



ANNO QUARTO

GEORGI VI REGIS.

A.D. 1940.

No. 53 of 1940.

An Act to amend the Building Act, 1923-1935.

[Assented to 5th December, 1940.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the " Building Act Amendment Act, 1940 ".

(2) The Building Act, 1923-1935, as amended by this Act, may be cited as the " Building Act, 1923-1940 ".

(3) The Building Act, 1923-1935, is hereinafter referred to as " the principal Act ".

Amendment of principal Act, s. 3—
Application of Act.

2. Section 3 of the principal Act is amended by adding at the end thereof the following subsection :—

(3) The Governor may by proclamation declare that this Act, or any specified portion of this Act, shall cease to apply within any municipality or district or portion of a municipality or district and thereupon this Act, or the specified portion thereof, shall cease to apply within that municipality or district or portion thereof, as the case may be.

Amendment of principal Act, s. 5—
Interpretation.

3. Section 5 of the principal Act is amended as follows :—

(1) The following definitions are inserted therein after the definition of " basement storey " :—

" bearing wall " means a wall which provides support for any dead load or live load in addition to its own weight :

" boarding house " means any building, permanent or otherwise, and any part thereof (other than premises licensed under the Licensing Act, 1932-

1936) in which more than five persons, exclusive of the family of the proprietor thereof, are lodged and boarded for hire or reward :

(2) The following definitions are inserted therein after the definition of " builder " :—

" building " includes shed, outbuilding, stable, workshop, garage, privy, and any other building of any kind whether used for human habitation or not :

" building of the domestic class " means—

- (a) a dwelling-house, office, hotel, boarding-house, hospital, or club ;
- (b) a shop and dwelling-house or shop and office in which, in either case, the portion used as a shop does not exceed twenty thousand cubic feet in cubical extent ;
- (c) a stable, workshop, or outbuilding used in connection with any building of any kind hereinbefore mentioned ;
- (d) any other building not being a public building or a building of the warehouse class :

(3) The definition of " building of the warehouse class " is amended so as to read as follows :—

" building of the warehouse class " means a warehouse, factory, shop (other than a shop and dwelling-house or shop and office which is a building of the domestic class), workshop, manufactory, brewery, distillery, livery stable, garage (other than a garage appurtenant to a dwelling-house), or any other building which is used or constructed or adapted to be used for any like purpose :

(4) The definition of " cross wall " is amended by striking out the words " not being less than two-thirds of the thickness of the external or party walls " .

(5) The following definition is inserted therein after the definition of " cubical extent " :—

" dead load " of a building means the actual weight of all permanent construction comprised in the building :

(6) The definition of " domestic dwelling " is repealed.

(7) The definition of " footing " is amended so as to read as follows :—

" footing " means the construction whereby the weight of the building or structure is transferred to the foundations :

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(8) The definition of “ frame construction ” is amended so as to read as follows :—

“ frame construction ” means a form of construction in which the design provides that the vertical forces due to the weight of the building or structure and the live load are carried down to the foundation by means of columns in such a manner that the walls are not required to assist in supporting those forces and loads :

(9) The definition of “ gallery ” is repealed.

(10) The following definitions are inserted therein after the definition of “ ground storey ” :—

“ habitable room ” includes a living room and a room in a building of a domestic class which is used or in respect of which there is a probable presumption (until the contrary is proved) that it is used for the purpose of sleeping or eating or the cooking of food ; and “ inhabited ” and “ habitation ” have corresponding interpretations :

“ hardwood ” means jarrah, red gum, or any other timber approved by the surveyor as a hardwood :

(11) The definition of “ height ” is amended by striking out the words “ top of the parapet or eaves ” and by inserting in lieu thereof the words “ underside of the ceiling of the topmost storey ”.

(12) The following definition is inserted therein after the definition of “ height ” :—

“ height,” in relation to a storey means—

(a) in the case of the topmost storey the measurement between the floor and the ceiling thereof, or between the floor and the under surface of the collar tie of the roof, or, if there is no collar tie, then up to the level of half the vertical height of the rafters, or other support of the roof ;

(b) in the case of every storey other than the topmost, the measurement between the floor and the floor above :

(13) The definition of “ inhabited ” is repealed.

