



Western Australia

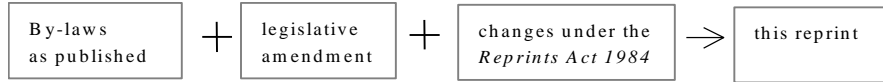
Town Planning and Development Act 1928

# **Town Planning (Buildings) Uniform General By-laws 1989**

**Reprint 1: The by-laws as at 20 August 2004**

## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original by-laws and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the by-laws being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a by-law that was inserted, or has been amended, since the by-laws being reprinted were made, editorial notes at the foot of the by-law give some history of how the by-law came to be as it is. If the by-law replaced an earlier by-law, no history of the earlier by-law is given (the full history of the by-laws is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the by-laws have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the by-laws were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the by-laws are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

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## **Town Planning (Buildings) Uniform General By-laws 1989**

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Western Australia

Reprinted under the  
*Reprints Act 1984* as  
at 20 August 2004

Town Planning and Development Act 1928

## **Town Planning (Buildings) Uniform General By-laws 1989**

### **1. Citation**

These by-laws may be cited as the *Town Planning (Buildings) Uniform General By-laws 1989*<sup>1</sup>.

### **2. Commencement**

These by-laws shall come into operation on the day that the *Building Regulations 1989* made under the *Local Government Act 1960*<sup>2</sup> come into operation<sup>1</sup>.

### **3. Interpretation**

- (1) Subject to the Act, except where the contrary intention appears, expressions used in these by-laws that are also used —
  - (a) in the Statement of Planning Policy No. 1 published in the *Government Gazette* on 30 January 1985 (No. 9 of 1985) as amended from time to time; or

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- (b) in the *Building Regulations 1989* as amended from time to time,

have in these by-laws the same meanings as those expressions have in that Statement of Policy or those regulations as the case requires.

**4. Application**

- (1) Subject to section 31(2) of the Act and sub-by-law (2) these by-laws apply throughout the State.
- (2) These by-laws do not apply to the whole or any part or parts of the district of any municipality to which Part XV of the *Local Government Act 1960*<sup>3</sup> does not apply, or to any Class of building to which the Building Regulations do not apply, by virtue of any order in force from time to time under sections 373 or 259A of the *Local Government Act 1960*<sup>2</sup>.

**5. Restriction on construction of buildings**

- (1) A person shall not on a lot that is within —
  - (a) the metropolitan region;
  - (b) the municipal district of a town<sup>3</sup>; or
  - (c) the boundaries of a townsite,

and on which a building of Class 1, Class 2 or Class 3 exists, construct any building of Class 1, Class 2 or Class 3 or any part of such a class of building unless —

- (d) the council approves of the construction of the building on an application that provides for the demolition of any existing building; or
- (e) the building to be constructed is an addition to or an extension of an existing building.

- (2) Notwithstanding sub-by-law (1), a person may construct 2 buildings of Class 1 on a lot within the metropolitan region if —
- (a) the area of the lot is not less than 1 ha;
  - (b) both buildings will be erected in positions on the lot that conform with the provisions of these by-laws relating to the siting of a building; and
  - (c) the council is of the opinion that, in the circumstances of the particular case, the construction should be permitted.

**6. Distances from boundaries in residential area**

A person shall not on any lot in a residential area build or construct a building or any addition to a building —

- (a) within the area of the lot that is between the street alignment and other boundaries of the lot and the building set back fixed by the council under any law in relation to the lot; or
- (b) where no set back is fixed by the council in relation to the lot, within any area of the lot that is —
  - (i) within 7.50 m of the street alignment that forms the frontage to the lot and, where there is more than one frontage, not less than 7.5 m from that other frontage; or
  - (ii) within 750 mm of any other boundary of the lot, or such lesser distance as the council may fix under any law in relation to the particular lot by reason of any natural impediments on the lot or by reason of the particular circumstances of the case.

