

# BUILDINGS—

	PAGE.
BUILDING REGULATIONS OF THE TERRITORY OF PAPUA	1419
AMENDMENT OF BUILDING REGULATIONS OF THE TERRITORY OF PAPUA . . . . .	1430
AMENDMENT OF BUILDING REGULATIONS OF THE TERRITORY OF PAPUA . . . . .	1430

## BUILDING REGULATIONS OF THE TERRITORY OF PAPUA.<sup>(1)(2)</sup>

### Regulations.

#### No. 7 of 1950.

##### PART I.—PRELIMINARY.

1. These Regulations may be cited as the *Building Regulations of the Territory of Papua*.<sup>(1)(2)</sup> Short title.

(1) The *Building Regulations of the Territory of Papua* (made under the *Building Ordinance, 1929* comprise the original *Building Regulations of the Territory of Papua* as amended by the other Regulation referred to in the following Table:—

##### REGULATIONS MADE BY THE ADMINISTRATOR IN COUNCIL.

Description and number and year.	Date on which made by Administrator in Council.	Date on which published in Papua and N.G. Govt. Gaz.	Date on which took effect and came into operation.
<i>Building Regulations of the Territory of Papua</i> (1950, No. 7)	13.9.1950	21.9.1950	Forthwith (a)
<i>Amending Regulation</i> (1950, No. 8) . .	25.9.1950	28.9.1950	Forthwith (a)
<i>Amending Regulation</i> (1951, No. 18) . .	5.9.1951	13.9.1951	13.9.1951 (Papua and N.G. Govt. Gaz. of 13.9.1951)

(a) These Regulations stated in their introductory part that they were "to come into operation forthwith". At the relevant dates in 1950 the *Building Ordinance, 1929* (under which these Regulations were made) made no provision as to the date of commencement of regulations made thereunder, but Section 37 (1) of the *Ordinances Interpretation Ordinance 1949* of the Territory of Papua and New Guinea provided that "Regulations . . . . . made . . . . . under an Ordinance, unless the contrary intention appears in the Ordinance—

(a) shall be published in the *Gazette*; and

(b) shall . . . . . take effect from the date of publication, or where another date is specified in the regulations, from the date specified."

At the relevant dates in 1950, there was no Ordinance or regulation of general application providing for the meaning of "forthwith".

(2) Amendments made by *Amending Regulation* (1950, No. 8) (printed in this Volume on p. 1430) and *Amending Regulation* (1951, No. 18) (printed in this Volume on p. 1430) to the *Building Regulations of the Territory of Papua* are indicated by footnotes.

## PART B : BUILDINGS—

Parts.

2. These Regulations are divided into Parts, as follows:—

PART I.—PRELIMINARY.

PART II.—ADMINISTRATION AND MISCELLANEOUS.

PART III.—BUILDING PROVISIONS.

DIVISION 1.—General.

DIVISION 2.—Dwelling-houses.

DIVISION 3.—Commercial Buildings.

Definitions.

3.—(1.) In these Regulations unless the contrary intention appears—

“Board” means the Building Board constituted under the Ordinance;

“build” includes erect, re-erect, add to, modify, or convert any buildings;

“building” means any structure of whatsoever material constructed;

“Building Inspector” means a Building Inspector appointed under these Regulations;

“building line” means the line between which and any public place or public reserve a building may not be erected;

“commercial building” means a building used or constructed or adapted to be used for the purposes of any trade, industry, manufactory, shop, or other business or commercial purpose or as a place of public amusement;

“dwelling-house” means a building used or constructed or adapted to be used either wholly or in part for human habitation but does not include other than the dwelling-house portion (if any) of a commercial building;

“habitable room” means any living room and includes all rooms intended or adapted to be used for the purposes of sleeping or eating;

“permit” means a permit to build granted under these Regulations.

(2.) Any reference in these Regulations to a form shall be read as a reference to a form in the Schedule to these Regulations.

Appointment  
of building  
inspectors.

4.—(1.) For the purpose of these Regulations, the Administrator may, by notice in the *Gazette*, appoint a person to be a Building Inspector in respect of towns specified in the notice.

(2.) A building Inspector shall use all due diligence and take all lawful means to enforce compliance with the provisions of these Regulations.

Application of  
regulations.

5.—(1.) Subject to the provisions of the next succeeding sub-regulation, these Regulations shall apply to the erection of buildings, and to additions to, or alterations or conversions of, existing buildings, in any town.

*Building Regulations of the Territory of Papua—cont.*

(2.) Where a building is such that different regulations are applicable to different portions of the building, the different portions shall be subject to the regulations respectively applicable:

Provided that where a building is partly a dwelling-house a Board may apply to the whole of the building any or all of the provisions of these Regulations relating to a dwelling-house.

\* (3) \* \* \* \* \*

PART II.—ADMINISTRATION AND MISCELLANEOUS.

6.—(1.) No person shall build any building within a town unless he is the holder of a permit to do so given by the Board constituted for that town. Necessity for permit.