(14) The following definitions are inserted therein after the definition of “ level of the ground ” :—

“ live load ” means all load other than dead load :

“ mezzanine ” and “ mezzanine floor ” mean an intermediate floor placed in any storey or room the area of which does not exceed one-half of the area of the floor of that storey or room :

(15) The definition of “ occupier ” is repealed and the following definitions are inserted in lieu thereof :—

“ occupier ” means any person who, either jointly or alone, has the actual physical possession of any land or tenement to the substantial exclusion of all other persons from participating in the enjoyment thereof :

“ ordinary construction ” means a form of construction in which the design provides that the vertical forces due to the weight of the structure itself and the live load are carried down to the foundations wholly by the walls or partly by the walls and partly by internal columns :

(16) The following definition is inserted therein after the definition of “ owner ” :—

“ partition wall ” means an internal vertical structure employed solely for the purpose of subdividing any storey of a building into sections, and which supports no load other than its own weight :

(17) The definition of “ party structure ” is amended so as to read as follows :—

“ party structure ” means any floor of fire-resisting construction or any arch of fire-resisting construction or any wall of fire-resisting construction which separates from the remaining portion of a building a separate occupation or tenement :

(18) The definition of “ shop-front ” is amended by striking out the words “ on the ground storey ”.

(19) The following definition is inserted therein after the definition of “ sky-sign ” :—

“ softwood ” means oregon, pine, spruce, and any other timber approved by the surveyor as a softwood :

(20) The definition of “ storey ” is amended by striking out the word “ gallery ” therein and by inserting in lieu thereof the word “ mezzanine ”.

(21) The following definition is inserted therein after the definition of “ surveyor ” :—

“ timber frame building ” means any building in which the framework of the external walls is of timber, whether the frame work is covered with timber, iron, or other materials :

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(22) The definition of "this Act" is amended by inserting after the word "regulations" in the first line thereof the words "in the schedules to this Act and regulations made".

(23) The definition of "topmost storey" is amended by adding at the end thereof the words "and in the case of a building of one storey only means that storey".

(24) The definition of the expression "total floor area" is repealed and the following definition is inserted in lieu thereof :—

"total floor area" applied to a building, means the sum of the superficies of horizontal sections thereof made at the level of each floor exclusive of the external walls and of such portions of the party walls as belong to the building :

Amendment of
principal Act,
s. 6—
Repeal.

4. Subsection (1) of section 6 is amended so as to read as follows :—

(1) The Acts mentioned in the first schedule to this Act are repealed.

Amendment of
principal Act,
s. 8—
Duty to furnish
plans.

5. Section 8 of the principal Act is amended—

(a) by striking out the words "two complete sets" in the ninth line thereof and by inserting in lieu thereof the words "one complete set" ;

(b) by adding at the end of subsection (1) thereof the following passage :—

The said person may deliver or send to the surveyor as aforesaid an additional set of plans and working drawings to be returned to him by the surveyor indorsed by the surveyor after consideration thereof as provided by section 9.

(c) by striking out the words "two copies" in the second line of subsection (4) thereof and by inserting in lieu thereof the words "one copy" ;

(d) by adding at the end of subsection (4) thereof the following passage :—

The said person may deliver or send to the surveyor as aforesaid an additional copy of the said specifications to be returned to him by the surveyor indorsed by the surveyor after consideration thereof as provided by section 9.

(e) by adding at the end of subsection (7) thereof the following passage :—

If any such plans, working drawings, or specifications have been filed by the surveyor for more than five years (whether or not the

whole or any part of the said period was before the passing of the Building Act Amendment Act, 1940), he may, notwithstanding the provisions of Part III. of the Libraries and Institutes Act, 1939, cause the same to be destroyed.