**7. Siting of Class 2 Buildings**

A person shall site a Class 2 Building on a lot in such a manner that —

- (a) the building is set back not less than 7.5 m from the frontage or any other street alignment;

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- (b) the walls of the building are not less distant from any other boundary of the lot as is prescribed below according to the number of storeys of the building:

<b>Number of Storeys</b>	<b>Distance from boundary (m)</b>
1-3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
over 10	10.5;

and

- (c) where a wall of a building is not parallel to a boundary, the average distance of the wall is not less distant from the boundary than the distance prescribed by the table to paragraph (b) and calculated according to the Statement of Planning Policy referred to in by-law 3(1)(a).

**8. Area and frontage restrictions Class 1 Building**

Subject to these by-laws, a person shall not construct a Class 1 single dwelling building on lot having —

- (a) an area less than 550 m<sup>2</sup>; or  
(b) a frontage less than 15 m.

**9. Siting restrictions Class 1 Building**

- (1) Subject to these by-laws, a person shall site a Class 1 Building on a lot in such a manner that —
- (a) the external walls of the building facing the rear boundary of the lot have an average distance of not less than 7.5 m from that boundary;
- (b) any external walls of the building (including a footing wall), other than the walls facing the rear boundary of



the lot and the walls facing the frontage, is not less than —

- (i) where the floor of the lowest storey of the building is not more than 1 800 mm above the ground level at that point — 900 mm;
  - (ii) where the floor of the lowest storey is more than 1 800 mm above the ground level at that point — 3 300 mm;
  - (c) reasonable access to the rear of the lot is provided by a driveway having a width of not less than 2 400 mm, unless provision is made in the building itself for a garage; and
  - (d) provision is made behind the building line for the parking or standing of a motor vehicle either in the form of a garage or carport that conforms with these by-laws.
- (2) The calculation of set back distances for the purposes of sub-by-law (1) shall be in accordance with the Statement of Planning and Policy No. 1, and the council may in accordance with that Statement permit the construction of a Class 1 Building the siting of which does not conform with sub-by-law (1) if the council is satisfied that the variation is desirable.

**10. Plot ratio**

- (1) A person shall not construct a Class 1 Building on a lot so that the area of the building has a plot ratio that exceeds 0.5.
- (2) For the purposes of sub-by-law (1) the area of a building shall be deemed to include the area of outbuildings but does not include unroofed terraces.

**11. Spaces to be provided for Class 2 Building**

- (1) External walls of a Class 2 Building having windows to a habitable room facing each other shall be not less than 6 m apart.

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- (2) Sufficient space shall be provided behind the set back to the frontage on a lot on which a Class 2 Building is constructed for the parking or standing of motor vehicles on the basis of  $1\frac{1}{3}$  space for each dwelling in the building.
- (3) Sufficient open space shall be provided on a lot on which a Class 2 Building is constructed for a motor vehicle to be turned around on the lot so as to enable the motor vehicle to enter the street without being reversed into it.

**12. Frontage restriction for a Class 2 Building**

A person shall not construct a Class 2 Building on a lot with a frontage less than 20 m unless the council otherwise prescribes under any law.

**13. Plot ratio for Class 2 Building**

- (1) The plot ratio of a Class 2 Building shall not exceed the plot ratio specified in relation to the area of a lot covered by building in the table below —

<b>Building Area % of Lot</b>	<b>Plot ratio</b>
33	1
27.5	1.1
25	1.2
20	1.25
16.5	1.33

except where the council under any law prescribes a lesser plot ratio.

- (2) The plot ratio prescribed by sub-by-law (1) does not apply where a Class 2 Building consists of single occupancy flats and the number of such dwellings in the building does not exceed 300 to the hectare.
- (3) For the purposes of calculating the area of a lot covered by building of a Class 2 Building any passage or accessway having

a width exceeding 1 m shall be regarded as having a width of 1 m.

