

**LOCAL GOVERNMENT (BUILDING REGULATION)  
AMENDMENT ACT.**

**Act No. 53, 1964.**

An Act to require the appointment of building inspectors by councils not exempted from the requirement; to make provisions with respect to the erection of residential flat buildings in parts of certain areas; for these and other purposes to amend the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith. [Assented to, 9th December, 1964.]

Elizabeth II,  
No. 53, 1964

**B**E 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:—

1. This Act may be cited as the "Local Government (Building Regulation) Amendment Act, 1964".

Short title.

2. (1) The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
41, 1919.

(a) by inserting next after section 90B the following new section:—

New sec.  
90c.

90c. (1) Unless exempted by the Minister, every council shall appoint as a building inspector a person who holds the prescribed qualifications.

Building  
inspectors.

(2)

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(2) Subject to the approval of the Minister, any person holding the prescribed qualifications may be appointed as a building inspector for two or more councils.

(3) Ordinances may be made prescribing the qualifications for appointment as a building inspector.

Sec. 93.  
(Failure to appoint.)

(b) by inserting in section ninety-three after the words "electrical engineer" wherever occurring the words "or building inspector".

(2) Subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Further amendment of Act No. 41, 1919.  
New sec. 314A.

Special provisions relating to residential flat buildings in certain parts of areas.

**3.** The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting next after section three hundred and fourteen the following new section :—

314A. (1) The Governor may, on the application in writing of the council, by proclamation apply the provisions of this section to any land within the area of that council to which a prescribed town or country planning scheme or a scheme in course of preparation applies.

(2) A proclamation under subsection one of this section may prescribe, in relation to the erection of residential flat buildings on any land referred to in the proclamation, requirements for or with respect to all or any of the following matters :—

- (a) the provision of natural light and ventilation for rooms;
- (b) the provision, maintenance and operation of mechanical means of ventilation;
- (c) the proportion of a site to be covered by any such building, and the provision of open spaces and light areas;
- (d) the total floor area of any such building in relation to the area of a site;

(e)

- (e) the height of any such building; **No. 53, 1964**
- (f) the position, in relation to other buildings or to the boundaries of a site, of any such building or of any outbuilding or offices to be erected on the site;
- (g) the provision of suitable space for the parking and accommodation of vehicles likely to be used in connection with any such building;
- (h) the means of access generally, and particularly the means of access for the purpose of removal of garbage and other refuse;
- (i) the form and contents of the plans and specifications in respect of any such building;
- (j) such other matters as the Governor considers appropriate.

(3) In respect of an application for the council's approval of the erection of a residential flat building on land within a part of the council's area to which this section applies—

- (a) paragraph (c) of subsection one of section three hundred and fourteen of this Act; and
- (b) any other provision of this Act or any provision of any other Act, or of the ordinances, or of any regulations or by-laws made under any Act, that is inconsistent with any of the requirements prescribed in the proclamation applicable to that part of the council's area,

shall not apply so as to preclude the council from approving of the application, but the council shall not approve of the application, either absolutely or subject to conditions, unless it is satisfied that a building, erected in accordance with the application and the plans and specifications in respect of the proposed building submitted to the council, or with any modifications of the application, plans or specifications of which the council approves, would be in accordance with the requirements prescribed in such proclamation.

(4)

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(4) In this section, "scheme in course of preparation" means—

- (a) a town or country planning scheme submitted to the Minister before the commencement of the Local Government (Town and Country Planning) Amendment Act, 1962, where the Minister has decided to proceed with the scheme without alteration, or to proceed with the scheme with such alterations as he deems expedient; and
  - (b) a town or country planning scheme submitted to the Minister after such commencement, where the Minister has, pursuant to subsection two of section 342F of this Act, certified that the scheme submitted to the State Planning Authority is adequate and sufficient and that the planning principles contained in the scheme appear to the Minister to be suitable for implementation.
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