(f) by striking out the word "the" in the third line of subsection (8) thereof and by inserting after the word "specifications" in the fourth line thereof the words "in respect of the erection, construction, addition, alteration, or underpinning";

(g) by adding at the end thereof the following subsection:—

(12) The council may from time to time by resolution declare that all persons proposing to erect, construct, add to or alter any building in any manner or for any purpose referred to in subsection (11) shall be exempt from the obligation to comply with this section. The council may revoke any such resolution.

6. Section 9 of the principal Act is amended—

Amendment of
principal Act,
s. 9—
Consideration
of plans.

(a) by striking out the words "thereon to the council" in the third line thereof and by inserting in lieu thereof the words "to the council whether or not the plans, drawings, and specifications comply with the provisions of this Act";

(b) by striking out subsection (2) thereof and by inserting in lieu thereof the following subsection:—

(2) The council shall consider the plans, drawings, and specifications, together with the surveyor's report thereon, and if the council is satisfied that the same comply with this Act the council shall, except in the circumstances mentioned in section 9a, approve the same. If the council is not so satisfied, the council may disapprove of the plans, drawings, and specifications or may, subject to the provisions of this Act and where so authorized by this Act, approve the same, with or without conditions. Notwithstanding the provisions of this subsection, if any plans, drawings and specifications relating to a timber frame building or wooden building are considered by the council before the first day of January, nineteen hundred and forty-two, the council may disapprove thereof, notwithstanding that the same comply with the provisions of this Act.

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(c) by striking out the proviso to subsection (5) thereof and by inserting in lieu thereof the following proviso :—

Provided that it shall not be obligatory upon the council to state every particular in which the plan, drawing, or specification does not comply with this Act.

Amendment of principal Act—

7. The principal Act is amended by inserting therein after section 9 the following section :—

Power to dis-approve plans.

9a. (1) If the council is satisfied that the plans, drawings and specifications delivered as aforesaid comply with this Act but the council is of opinion that it is undesirable that the building be erected or constructed on the land upon which it is proposed to be erected or constructed or, as the case may be, it is undesirable that the building be added to or altered, the council may give notice in writing to the owner of its intention to refer the plans, drawings and specifications to the surveyor and the referees.

(2) The council may thereupon in manner provided by Part VIII. and in accordance with the provisions of the said Part refer the matter to the surveyor and the referees. For the purpose of section 79 the council shall be deemed to be the party making, lodging, or demanding the reference.

(3) If any two or more of the surveyors and the referees are satisfied that the erection, construction, addition to, or alteration of the building is undesirable by reason of the effect it would have upon the development, health, or amenities of the neighbourhood, they may declare that the council may disapprove of the plans, drawings, and specifications and the council may disapprove the same accordingly.

Amendment of principal Act, s. 11—
Bathroom.

8. Section 11 of the principal Act is amended by adding at the end thereof the following subsections (the preceding portion of the said section being read as subsection (1) thereof) :—

(2) Every such bath shall be connected with a drainage system for the adequate disposal of waste water from the bath and, unless otherwise approved in writing by the council, such fittings shall be provided as are adequate to provide a supply of running water for the bath.

(3) With the consent in writing of the council, any such person, in lieu of providing a bath as aforesaid, may provide other bathing facilities approved by the council together with provision for the matters required pursuant to subsection (2).

9. Section 12 of the principal Act is amended—

Amendment of principal Act, s. 12—

(a) by striking out the words “ unless the same ” in the fourth line thereof and by inserting in lieu thereof the words “ and no such consent shall be given unless the stable ”;

Stables.

(b) by striking out the words “ concrete, or some similar material ” in the last line thereof and by inserting in lieu thereof the words “ or concrete or is constructed of some other material approved by the council ”.

10. Section 13 of the principal Act is amended so as to read as follows :—

Amendment of principal Act, s. 13—

13. Except as otherwise authorized by this Act, every person who erects, constructs, adds to, alters, underpins, converts, or reconverts any building or any part thereof shall, in carrying out such erection, construction, addition, alteration, underpinning, conversion or reconversion, comply with the requirements of this Act.

Duty to comply with Act.