**14. Restrictions on land abutting Class 1, 2 or 3 Building**

A person shall not on land that abuts a lot on which a Class 1, 2 or 3 Building is constructed or on which a building of any of those classes may be constructed, construct a building unless the building is set back —

- (a) at least 7.5 m from the frontage; and
- (b) at least 900 mm from any boundary common to another lot,

but this by-law does not apply where both the lot and the abutting lot are situated within an area other than a residential area.

**15. Siting of Class 3 buildings**

- (1) The provisions of by-laws 9 to 12 apply to and in relation to a Class 3 Building that consists of multiple dwellings.
- (2) Subject to sub-by-law (3), the provisions of by-laws 9 to 12 apply to and in relation to a Class 3 Building that consists of a club or hotel but the area occupied by the building shall not exceed —
  - (a) where the lot has a frontage to one street, more than 66% of the area of the lot;
  - (b) where the lot has a frontage to 2 streets, more than 75% of the area of the lot;
  - (c) where the lot has a frontage to 3 streets, more than 80% of the area of the lot.
- (3) Subject to requirements imposed by the council under any law, a ground floor of a club or hotel may occupy the whole of the area of the lot if sleeping accommodation is not provided on that floor.

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**16. Siting requirements for general residential zones**

- (1) In this by-law —  
“**general residential zone**” means a general residential zone declared under the *Uniform Building By-laws 1974*<sup>4</sup> as in force before the coming into operation of these by-laws.
- (2) Nothing in this by-law operates so as to prevent the construction, occupancy or use of a single family detached unit on a lot created prior to the definition and classification of the general residential zone in which the lot is comprised.
- (3) Notwithstanding anything to the contrary in these by-laws but subject to this by-law, a person shall not construct a building on a lot in a general residential zone, except in conformity with Part A, B or C of the table to this by-law whichever applies in relation to the lot in question, as the class of the general residential zone may require.
- (4) Subject to the particular provisions of the table to this by-law the following provisions apply to all residential buildings in every general residential zone —

- (a) Lot coverage by buildings: A residential building or buildings shall not occupy a greater percentage of a lot than is shown in the table to this paragraph;

Lot coverage in G R zones

<b>On lots subject to a of maximum plot ratio —</b>	<b>Maximum percentage of lot which may be covered by buildings</b>
Up to and including 0.7 .....	35
From 0.7 up to and including 0.9 .....	20
From 0.9 up to and including 1.1 .....	16.66
Over 1.1 .....	15

- (b) Distances between buildings on the same lot: Where more than one building is constructed on a lot, all standards shall be observed, as though the development were a single structure. In addition, the minimum

distance between 2 buildings shall be 9 m or that required under the formula set out below, whichever is the greater. The formula regulating the minimum distance between any buildings (referred to as “**Building A**” and “**Building B**”) is as follows —

$$D = \frac{L^A + L^B + 2(H^A + H^B)}{6}$$

where

D is the required minimum horizontal distance between any wall of Building A and any wall of Building B or the vertical prolongation of either.

L<sup>A</sup> is the total length of Building A. The total length of Building A is the length of that portion or portions of a wall or walls of Building A from which, when viewed from directly above, lines drawn perpendicular to Building A will intersect any wall of Building B.

L<sup>B</sup> is the total length of Building B. The total length of Building B is the length of that portion or portions of a wall or walls of Building B from which, when viewed from directly above, lines drawn perpendicular to Building B will intersect any wall of Building A.

H<sup>A</sup> is the height of Building A. The height of Building A is the height above natural ground level of any portion or portions of a wall or walls along the length of Building A. Natural ground level is the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

H<sup>B</sup> is the height of Building B. The height of Building B is the height above natural ground level of any portion or portions of a wall or walls

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along the length of Building B. Natural ground level is the mean level of the ground immediately adjoining that portion or portions of the wall or walls, along the total length of the building.

