

LG305*

Local Government (Miscellaneous Provisions) Act 1960

Building Amendment Regulations 2002

Made under section 433A of the Act and section 9.60 of the *Local Government Act 1995* by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Building Amendment Regulations 2002*.

2. The regulations amended

The amendments in these regulations are to the *Building Regulations 1989**.

[* Reprinted as at 2 Mar 2001.

For amendments to 21 Mar 2002 see Gazette 19 Oct 2001 and 14 Dec 2001.]

3. Regulation 38B amended

Regulation 38B(3) is repealed and the following subregulation is inserted instead —

“

- (3) Despite subregulation (2), an enclosure is not suitable for the purposes of subregulation (1) if a building other than a Class 10a building under the Building Code is included within the area enclosed unless all external doors and windows in that building satisfy the requirements of Australian Standard AS 1926.1, but a Class 10a building may be included within the area enclosed even though any external door or window in it does not satisfy those requirements.

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4. Schedule 2 replaced

Schedule 2 and Note 1 to it are deleted and the following Schedule and note are inserted instead —

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Schedule 2 — Application

[r. 2A]

Column 1 District	Column 2 Class 10 Buildings	Column 3 Part 10	Column 4 Rest of regulations
Albany	Whole district	Whole district	Whole district
Armadale	Whole district	Whole district	Whole district
Augusta- Margaret River	Whole district	Whole district	Whole district
Bassendean	Whole district	Whole district	Whole district
Bayswater	Whole district	Whole district	Whole district
Belmont	Whole district	Whole district	Whole district
Beverley	Whole district	Whole district	Whole district
Bridgetown- Greenbushes	Whole district	Whole district	Whole district
Brookton	Whole district	Whole district	Whole district
Broome	Whole district	All townsites	Whole district
Broomehill	All townsites and area described in Note 1	All townsites	Whole district
Bruce Rock	All townsites	All townsites	Whole district
Bunbury	Whole district	Whole district	Whole district
Busselton	Whole district	Whole district	Whole district
Cambridge	Whole district	Whole district	Whole district
Canning	Whole district	Whole district	Whole district
Capel	Whole district	Whole district	Whole district
Carnamah	All townsites	All townsites	Whole district

Column 1	Column 2	Column 3	Column 4
District	Class 10 Buildings	Part 10	Rest of regulations
Carnarvon	Whole district except Gascoyne-Minilya Ward	Whole district	Whole district
Claremont	Whole district	Whole district	Whole district
Cockburn	Whole district	Whole district	Whole district
Collie	Whole district	Whole district	Whole district
Coorow	All townsites	Whole district	Whole district
Corrigin	Townsite of Corrigin	All townsites	Whole district
Cottesloe	Whole district	Whole district	Whole district
Cranbrook	All townsites	All townsites	Whole district
Cuballing	Whole district	All townsites	Whole district
Cue	All townsites	All townsites	Whole district
Cunderdin	All townsites	All townsites	Whole district
Dalwallinu	All townsites	All townsites	Whole district
Dandaragan	All townsites	All townsites	Whole district
Dardanup	Whole district	Whole district	Whole district
Denmark	Whole district	All townsites	Whole district
Derby-West Kimberley	All townsites	Whole district	Whole district
Dowerin	All townsites	All townsites	Whole district
Dumbleyung	Townsites of Dumbleyung, Kukerin	Whole district	Whole district
East Fremantle	Whole district	Whole district	Whole district
Esperance	All townsites	All townsites	Whole district
Fremantle	Whole district	Whole district	Whole district
Geraldton	Whole district	Whole district	Whole district
Gnowangerup	All townsites	All townsites	Whole district
Gosnells	Whole district	Whole district	Whole district
Greenough	Whole district	Whole district	Whole district
Hall's Creek	Whole district	All townsites and area subject to Halls Creek Town Planning Scheme	Whole district
Harvey	Whole district	All townsites and area zoned Special Residential or Special Rural by Shire of Harvey Town Planning Scheme	Whole district
Jerramungup	All townsites	All townsites	Whole district
Joondalup	Whole district	Whole district	Whole district
Kalamunda	Whole district	Whole district	Whole district

Column 1	Column 2	Column 3	Column 4
District	Class 10 Buildings	Part 10	Rest of regulations
Kalgoorlie-Boulder	Whole district	Whole district	Whole district
Katanning	Whole district	Whole district	Whole district
Kellerberrin	Townsites of Kellerberrin, Doodlakine and Baandee	Townsites of Kellerberrin, Doodlakine and Baandee	Whole district
Kent	Townsites of Nyabing, Pingrup	Townsites of Nyabing, Pingrup	Townsites of Nyabing, Pingrup
Kojonup	All townsites	All townsites	Whole district
Koorda	All townsites and Avon location 16386	Whole district	Whole district
Kwinana	Whole district	Whole district	Whole district
Lake Grace	All townsites	All townsites	Whole district
Laverton	All townsites	All townsites	All townsites
Leonora	All townsites	All townsites	Whole district
Mandurah	Whole district	Whole district	Whole district
Manjimup	Whole district	Whole district	Whole district
Meekatharra	All townsites	All townsites	All townsites
Melville	Whole district	Whole district	Whole district
Menzies	All townsites	All townsites	All townsites
Merredin	Townsites of Burracoppin, Hines Hill, Korbel, Merredin, Muntadgin, Nangeenan, Nokaning, Nukarni	Townsites of Burracoppin, Hines Hill, Korbel, Merredin, Muntadgin, Nangeenan, Nokaning, Nukarni	Whole district
Mingenew	All townsites	Whole district	Whole district
Moora	All townsites	All townsites	Whole district
Morawa	All townsites	All townsites	Whole district
Mosman Park	Whole district	Whole district	Whole district
Mt Marshall	All townsites	All townsites	Whole district
Mt Magnet	All townsites	All townsites	All townsites
Mukinbudin	All townsites	All townsites	Whole district
Mullewa	All townsites	All townsites	Whole district
Mundaring	Whole district	Whole district	Whole district
Murchison	None	None	None
Murray	Whole district except areas zoned rural by local laws or a town planning scheme	Whole district	Whole district