11. Section 15 of the principal Act is amended by inserting after paragraph (1) thereof the following paragraph :—

Amendment of principal Act, s. 15—

(1a) He shall not use or cause to be used any cutting torch or machine for the purpose of flame cutting any portion of the building except with the approval of the surveyor and in accordance with the directions (if any) given by the surveyor :

Demolition of building.

12. Section 16 of the principal Act is amended so as to read as follows :—

Amendment of principal Act, s. 16—

16. A building shall not be altered in such a manner that, when so altered, it will, by reason of the alterations, not be in conformity with the provisions of this Act applicable to new buildings.

Alteration of buildings.

13. The principal Act is amended by inserting therein after section 16 thereof the following section :—

Amendment of principal Act.

16a. Except as otherwise specifically provided by this Act, if any building is demolished, destroyed, or taken down for more than one-half of its cubical extent, the building shall not be reconstructed, erected, or repaired except in accordance with the provisions of this Act.

Provision where building demolished.

Amendment of
principal Act,
s. 19—
Conversion
buildings.

14. Subsection (2) of section 19 of the principal Act is amended so as to read as follows :—

(2) Unless otherwise sanctioned by the council, any person converting a building of one class into a building of another class, or converting a building of one kind into a building of another kind but of the same class, or using a building of one class as a building of another class, or using a building of one kind as a building of another kind but of the same class, shall comply with all the conditions prescribed for such other class or kind, as the case may be.

Amendment of
principal Act,
s. 20—
Balconies over
streets.

15. Section 20 of the principal Act is amended—

(a) by inserting after the word “front” in the first line of paragraph (c) of subsection (1) thereof the words “or at the side”; and

(b) by inserting after the word “front” in the second line of paragraph (e) of subsection (1) thereof the words “or at the side”.

Amendment of
principal Act.

16. (1) The heading to Part IV. of the principal Act is amended by striking out the word “wooden”.

(2) Section 2 of the principal Act is amended by striking out the word “Wooden” in the eighth line thereof.

Repeal of
principal Act,
s. 30.

17. Section 30 of the principal Act is repealed.

Amendment of
Part VI. of
principal Act.

18. (1) The words “*Dangerous Structures*”, being the heading to section 47 of the principal Act, are struck out.

(2) The heading “*Dangerous Structures*” is inserted in the principal Act before section 48 thereof.

Amendment of
principal Act,
s. 47—
Definition of
structure.

19. Section 47 of the principal Act is amended—

(a) by striking out the words “erected before the commencement of this Act” in the fourth and fifth lines thereof;

(b) by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof) :—

(2) The provisions of this Part shall apply to any structure whether erected before or after the commencement of this Act.

Amendment of
principal Act,
s. 48—

Survey of
dangerous
structures.

20. Section 48 of the principal Act is amended by striking out the words “all times in the daytime” in subsection (2) thereof and by inserting in lieu thereof the words “any time”.

21. Section 49 of the principal Act is amended so as to read as follows :—

Amendment of principal Act, s. 49—

49. (1) If after completing the survey, the surveyor is satisfied that the structure is in a dangerous state, he shall cause notice to be given to the owner or occupier of the structure requiring him to carry out any works specified in the notice, to the satisfaction of the surveyor, and within the time specified in the notice. The said notice may require the owner or occupier to carry out any one or more of the following, namely, to take down, to secure, to make safe, or to repair the structure.

Notice by surveyor.

(2) If the surveyor is of opinion that the structure is in a dangerous state by reason of the overloading of the structure, he shall cause notice to be served on the owner or occupier of the structure requiring him forthwith to remove the load or such portion thereof as is necessary to make safe the structure.

(3) If in the opinion of the surveyor any structure is in a dangerous state, the surveyor may, whether notice as aforesaid has been given to the owner or occupier or not, cause the structure to be shored up or otherwise secured, and a proper hoarding or fence to be put up for the protection of the public.

22. Section 50 of the principal Act is amended by striking out the words "as speedily as the nature of the case permits with the notice" in the second and third lines thereof and by inserting in lieu thereof the words "with the notice as speedily as the nature of the case permits or, if any time is specified in the notice, within the time so specified".