The minimum required distance between 2 buildings as derived from the formula set out in this paragraph may be reduced by 15% if —

- (i) either of the buildings has a height of 2 storeys or less and the other has a height of 6 storeys or more; and
- (ii) the difference between the heights of the 2 buildings is 18 m or more.

Single storey covered parking areas shall not be regarded as separate buildings for the purposes of this paragraph.

- (c) Setbacks for lots with multiple street frontages: Setbacks from all effective street frontages shall conform to the standards for front boundaries, except in the case of a lot at a corner or intersecting streets, where the minimum setback from not more than one secondary street is reduced to one-half the minimum setback from the effective frontage to the primary street or streets.
- (d) Sizes, location and design of car-parking, natural planting and pedestrian spaces on lots: The minimum dimensions of every required car-parking space shall be 5.4 m x 2.4 m excluding all access drives. A minimum of 50% of the area of every lot shall be designed, developed and maintained as natural planting and pedestrian space (access driveways between street alignment and setback line may be included in the 50% of the area maintained as natural planting). When considering any development, the council shall have regard to and may impose conditions on, the details of locating and designing the required car-parking spaces, natural planting and pedestrian spaces on the lot. In

particular, the council shall take into account, and may impose conditions concerning —

- (i) the proportion of car spaces to be roofed or covered;
- (ii) the proportion of car spaces to be below natural ground level;
- (iii) the means of access to each car space and the adequacy of any vehicular manoeuvring area;
- (iv) the location of the car spaces on the site and their effect on the amenity of adjoining development, including the potential effect, if those spaces should later be roofed or covered;
- (v) the extent to which car spaces are located within required building setback area;
- (vi) the locations of proposed public footpaths, vehicular crossings or private footpaths, within the lot, and the effect on both pedestrian and vehicular traffic movement and safety;
- (vii) the suitability and adequacy of proposed screening or natural planting; and
- (viii) the suitability and adequacy of elevated structural decks for development and service as a proportion of the required area for natural planting and pedestrian space.

**17. Open space for Class 4 Buildings**

- (1) A person shall construct a Class 4 Building on a lot in such a manner that provision is made for an unroofed open space of not less than 42 m<sup>2</sup> having a length of not less than 3 m on at least one side.
- (2) Sub-bylaw (1) does not apply where provision is made for an unroofed open space of the dimensions referred to in that sub-bylaw on a floor of the Class 4 Building at a level other than the ground level of the lot.

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**18. Area and frontage restrictions for Class 6 Building**

A person shall not construct a Class 6 Building on a lot unless —

- (a) the area of the lot exceeds 185 m<sup>2</sup>; and
- (b) the frontage of the lot exceeds 5 m.

**19. Loading docks for Class 6, 7 and 8 Buildings**

A Class 6, 7 or 8 Building shall be provided with loading docks and access ways sufficient in size wholly to contain vehicles within the building or on the lot on which the building stands and to permit a motor vehicle to enter the street without reversing.

**20. Rear access for Class 6, Class 1 and 6, Class 7 and Class 8 Buildings**

- (1) A Class 6 Building, Class 1 and 6 Building combined, a Class 7 Building or Class 8 Building shall be provided with means of access from a street for the purposes of the removal of rubbish from the building and servicing every separate occupancy within the building.
- (2) The means of access required under sub-bylaw (1) —
  - (a) shall be not less than 1 500 mm in width;
  - (b) shall not pass through the building or any arcade of the building;
  - (c) shall not pass through the street entrance to the building.
- (3) Sub-bylaw (1) does not apply to —
  - (a) banks, boot repair shops, pharmacies, dry cleaning depots, jewellers' shops, newsagencies, hairdressing shops, watchmakers' shops or professional chambers;
  - (b) arts and crafts, clothing and fabric or gift shops, if the total floor area of the shop does not exceed 140 m<sup>2</sup>.



