

Act No. 58, 1912.

An Act to regulate the height of buildings within the Metropolitan Police District; and for purposes consequent thereon or incidental thereto. [10th December, 1912.]

HEIGHT OF
BUILDINGS
(METROPOLITAN
POLICE DISTRICT).

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:—

1. This Act may be cited as the “Height of Buildings (Metropolitan Police District) Act, 1912.” Short title.

2. In this Act “height” in relation to a building means the measurement taken from the mean level of a footway (if any) immediately in front of the face of the building or (where there is no such footway) from the mean level of the ground before excavation to the level of the top of the parapet, or where there is no parapet, to the level of the top of the external wall or (in the case of gabled buildings) to the base of the gable: Provided that the space exclusively occupied by water tanks or reservoirs constructed on an approved design upon the top of any building shall not be taken into account in determining the height of such building. Definition.

3. This Act shall apply within the Metropolitan Police District as defined in the Gazette No. 731 of the twelfth day of September, one thousand eight hundred and ninety-nine, of Sydney only, and shall bind the Crown. Where Act shall apply.

4.

Height of Buildings (Metropolitan Police District).

Height of buildings.

4. (1) A building which is not exclusively used for purposes of public worship, or is not a chimney stack or sewer ventilator—

- (a) shall not under any circumstances be erected of or increased to a greater height than one hundred and fifty feet;
- (b) no such building shall be erected of or increased to a greater height than one hundred feet outside the City of Sydney without the approval of the Government Architect:

Provided that in the case of any building exceeding one hundred feet in height, the fire commissioners of New South Wales shall first certify to the Chief Secretary that adequate provision has been made in respect of such building for protection against fire.

(2) Provided that this section shall not apply to—

- (a) the erection or increase in height of any building as sanctioned by the city building surveyor before the fifth day of November, one thousand nine hundred and twelve, or to the rebuilding of any such building to the height as so sanctioned; or
- (b) the rebuilding to the same height as at the commencement of this Act of a building then existing and completed.

Penalties.

5. If any person erects or increases or causes to be erected or increased the height of any building in contravention of this Act, or otherwise contravenes any of the provisions hereof, he shall be liable to a penalty not exceeding fifty pounds.

The magistrate before whom any such conviction is had may further order that the defendant shall, within a time to be fixed by the order, take down and remove any part of the building, in respect of which the contravention has occurred, and if the defendant neglects to comply with such order, he shall be further liable to a penalty not exceeding fifty pounds for every day during which such neglect continues.

Penalties under this Act may be recovered before a stipendiary magistrate.