Amendment of principal Act, s. 50—
Enforcement of notice.

23. Section 56 of the principal Act is amended by striking out subsections (1) and (2) thereof and by inserting in lieu thereof the following subsections :—

Amendment of principal Act, s. 56—
Neglected structures.

(1) The surveyor may, for the purpose of this section, at all times in the day-time, enter into or upon any structure or upon any land upon which any structure is situated.

(2) If, after inspection of any structure, the surveyor is satisfied that any structure is—

(a) ruinous ; or

(b) so far dilapidated as to have become unfit for use or occupation ; or

(c) by reason of neglect or otherwise, in a bad state of repair,

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the surveyor may cause notice to be given to the owner or occupier of the structure requiring him to carry out the works specified in the notice, to the satisfaction of the surveyor and within the time specified in the notice. The said notice may require the owner or occupier to carry out any one or more of the following, namely, to take down, to rebuild, or to repair the structure.

(2a) If the owner or occupier on whom the notice is served fails to comply with the notice, the council may make complaint thereof before a justice, who shall thereupon issue a summons requiring the owner or occupier to appear before a special magistrate or two justices to answer the complaint. If the said complaint is proved to the satisfaction of the magistrate or justices, he or they may order the owner to take down, rebuild, or repair, to the satisfaction of the surveyor, the structure within a time to be fixed by the order; and if the same is not taken down, rebuilt, or repaired, within the time so limited, the council may, with all convenient speed, cause the structure to be taken down, rebuilt, or repaired, as the case may be: Provided that if the owner of the structure disputes the necessity of any of the requisitions comprised in the notice he may, by notice in writing, within seven days from the service of the notice upon himself, require that the subject shall be referred for determination to the referees provided for in Part VIII. of this Act.

Amendment of
principal Act,
s. 58—
Appointment of
surveyor.

24. Section 58 of the principal Act is amended—

- (a) by striking out the word “ may ” in the first line thereof;
- (b) by inserting after the word “ Act ” in the second line thereof the word “ shall ”;
- (c) by inserting after the word “ and ” first occurring in the fourth line thereof the words “ may appoint ”; and
- (d) by inserting after the word “ salaries ” in subsection (3) thereof the words “ or fees ”.

Amendment of
principal Act,
s. 75—
Reference
board

25. Section 75 of the principal Act is amended by striking out the words “ If the surveyor and referees ” in the first line of subsection (2) thereof and by inserting in lieu thereof the words “ If after consideration of the objection by the surveyor and the referees, any two or more of those persons ”.

26. Section 82 of the principal Act is amended—

Amendment of
principal Act,
s. 82—
By-laws.

- (a) by inserting therein after paragraph (h) of subsection (1) thereof the following paragraph :—

(h1) For prescribing the minimum area of allotments of land upon which dwelling-houses of any specified class or description may be erected and the open spaces which shall be provided in respect of such dwelling-houses: Provided that no such minimum area or open space shall be less than the area or the open space which under the provisions of the second schedule is required to be provided in respect of such dwelling-houses:

- (b) by adding at the end of paragraph (i) of subsection (1) thereof the passage :—

Provided that the fees so prescribed in respect of any matter shall not exceed the fees prescribed for that matter by the eighth schedule :

- (c) by inserting therein after subsection (2) thereof the following subsection :—

(2a) If any by-law is made pursuant to paragraph (f) or (g) of subsection (1) and the Minister is of opinion that the effect or operation of the by-law will affect any municipality or district other than that of the council by which the by-law is made, the Minister may, before submitting the by-law to the Governor, refer the by-law to the council of such other municipality or district. The Minister shall consider any representations made as to the by-law by such council.

27. Section 83 of the principal Act is amended—

Amendment of
principal Act,
s. 83—
Regulations.