Table  
Part A — General Residential Zone — Class 4 (G.R. 4)

Minimum Lot Area Square Metres	Minimum Effective Frontage Metres	Maximum Number of Dwelling Units D.U.	Maximum Plot Ratio P.R.	Minimum Number of Car Spaces	Minimum Setbacks from Boundaries Metres		
					Front	Side(s)	Rear
680	18	1	0.50	2 per D.U.	7.5	Minimum 2.4 on one side and 1.5 on the other or, where a garage is incorporated in the side of the structure, 1.5 on each side	7.5
1 000	20	2	0.50	2 per D.U.	7.5	3.0 per storey each side	7.5
1 250	23	3	0.30	2 per D.U.	9.0	3.0 per storey each side	7.5
1 510	25	4	0.30	2 per D.U.	9.0	3.0 per storey each side	7.5
2 000	30	Multiple	0.30	5 D.U. or less 8 spaces	9.0	3.0 per storey each side	9.0
2 520	35	Multiple	P.A. increases 0.000 625 for each 25 m <sup>2</sup> increase in lot area between 2 000 m <sup>2</sup> and 10 080 m <sup>2</sup>	6-20 D.U. — 1.5 spaces for each D.U.	9.0	3.0 per storey each side	9.0
3 000	40	Multiple		Over 20 D.U. — 30 plus 1.25 spaces for each D.U. in excess of 20	9.0	3.0 per storey each side	9.0
4 000	50	Multiple			9.0	3.0 per storey each side	9.0
10 080	60	Multiple	0.50		9.0	3.0 per storey each side	9.0

Where comprehensive architectural plans and designs of houses, such as are commonly known as "Patio Houses" are submitted for a minimum group of 4 dwelling units, the council has, with the consent of the State Planning Commission, a discretion to modify standard as follows —

Where comprehensive architectural plans and designs are submitted for multi-unit development with a lot area of 1 ha the Minister may, after considering reports from the council and the State Planning Commission, modify any standard, other than the plot ratio, if he is satisfied that the modifications are both socially and aesthetically desirable.  
 Where comprehensive subdivision plans and development designs are submitted for precincts or neighbourhoods with a minimum area of 8 ha, the Minister may, after considering reports from the council and the State Planning Commission, modify any standard if he is satisfied that the modifications are both socially and aesthetically desirable.

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Table  
Part B — General Residential Zone — Class 5 (G.R. 5)

Minimum Lot Area Square Metres	Minimum Effective Frontage Metres	Maximum Number of Dwelling Units D.U.	Maximum Plot Ratio P.R.	Minimum Number of Car Spaces	Minimum Setbacks from Boundaries Metres		
					Front	Side(s)	Rear
450	16	1	0.50	2 per D.U.	7.5	1.5 m per storey each side	7.5
900	20	2	0.50	2 per D.U.	7.5	1.5 m per storey each side	7.5
1 200	23	3	0.35	2 per D.U.	9.0	1.5 m per storey each side	7.5
1 510	25	4	0.35	2 per D.U.	9.0	1.5 m per storey each side	7.5
2 000	30	Multiple	0.35	5 D.U. or less 8 spaces	9.0	1.5 m per storey each side	9.0
2 520	35	Multiple	P.R. increases 0.003 75 for each 25 m <sup>2</sup> increase in lot area between 2 000 m <sup>2</sup> and 9 000 m <sup>2</sup>	5-20 D.U. — 1.5 spaces for each D.U.	9.0	1.5 m per storey each side	9.0
3 000	40	Multiple		Over 20 D.U. — 30 spaces plus 1.25 spaces for each D.U. in excess of 20	9.0	1.5 m per storey each side	9.0
4 000	40	Multiple			9.0	1.5 m per storey each side	9.0
6 000	40	Multiple			9.0	1.5 m per storey each side	9.0
8 000	40	Multiple			9.0	1.5 m per storey each side	9.0
9 000	40	Multiple	1.4		9.0	1.5 m per storey each side	9.0

Where comprehensive architectural plans and designs of houses, such as are commonly known as "row houses" are submitted for a minimum group of 4 dwelling units, the council has, with the consent of the State Planning Commission, a discretion to modify standards as follows —

220	10	1 (Single family row house)	0.50	1 per D.U.	6.0	Nil between row houses; 1.5 at ends of each row	6.0
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Where comprehensive architectural plans and designs are submitted for multi-unit development with a lot area exceeding 9 000 m<sup>2</sup>, the Minister may, after considering reports from the council and the State Planning Commission, modify any standard, other than the plot ratio, if he is satisfied that the modifications are both socially and aesthetically desirable.

