

1991—No. 625

**LOCAL GOVERNMENT ACT 1919—ORDINANCE**

(Relating to set-backs, lot sizes and other building matters)

NEW SOUTH WALES



*[Published in Gazette No. 169 of 6 December 1991]*

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. (1) Clause 2 commences on 31 December 1991.
- (2) Clause 3 commences on 1 January 1992.

**Amendments commencing 31 December 1991**

2. Ordinance No. 70 under the Local Government Act 1919 is amended:

- (a) by inserting in clause 11.2 (1) and (2) after the matter “232 m<sup>2</sup>” wherever occurring the words “for each dwelling contained in that or my other building on the allotment”;
- (b) by omitting from clause 11.2 (3) (b) the word “site” and by inserting instead the word “allotment”;
- (c) by inserting in clause 11.3 (1), (2) and (3) after the matter “46.4 m<sup>2</sup>” wherever occurring the words “for each dwelling contained in that or any other building on the “allotment””;
- (d) by omitting from the definition of “Storey” in clause 11.7(1) the words “shall have the meaning ascribed to it by section 304 of the Act” and by inserting instead the words “means any floor containing a habitable room or a room used as a shop or office.”;

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(e) by inserting after clause 11.8 (1) the following subclause:

(1A) If the minimum distance permissible between the external walls of a Class II building and the side boundaries of the allotment on which it is situated is fixed by an environmental planning instrument in force under the Environmental Planning and Assessment Act 1979, the reference in subclause (1) to the minimum distance required by clause 11.7 is to be read instead as a reference to the minimum distance so fixed.

**Amendment commencing 1 January 1992**

3. Ordinance No. 70 under the Local Government Act 1919 is further amended by omitting from clause 63.12 the matter “clause 50.4.1” and by inserting instead the words “NSW Variation H 101.20.3 of the Building Code of Australia”.

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**EXPLANATORY NOTE**

The object of this Ordinance is to amend Ordinance No. 70 so as:

- (a) to ensure that the minimum site areas and open space areas fixed by that Ordinance with respect to Class I buildings apply to each dwelling on the allotment rather than to each building; and
- (b) to ensure that the minimum distance between the eaves, guttering and other structures attached to a Class II building and the side boundaries of the allotment on which it is situated are calculated with respect to any relevant minimum boundary setbacks fixed by an environmental planning instrument rather than with respect to those fixed by that Ordinance; and
- (c) to make other minor and consequential amendments to that Ordinance.

All but one of the amendments commence on 31 December 1991. Consequently they will apply in respect of all buildings, whether erected in accordance with Ordinance No. 70 as in force immediately before 1 January 1992 (that is, in accordance with the current building requirements) or in accordance with Ordinance No. 70 as in force thereafter (that is, in accordance with the Building Code of Australia as supplemented by the “administrative” provisions of Ordinance No. 70). The remaining amendment which is consequential on the adoption of the Building Code of Australia, commences on 1 January 1892, simultaneously with the commencement of other amendments to Ordinance No. 70 which adopt that Code.

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