Column 1	Column 2	Column 3	Column 4
District	Class 10 Buildings	Part 10	Rest of regulations
Narembeen	All townsites	All townsites	Whole district
Narrogin (Shire)	Whole district except areas zoned for farming purposes by a town planning scheme	All townsites	Whole district
Narrogin (Town)	Whole district	Whole district	Whole District
Nedlands	Whole district	Whole district	Whole district
Northam (Town)	Whole district	Whole district	Whole district
Northam (Shire)	Whole district	Whole district	Whole district
Northampton	Whole district	Whole district	Whole district
Nungarin	All townsites	All townsites	Whole district
Peppermint Grove	Whole district	Whole district	Whole district
Perenjori	All townsites and areas subject to town planning schemes	All townsites	Whole district
Perth	Whole district	Whole district	Whole district
Plantagenet	All townsites	Whole district	Whole district
Port Hedland	All townsites	All townsites	Whole district
Quairading	All townsites	Whole district	Whole district
Ravensthorpe	Townsites of Ravensthorpe, Desmond, Hopetoun, Jerdacuttup, Fitzgerald, Munglinup	Townsites of Ravensthorpe, Desmond, Hopetoun, Jerdacuttup, Fitzgerald, Munglinup	Townsites of Ravensthorpe, Desmond, Hopetoun, Jerdacuttup, Fitzgerald, Munglinup and the special rural zones within the Shire of Ravensthorpe Town Planning Scheme No. 4
Rockingham	Whole district	Whole district	Whole district
Sandstone	All townsites in Sandstone Ward	Sandstone Ward	Sandstone Ward
Serpentine- Jarrahdale	Whole district	Whole district	Whole district
South Perth	Whole district	Whole district	Whole district
Stirling	Whole district	Whole district	Whole district
Subiaco	Whole district	Whole district	Whole district
Swan	Whole district	Whole district	Whole district

Column 1	Column 2	Column 3	Column 4
District	Class 10 Buildings	Part 10	Rest of regulations
Tammin	Townsite of Tammin	Townsite of Tammin	Townsite of Tammin
Three Springs	All townsites	All townsites	Whole district
Trayning	Townsites of Trayning, Kununoppin, Yelbeni	Townsites of Trayning, Kununoppin, Yelbeni	Townsites of Trayning, Kununoppin, Yelbeni
Victoria Park	Whole district	Whole district	Whole district
Victoria Plains	Whole district	All townsites	Whole district
Vincent	Whole district	Whole district	Whole district
Wagin	All townsites in Town Ward or Williams loc. 440, 507, 545, 618, 945, 1165 or 5330	Whole district	Whole district
Wandering	Townsite of Wandering and areas zoned rural residential by local laws or a town planning scheme	Whole district	Whole district
Wanneroo	Whole district	Whole district	Whole district
Waroon	Whole district	Whole district	Whole district
West Arthur	All townsites	All townsites	Whole district
Wickepin	All townsites	All townsites	Whole district
Williams	All townsites	All townsites	Whole district
Wiluna	Townsite of Wiluna	Townsite of Wiluna	Townsite of Wiluna
Wongan-Ballidu	Townsites of Wongan Hills, Ballidu, Cadoux, Kondut, Burakin	Townsites of Wongan Hills, Ballidu, Cadoux, Kondut, Burakin	Townsites of Wongan Hills, Ballidu, Cadoux, Kondut, Burakin
Woodanilling	Townsite of Woodanilling	Whole district	Whole district
Wyalkatchem	Whole district	Whole district	Whole district
Wyndham-East Kimberley	Whole district	All townsites and areas subject to Kununurra Town Planning Scheme No. 4 and Wyndham Town Planning Scheme No. 5.	Whole district
Yalgoo	All townsites	All townsites	Whole district
Yilgarn	All townsites	All townsites	All townsites
All other districts	Whole district	All townsites	Whole district

Note 1 — Broomehill

- (a) Broomehill Suburban Lots 362, 363, 372 to 423, 427 to 432, 438, 445, 446, 603 to 605, 609 and 610.
- (b) Lot 17 to 24 being portion of Kojonup Location 256.
- (c) Kojonup Location 1671.
- (d) Reserves 8163, 10285, 10431 and 17230.

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5. Transitional

- (1) In this regulation —

“pre-July 1992 pool” means a swimming pool that —

- (a) was installed before 1 July 1992; or
- (b) was installed on or after 1 July 1992 in accordance with plans, drawings and specifications that were submitted to the local government for approval before that day;

“transitional period” means the period beginning on the day on which these regulations come into operation and —

- (a) unless paragraph (b) applies, ending on 17 December 2006; or
- (b) if the swimming pool is on premises sold within the period referred to in paragraph (a), ending on the day 3 months after the settlement day for that sale.

- (2) During the transitional period, despite regulation 38B(3) of the *Building Regulations 1989* a building may be included within the area enclosed for a pre-July 1992 pool even though —

- (a) the building is not a Class 10a building under the Building Code; and
- (b) any external door or window in the building does not satisfy the requirements of Australian Standard AS 1926.1.

By Command of the Lieutenant-Governor and deputy of the Governor,

ROD SPENCER, Clerk of the Executive Council.
