

## LOCAL GOVERNMENT (REGULATION OF FLATS) ACT.

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Act No. 17, 1949.

**George VI.** An Act to make provision for the conversion of  
**No. 17, 1949.** certain buildings into residential flat buildings; for this purpose to amend the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 30th June, 1949.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title  
and con-  
struction.** **1.** (1) This Act may be cited as the "Local Government (Regulation of Flats) Act, 1949."

(2)

(2) This Act shall be read and construed with the No. 17, 1949. Local Government Act, 1919, as amended by subsequent Acts, which Act, as so amended, is hereinafter referred to as the Principal Act.

**2.** (1) (a) The owner of any building erected before the commencement of this Act may at any time before the first day of January, one thousand nine hundred and fifty-two, apply to the council for approval to convert such building into a residential flat building. Application for approval of council to convert buildings into flats.

(b) Any such application may be made and approval may be given in respect of a building whether or not such building is within a residential district in which the erection or use of such building for the purpose of a residential flat building has been prohibited by proclamation under paragraph (f) of subsection one of section three hundred and nine of the Principal Act.

(2) The council may approve of the conversion of a building into a residential flat building although the minimum distances of the external walls of such residential flat building from the side boundaries of the allotment upon which such residential flat building is to stand would be less than those prescribed by Schedule Seven to the Principal Act in respect of such residential flat building.

**3.** (1) (a) The owner of any building within a residential district in which the erection or use of such building for the purpose of a residential flat building has been prohibited by proclamation under paragraph (f) of subsection one of section three hundred and nine of the Principal Act who is dissatisfied with the refusal of the council to approve of his application to convert such building into a residential flat building may, within one month from the date on which he received notice of the council's decision or from the expiration of the period of forty days referred to in subsection three of this section, as the case may be, or such longer period as the Minister may allow, appeal to the Minister. Appeals.

(b) The Minister may dismiss or allow the appeal but the Minister, before deciding any such appeal, shall, if either the appellant or the council so desire. afford

**No. 17, 1949.** afford them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(c) The decision of the Minister on appeal under this subsection shall be final and shall be binding upon the council and the appellant, and for the purposes of this Act shall be deemed to be the final decision of the council.

(2) The owner of any building, not being a building of the class referred to in paragraph (a) of subsection one of this section, who is dissatisfied with the refusal of the council to approve of his application to convert such building into a residential flat building may appeal to the Land and Valuation Court and the provisions of section three hundred and forty-one of the Principal Act shall, mutatis mutandis, apply to any such appeal.

(3) The council shall be deemed to have refused an application if within forty days after service of the application it has failed to give a decision with respect thereto.

(4) Nothing in this Act shall exempt an applicant from obtaining the approval of the council in accordance with the provisions of the Principal Act to the plans and specifications of the alterations and additions proposed to be made to convert the building the subject of the application into a residential flat building.

Conversion  
to residen-  
tial flat  
building  
pursuant to  
council's  
approval.

**4.** (1) A building converted into a residential flat building pursuant to the provisions of this Act—

- (a) shall be in conformity with the provisions of the Principal Act and the ordinances made thereunder, other than those contained in Schedule Seven to the said Act prescribing the minimum distances of the external walls of such building from the side boundaries of the allotment upon which it stands;
- (b) shall contain flats each of which have at least two rooms designed for use as bedrooms and one room designed for use as a living room;
- (c)

(c) shall in respect of the minimum distances of ~~No. 17, 1949.~~ the external walls from the side boundaries of the allotment upon which such building stands comply with the provisions prescribed by subsection two of this section.

(2) The minimum distances of the external walls from the side boundaries of the allotment upon which the residential flat building stands shall in the aggregate be not less than twelve feet and no external wall shall be within three feet of the side boundaries of such allotment.

**5.** Any approval given by the council to any plans and specifications of the alterations and additions proposed to be made to convert a building into a residential flat building shall be void if the building work to which it refers is not substantially commenced within twelve months after the date of the approval: *when approval lapses.*

Provided that the council may if good cause be shown grant an extension or renewal of such approval beyond such period.

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