than 6 m from any other street boundary of the lot unless the council approves a lesser distance.

(2) An outbuilding shall be separated by a distance of not less than 1 800 mm from any Class 1, Class 3 or Class 4 Building.

- (3) Notwithstanding sub-by-laws (1) and (2), an outbuilding that is—
- (a) a stable, shall be separated by a distance of not less than—
    - (i) 24 m from the frontage on the lot;
    - (ii) 9 m from any other street boundary of the lot;
    - (iii) subject to any by-law made under the *Health Act 1911* applicable in the area, 15 m from any dwelling on the lot or on any adjacent lot;
  - (b) subject to any by-law made under the *Health Act 1911* applicable in the area, a fowl house or kennel shall be separated by a distance of not less than 18 m from any street boundary of the lot;
  - (c) a water closet or urinal shall be separated by not less than—
    - (i) 15 m from the set back from the frontage of the lot;
    - (ii) 6 m from any other street boundary of the lot;
  - (d) used as a private workshop and not for gain or any other reward, shall be separated by a distance of not less than—
    - (i) 1 800 m from any main building on the lot;
    - (ii) 15 m from any frontage of the lot;
    - (iii) 6 m from any other street boundary of the lot.

(3) Notwithstanding anything in this by-law, the council may approve of the siting of a carport or garage on a lot in a position other than that required under this by-law where—

- (a) the lot abuts a street and a pedestrian way; and
- (b) the normal vehicular access to the lot is gained over a boundary of the lot other than the boundary of the pedestrian way.

(4) Notwithstanding anything in this by-law, the council may approve of the siting of an outbuilding that is a carport (being an open-sided garage without doors) in a position other than that prescribed under these by-laws

#### Heights and areas of outbuildings

22. (1) The wall height of an outbuilding shall not exceed 3 m unless the council otherwise approves;

(2) Notwithstanding sub-by-law (1) the height of an outbuilding that is a fowlhouse shall not exceed 2 400 mm;

(3) Except where the council approves otherwise, the total area of outbuildings on a lot on which a Class 1 Building is constructed shall not exceed 50 m<sup>2</sup>.

(4) Sub-bylaw (3) does not apply to—

- (a) an area zoned rural; or
- (b) an unzoned area that is used for rural purposes.

#### **Land liable to flooding**

23. A building shall not be constructed on land defined by the council as being liable to flooding or inundation.

#### **Height of embankments**

24. The height of any newly formed embankment or newly excavated face shall not be greater than 1 m unless otherwise approved by the council.

#### **Council may exercise discretion**

25. Without derogating from any discretion conferred on the council under these by-laws but subject to any other written law, the council may, if it is established to the satisfaction of the council that it is proper to do so and having regard to the circumstances of the particular case in question, approve of the siting of a building in a manner or position otherwise than as prescribed by these by-laws and any such approval of the council shall have effect accordingly.

By His Excellency's Command,  
G. PEARCE,  
Clerk of the Council.