Where comprehensive subdivision plans and development designs for precincts or neighbourhoods are submitted for a minimum area of 4 ha, the Minister may, after considering reports from the council and the State Planning Commission, modify any standard, if he is satisfied that the modifications are both socially and aesthetically desirable.

Table  
Part C — General Residential Zone — Class 6 (G.R. 6)

Minimum Lot Area Square Metres	Minimum Effective Frontage Metres	Maximum Number of Dwelling Units D.U.	Maximum Plot Ratio P.R.	Minimum Number of Car Spaces	Minimum Setbacks from Boundaries Metres		
					Front	Side(s)	Rear
450	16	1	0.50	2 per D.U.	6.0	1.5 per storey each side	6.0
700	18	2	0.50	2 per D.U.	6.0	1.5 per storey each side	6.0
800	18	3	0.35	2 per D.U.	7.5	1.5 per storey each side	6.0
900	19	4	0.35	2 per D.U.	7.5	1.5 per storey each side	6.0
1 000	20	Multiple	0.35	5 D.U. or less 8 spaces	9.0	1.5 per storey each side up to a max. of 9.0	7.5
1 510	25	Multiple	P.R. increases 0.006 25 for each 25 m <sup>2</sup> increase in lot area between 1 000 m <sup>2</sup> and 8 000 m <sup>2</sup>	5-20 D.U. — 1.5 spaces for each D.U.	9.0	1.5 per storey each side up to a max. of 9.0	7.5
2 000	30	Multiple			9.0	1.5 per storey each side up to a max. of 9.0	7.5
2 520	35	Multiple		20-50 — 30 spaces plus 1.25 spaces for each D.U. in excess of 20	9.0	1.5 per storey each side up to a max. of 9.0	7.5
3 000	40	Multiple		Over 50 D.U. — 68 spaces plus 1 space for each D.U. in excess of 50	9.0	1.5 per storey each side up to a max. of 9.0	7.5
7 000	40	Multiple	2.1		9.0	1.5 per storey each side up to a max. of 9.0	7.5
8 000	40	Multiple			9.0	1.5 per storey each side up to a max. of 9.0	7.5

Where comprehensive architectural plans and designs of houses, such as are commonly known as "town houses" are submitted for a minimum group of 4 dwelling units, the council has, with the consent of the State Planning Commission, a discretion to modify standard as follows —

150	6	1 (Single family town house)	0.70	1 per D.U.	6.0	Nil	6.0
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Where comprehensive architectural plans and designs are submitted for multi-unit development with a lot area exceeding 8 000 m<sup>2</sup>, the Minister may, after considering reports from the council and the State Planning Commission, modify any standard, other than the plot ratio, if he is satisfied that the modifications are both socially and aesthetically desirable.

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**21. Siting of outbuildings**