- (a) by adding at the end of subsection (1) thereof the following paragraph :—

(j) Prescribing educational and professional qualifications for persons employed as building surveyors by councils; constituting and providing for the appointment of a committee or other body for the purpose of examining persons and granting certificates of competency to persons passing such examinations or who are otherwise qualified therefor; prescribing the mode of determining such

qualifications and obtaining recognition therefor in other States of Australia; providing for the cancellation of such certificates and the grounds upon and the manner in which such cancellation may be effected; and providing that after a day fixed in the regulations no person shall be employed as a building surveyor who does not hold such a certificate which is in force: Provided that if at the day fixed as aforesaid, any person holds the office of building surveyor under any council, the regulations shall not in anywise affect the office of that person under that council: Provided further that the regulations may provide that any committee constituted pursuant to regulations made under the Local Government Act, 1934-39, to examine and grant certificates of competency to engineers and surveyors employed by councils, shall be the body to conduct examinations and grant certificates pursuant to the regulations made under this Act.

(b) by striking out the words " or seventh " in the third line of subsection (2) thereof and by inserting in lieu thereof the words " seventh, or eighth " ;

(c) by adding at the end thereof the following subsection :—

(4) Any regulation may include a reference to any specification or code of the Standards Association of Australia or of any other association or body which is promulgated at the time of the making of the regulation, and may provide that anything to be done in connection with any building or structure shall be done in accordance with and shall comply with the provisions of any such specification or code.

Amendment of
principal Act,
s. 85a—
Obstructing
fire doors.

28. Section 85a of the principal Act is amended by inserting therein after the word " party-wall " in the second line thereof the words " or other wall or of any door opening on to any fire escape " .

Amendment of
principal Act,
Part XI.—

29. Part XI. of the principal Act is amended by inserting therein before section 99 the following section :—

Advisory
committee.

98a. (1) There shall be an advisory committee for the purposes of this Act.

(2) The committee shall consist of five members to be appointed by the Governor from time to time on the recommendation of the Minister.

(3) One of the members shall from time to time be appointed by the Governor, on the recommendation of the Minister, as the chairman of the committee.

(4) The committee shall—

(a) from time to time report to the Minister as to matters upon which the committee is of opinion this Act or the regulations require alteration or do not make sufficient provision :

(b) report to the Minister upon any proposals for the amendment of this Act or the regulations which are referred to the committee by the Minister :

(c) perform and undertake such powers and duties as may be entrusted to the committee by the Minister :

(d) generally advise the Minister upon the administration of this Act.

(5) The Minister may, from time to time, fix fees to be paid to any member of the committee. The Minister may from moneys provided by Parliament pay any such fees to any member of the committee.

(6) The Minister may from moneys provided by Parliament pay to any member of the committee any travelling or other expenses incurred by the member in the exercise of his office.

(7) The Minister may, from time to time, direct that any persons submitting any matters for consideration by the committee shall pay to the Minister such fees or charges, or both, as are fixed from time to time by the Minister.

30. Section 99 of the principal Act is amended so as to read as follows :—

Amendment of
principal Act,
s. 99—

99. (1) The fees received by the council for acts done or to be done under the provisions of this Act shall, to the extent necessary for the purpose, be applied by the council towards the expenses incurred by the council in carrying this Act into execution.

Expenses of
administration.

(2) In the statement required to be prepared annually by the council pursuant to section 296 of the Local Government Act, 1934-1939, there shall be shown, in respect of the financial year to which the statement relates,

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the amount of the fees received by the council as aforesaid and the amount of the expenses incurred by the council in carrying this Act into execution.

Amendment of principal Act, s. 101—
Power of council to exempt from rigid compliance with Act.

31. Section 101 of the principal Act is amended—

- (a) by striking out the words “provision of this Act, but the council is of opinion” in the third line of subsection (3) thereof and by inserting in lieu thereof the words “of the requirements of this Act relating to building construction, but the council is satisfied”;
- (b) by striking out the word “substantially” first occurring in the fifth line of subsection (3) thereof and by inserting in lieu thereof the words “, except in minor or unimportant respects,”;
- (c) by striking out the word “substantially” second occurring in the fifth line of subsection (3) thereof;
- (d) by striking out the words “and that it is in accordance with the true intent and spirit of this Act so to do” in the sixth and seventh lines of subsection (3) thereof.

