

**LOCAL GOVERNMENT (REGULATION OF FLATS)
ACT.**

Act No. 50, 1955.

An Act to enable residential flat buildings to be provided out of certain existing buildings; for this purpose to amend the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 13th December, 1955.]

Elizabeth II,
No. 50, 1955.

BE

Local Government (Regulation of Flats) Act.

No. 50, 1955.

BE it enacted by the Queen'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
construction.

1. (1) This Act may be cited as the "Local Government (Regulation of Flats) Act, 1955."

(2) This Act shall be read and construed with the Local Government Act, 1919, as amended by subsequent Acts, which Act, as so amended, is hereinafter referred to as the Principal Act.

Repeal of
Act No. 17,
1949.

(3) The Local Government (Regulation of Flats) Act, 1949, is hereby repealed.

Applications
for approval
of council
to alter and
add to
existing
buildings.

2. (1) (a) The owner of any building erected before the thirtieth day of June, one thousand nine hundred and forty-nine, may, at any time before the expiration of ten years from the commencement of this Act, apply to the council of the area within which such building is situated for approval—

(i) to make alterations to such building for the purpose of converting it into a residential flat building;

(ii) to make alterations and additions to such building, such additions having a total floor plan area not exceeding thirty per centum of the ground floor area of the building, for the purpose of making the building, as altered and added to, into a residential flat building.

(b) Any such application may be made and approval of any such application may be given and any such alterations or alterations and additions may be carried out in accordance with such approval in respect of a building whether or not such building is within a residential district in which the erection or use of buildings 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)

(2) Any approval pursuant to the provisions of No. 50, 1955. this Act may be given notwithstanding the fact that the minimum distances of the external walls of the proposed residential flat building from the side boundaries of the allotment on 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 who is dissatisfied with the refusal of the council to approve of an application made by him pursuant to paragraph (a) of subsection one of section two of this Act 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 two 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 the appellant or the council so desires, afford the appellant or the council 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 council shall be deemed to have refused an application made under paragraph (a) of subsection one of section two of this Act if within forty days after service of the application it has failed to give a decision with respect thereto.

(3) 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 or alterations and additions proposed to be made in accordance with any approval given pursuant to the provisions of this Act.

No. 50. 1955.

Cases in
which
approval
not to
be given.

4. (1) An approval pursuant to the provisions of this Act shall not be given unless the proposed residential flat building—

- (a) will 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) will contain flats each of which has at least two rooms designed for use as bedrooms and one room designed for use as a living room;
- (c) will in respect of the minimum distances of 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 nine feet and no external wall shall be within three feet of the side boundaries of such allotment.

When
approval
lapses.

5. Any approval given by the council to any plans and specifications of the alterations or alterations and additions proposed to be made in accordance with any approval given pursuant to the provisions of this Act shall be void if the building work to which it refers is not substantially commenced within twelve months after the date of the approval:

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