- (1) An outbuilding shall not be sited on a lot nearer to the frontage of the lot than the set back of the building to which it is appurtenant or less than 6 m from any other street boundary of the lot unless the council approves a lesser distance.
- (2) An outbuilding shall be separated by a distance of not less than 1 800 mm from any Class 1, Class 3 or Class 4 Building.
- (3) Notwithstanding sub-bylaws (1) and (2), an outbuilding that is —
  - (a) a stable, shall be separated by a distance of not less than —
    - (i) 24 m from the frontage on the lot;
    - (ii) 9 m from any other street boundary of the lot;
    - (iii) subject to any by-law made under the *Health Act 1911* applicable in the area, 15 m from any dwelling on the lot or on any adjacent lot;
  - (b) subject to any by-law made under the *Health Act 1911* applicable in the area, a fowl house or kennel shall be separated by a distance of not less than 18 m from any street boundary of the lot;
  - (c) a water closet or urinal shall be separated by not less than —
    - (i) 15 m from the set back from the frontage of the lot;
    - (ii) 6 m from any other street boundary of the lot;
  - (d) used as a private workshop and not for gain or any other reward, shall be separated by a distance of not less than —
    - (i) 1 800 m from any main building on the lot;
    - (ii) 15 m from any frontage of the lot;
    - (iii) 6 m from any other street boundary of the lot.

- (3) Notwithstanding anything in this by-law, the council may approve of the siting of a carport or garage on a lot in a position other than that required under this by-law where —
  - (a) the lot abuts a street and a pedestrian way; and
  - (b) the normal vehicular access to the lot is gained over a boundary of the lot other than the boundary of the pedestrian way.
- (4) Notwithstanding anything in this by-law, the council may approve of the siting of an outbuilding that is a carport (being an open-sided garage without doors) in a position other than that prescribed under these by-laws.

**22. Heights and areas of outbuildings**

- (1) The wall height of an outbuilding shall not exceed 3 m unless the council otherwise approves.
- (2) Notwithstanding sub-by-law (1) the height of an outbuilding that is a fowlhouse shall not exceed 2 400 mm.
- (3) Except where the council approves otherwise, the total area of outbuildings on a lot on which a Class 1 Building is constructed shall not exceed 50 m<sup>2</sup>.
- (4) Sub-by-law (3) does not apply to —
  - (a) an area zoned rural; or
  - (b) an unzoned area that is used for rural purposes.

**23. Land liable to flooding**

A building shall not be constructed on land defined by the council as being liable to flooding or inundation.

**24. Height of embankments**

The height of any newly formed embankment or newly excavated face shall not be greater than 1 m unless otherwise approved by the council.

**25. Council may exercise discretion**

Without derogating from any discretion conferred on the council under these by-laws but subject to any other written law, the council may, if it is established to the satisfaction of the council that it is proper to do so and having regard to the circumstances of the particular case in question, approve of the siting of a building in a manner or position otherwise than as prescribed by these by-laws and any such approval of the council shall have effect accordingly.

**26. Offences and penalties**

Where, by these by-laws, anything is directed, or forbidden, to be done, any person failing or neglecting to do anything so directed, or doing anything so forbidden, commits an offence and is liable to a penalty not exceeding \$500.

*[By-law 26 inserted in Gazette 7 Jan 1994 p. 21.]*



## **Notes**

- <sup>1</sup> This reprint is a compilation as at 20 August 2004 of the *Town Planning (Buildings) Uniform General By-laws 1989* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### **Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Town Planning (Buildings) Uniform General By-laws 1989</i>	28 Jul 1989 p. 2301-12	28 Jul 1989
<i>Town Planning (Buildings) Uniform General Amendment By-laws 1993</i>	7 Jan 1994 p. 21	7 Jan 1994
<b>Reprint 1: The <i>Town Planning (Buildings) Uniform General By-laws 1989</i> as at 20 Aug 2004</b> (includes amendments listed above)		

- <sup>2</sup> The short title of the *Local Government Act 1960* was amended to the *Local Government (Miscellaneous Provisions) Act 1960* by the *Local Government Act 1995* Sch. 9.2 cl. 2.
- <sup>3</sup> Under the *Local Government Act 1995* Sch. 9 cl. 3(2) a reference to a district of a municipality under the *Local Government Act 1960* may, when the context requires, be read as if it had been amended to include or be a reference to a district of a local government under the *Local Government Act 1995* (see also note 2).
- <sup>4</sup> Repealed in *Gazette* 28 Jul 1987 p. 2280.