Amendment of principal Act, s. 105—
Approval of council.

32. Section 105 of the principal Act is amended by striking out the word “and” in the last line thereof and by inserting in lieu thereof the word “or”.

Amendment of principal Act, s. 108—
Privies.

33. (1) Subsection (1) of section 108 of the principal Act is amended so as to read as follows :—

(1) Every privy (whether built before or after the commencement of this Act) shall have a door and an adequate opening for light and ventilation. The door of every privy in any yard or on any flat roof, other than a privy in the yard of a private dwelling-house, shall be properly screened from view.

(2) Subsection (2) of section 108 of the principal Act is amended by striking out the word “water-closet” in the first line thereof and by inserting in lieu thereof the word “privy”.

Repeal of Part XII. of the principal Act.

34. Part XII. of the principal Act is repealed and the following Parts are inserted therein in lieu thereof :—

PART XII.

ARCHITECTURAL STANDARDS.

Application of Part.

116. (1) This Part shall apply within thirty feet of the alignment of the following streets within the municipality of the City of Adelaide, namely :—

- (a) South Terrace :

- (b) East Terrace, between Pirie Street and South Terrace :
- (c) Barton Terrace :
- (d) Strangways Terrace :
- (e) Pennington Terrace :
- (f) Mackinnon Parade :
- (g) Mann Terrace :
- (h) Kingston Terrace :
- (i) Lefevre Terrace :
- (j) Mills Terrace :
- (k) Brougham Place :
- (l) Palmer Place.

(2) This Part shall also apply within such portion of any municipality (including the municipality of the City of Adelaide) or district as is declared by proclamation.

(3) The Governor may by proclamation declare that this Part shall apply within any portion of any such municipality or district and may by proclamation revoke or vary any such proclamation.

117. (1) No building which is not a public building or a building of the domestic class shall, unless with the specific consent of the council, be erected within any portion of any municipality or district to which this Part applies. Class of buildings which may be erected.

(2) For the purposes of this section, no shop or workshop, whether attached to any other building or not, shall be deemed to be a building of the domestic class.

(3) Nothing in this section shall be deemed to derogate from the powers of the council to make by-laws under paragraphs (e) to (i) inclusive of section 82.

118. Notwithstanding section 9, the council may refuse to approve of the plans of any building proposed to be erected, altered or added to within any portion of the municipality or district to which this Part applies which in the opinion of the council would, by reason of the architectural design or elevations, or the size, quality, or nature of the building, injuriously affect the value of the property in the vicinity of the proposed building. Architectural standards.

PART XIII.

BALCONIES AND VERANDAHS.

119. (1) This Part shall apply within the municipality of the City of Adelaide. Application of Part.

(2) This Part shall also apply within any municipality, or district, or portion thereof, as is declared by proclamation.

(3) The Governor may by proclamation declare that this Part shall apply within any municipality or district, or portion thereof, and may by proclamation revoke or vary any such proclamation.

Licences for balconies and verandahs.

120. (1) No licence granted by the council to erect a balcony or verandah over a street or way in front or at the side of any building within any municipality or district, or portion thereof, to which this Part applies, shall have effect as a licence for a longer period than five years ; and no length of user of any balcony or verandah erected over any street or way shall deprive the council of the right to have the same removed.

(2) The owner of the building to which any such balcony or verandah is attached shall after the expiration, by reason of subsection (1) of this section or otherwise, of the licence respecting the balcony or verandah, remove the same within six months after service on him of notice in writing by the council requiring him so to do.

(3) Any person who fails to remove any balcony or verandah as required by subsection (2) of this section shall be guilty of an offence and liable to a penalty not exceeding ten pounds and to a further penalty not exceeding one pound for every day after the first that he so fails to remove the balcony or verandah.

Consequential amendment of s. 2 of principal Act.

35. Section 2 of the principal Act is amended by striking out all the words in the last two lines thereof and by inserting in lieu thereof the following :—

Part XII.—Architectural Standards.

Part XIII.—Balconies and Verandahs.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. M. BARCLAY-HARVEY, Governor.