

**1992—No. 402**

**LOCAL GOVERNMENT ACT 1919—ORDINANCE**

(Relating to the Building Code of Australia and other matters)

NEW SOUTH WALES



*[Published in Gazette No. 91 of 24 July 1992]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Government Act 1919, has been pleased to make the Ordinance set forth hereunder.

G. B. PEACOCKE,  
Minister for Local Government.

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**Commencement**

**1.** This Ordinance commences on 1 October 1992.

**Amendments**

**2.** The Building Code of Australia (Administrative Provisions) Ordinance 1991 is amended:

- (a) by omitting from the definition of “Building Code of Australia” in clause 1.3 (1) the matter “1 January 1992” and by inserting instead the matter “1 July 1992”;
- (b) by inserting at the beginning of clause 4.4 the following subclause:
  - (1) The Council is to determine a building application in accordance with the provisions of this Ordinance as in force on the date on which the application was made and, in relation to the application, must disregard any amendments made to this Ordinance after that date.
- (c) by omitting from clause 6.6 (6) the matter “Part 27” and by inserting instead the words “Part E1 of the Building Code of Australia”;

- (d) by omitting from clause 6.10 the matter “clause 6.1” and by inserting instead the words “the Building Code of Australia”;
- (e) by omitting clause 8.2.1 (1) (b);
- (f) by omitting from clause 8.2.1 (2) the words “Part A or B of”;
- (g) by omitting from clause 8.2.1 (3) the words “Parts A and B of”;
- (h) by omitting from the Table to clause 8.2.1 the headings “PART A” and “PART B”;
- (i) by omitting from the Table to clause 8.2.1 the matter relating to Clause E1.3 and by replacing that matter after the matter relating to Clause E12 (f);
- (j) by omitting from the Table to clause 8.2.1 the matter relating to Clause NSW Variation E1.101 and by replacing that matter after the matter relating to Clause E1.8;
- (k) by inserting after clause 8.2.1 the following clause:

**Consideration of certain reports from the New South Wales Fire Brigades**

8.2.2. If an application is lodged in respect of the erection of a building (other than a building proposed to exceed, or which exceeds, 25 m in height) in which any item referred to in the provisions of the Building Code of Australia listed in the Table to this clause is to be installed, the item is not to be installed until the Council has received a report from the New South Wales Fire Brigades indicating that the item complies with the relevant provisions of that Code, or is satisfactory to the New South Wales Fire Brigades, as the case requires.

**TABLE**

Clause E12 (a)—The proposed design and installation of the fire mains and water supply services.

Clause E1.2 (e)—The proposed design and installation of the booster assembly and connections.

Clause E1.3—The proposed fire hydrants are readily accessible and are suitable for use with the fire hoses and appliances of the New South Wales Fire Brigades.

Clause NSW Variation E1.101—The proposed gas-type or foam-type fire extinguisher system is of a type approved by the New South Wales Fire Brigades.

- (1) by inserting in clause 9.3 (1) (a) after the matter “\$50” the words “for each dwelling contained in the building or in my other building on the allotment”;

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- (m) by inserting after clause 9.3 (2) the following subclause:
  - (3) In this clause, a reference to a Class 1 building includes a reference to a Class 2 building that comprises 2 dwellings only.
- (n) by inserting after clause 11.2 (3) (b) the following paragraph:
  - (c) In the case of an application for approval to build upon a parcel of land of less than the minimum size prescribed or fixed by this clause, the proposed building being in replacement of an existing Class 1 building, the Council must grant the application if the proposed building is suitable for approval apart from the question of the area of the allotment.
- (o) by inserting after clause 11.2 (3) the following subclause:
  - (4) In this clause, a reference to a Class 1 building includes a reference to a Class 2 building that comprises 2 dwellings only.
- (p) by inserting after clause 11.3 (3) the following subclause:
  - (4) In this clause, a reference to a Class 1 building includes a reference to a Class 2 building that comprises 2 dwellings only.
- (q) by inserting after clause 11.6 (6) the following subclause:
  - (7) In this clause, a reference to a Class 1 building includes a reference to a Class 2 building that comprises 2 dwellings only.
- (r) by omitting from clause 11.8 (1) the words “be located closer to the side boundaries of the allotment” and by inserting instead the words “extend towards the side boundaries of the allotment more”;
- (s) by inserting after clause 11.8 (2) the following subclause:
  - (3) In this clause, a reference to a Class 2 building does not include a reference to a building that comprises 2 dwellings only.
- (t) by inserting after clause 11.9 (4) the following subclause:
  - (5) In this clause, a reference to a Class 2 building does not include a reference to a building that comprises 2 dwellings only.
- (u) by inserting after clause 11.10 (5) the following subclause:
  - (6) In this clause, a reference to a Class 1 building includes a reference to a Class 2 building that comprises 2 dwellings only.
- (v) by omitting from clause 59.1 the matter “Class 1” and by inserting instead the matter “Class 1a”;
- (w) by omitting from the heading to the Sixth Schedule the word “EMERGENCY” and by inserting instead the word “ESSENTIAL”.

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**EXPLANATORY NOTE**

The object of this Ordinance is to amend the Building Code of Australia (Administrative Provisions) Ordinance 1991 so as:

- (a) to adopt recent amendments to the Building Code of Australia; and
- (b) to ensure that councils determine building applications in accordance with the provisions of this Ordinance as in force when the application is made, rather than as in force when the application is being determined; and
- (c) to vary the procedures to be followed with respect to the obtaining of fire safety reports from the New South Wales Fire Brigades in the case of buildings less than 25 metres in height; and
- (d) to ensure that a dwelling-house situated on an existing parcel of land that is smaller than that permitted by the Ordinance for the erection of a dwelling-house may nevertheless be replaced by another dwelling-house; and
- (e) to make other minor amendments to the Ordinance.

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