Penalty: Fifty pounds or imprisonment for three months.

(2.) The provisions of this regulation shall not apply to the Administration.

7.—(1.) An application for a permit shall be in accordance with Form A and, except as hereinafter provided, shall be forwarded to the Chairman of the proper Board accompanied by two copies of the plans and specifications and by a fee of Five shillings. Application for permit.

(2.) The application shall state the purpose for which the building is to be used.

(3.) The plans shall consist of a general plan of the building and a block plan, and shall be drawn to a convenient scale.

(4.) The general plan shall show the floor plan, the front, rear, and side elevations, and at least one section through the building.

(5.) The block plan shall show the area of the allotment and the relation of the building to the boundaries of the allotment and to other buildings thereon.

(6.) The specifications shall describe the construction, the materials of which the building is to be built, the provisions for water storage for domestic purposes, and the methods of drainage, and shall state whether the materials will be new or second-hand, and if second-hand shall give particulars.

8. The Board may dispense with the requirement that plans and specifications and the prescribed fee shall accompany an application for a permit where— Power to dispense with plans, &c., in certain cases.

- (a) minor alterations are proposed to be made to any existing building; or
- (b) it is proposed to build—
  - (i) a summer house or pergola;
  - (ii) a tool house;
  - (iii) a private boat house;
  - (iv) a fuel shed;
  - (v) a private cycle or motor shed;
  - (vi) a fowl house or other structure intended for accommodation of domestic animals; or
  - (vii) a temporary building.

(3) Regulation 5A was inserted by *Amending Regulation* (1950, No. 8), printed in this Volume on p. 1430.

## PART B: BUILDINGS—

Power to  
require  
information.

9. The Board may postpone consideration of an application for a permit until the applicant furnishes such plans or information as it may, by notice in writing, require.

Grounds on  
which a Board  
shall refuse a  
permit.

10.—(1.) Except as otherwise provided in these Regulations, a Board shall refuse an application for a permit in any case in which the plans or specifications show a proposed contravention of these Regulations.

(1A.) The Board may refuse an application for a permit in any case in which the design or materials shown or specified in the plans or specifications of a building are considered by the Board to be unsuitable for the site upon which the building is to be built.

(2.) If the application for a permit is refused, the applicant shall be informed of the reasons for the refusal.

Permit.

11.—(1.) If the Board grants an application for a permit, it shall forthwith—

(a) issue a permit in accordance with Form B and stamp both copies of the plans and specifications (if any) with the word “Approved” followed by—

- (i) the name of the Board;
- (ii) the signature of a Member of the Board; and
- (iii) the date of the meeting at which the approval was given; and

(b) forward the permit together with one copy of the plans and specifications (if any) so stamped to the applicant.

(2.) A permit shall be void after a period of six months from the date of the permit unless the building has been substantially commenced.

Notice of  
completion of  
buildings.

12. Any person who erects a building or makes any alteration or addition to a building shall, within a reasonable time after the completion of the erection of the building or of the alteration or addition, give notice in writing to the Board.

Certificate of  
completion.

13. The Board, upon receipt of the notice mentioned in the last preceding regulation, may grant or refuse a certificate in accordance with Form C that the building has been completed in accordance with these Regulations.

Occupation of  
buildings.

14. No person shall occupy or authorize any person to occupy any building which has been erected, added to, or in any way altered since the commencement of these Regulations, unless a certificate under the last preceding regulation has been issued;

Provided that where a person is in occupation at the time of any addition or alteration to an existing building he may continue in occupation until the certificate is refused.

Powers of  
Boards and  
building  
inspectors.

15.—(1.) A Member of the Board or a Building Inspector may—

- (a) enter upon any allotment and inspect any building or building material on the allotment; and

*Building Regulations of the Territory of Papua—cont.*

(b) require that any person directing any building operations on any allotment shall—

- (i) produce to him a permit; or
- (ii) state the name and address of the person under whose authority he is directing the building operations.

(2.) A Building Inspector shall report promptly to the Board any breach of these Regulations that may come to his notice.

16.—(1.) Where, in erecting any building or doing any work to, in, or upon any building, anything in contravention of these Regulations is done or omitted to be done, the Board may, by notice in writing served upon the builder or owner or both, require him or them to make, within the time specified in the notice, such alterations as may be necessary to comply with these Regulations. Notice in case of irregularity.

(2.) Nothing contained in this regulation shall be deemed to affect the liability of any person to prosecution for a breach of these Regulations without notice.

(3.) Any person who fails to comply with any lawful requirement made by the Board under this regulation shall be guilty of an offence.

Penalty: Fifty pounds or imprisonment for three months, and in addition, Five pounds for every day during which the offence continues.

17. No building which does not comply with the provisions of these Regulations relating to a dwelling-house or to a combined commercial building and dwelling-house, shall be used as a dwelling-house unless so used at the time of the commencement of these Regulations. Use of buildings.

18.—(1.) A person shall not erect in any residential area any building for use for the purposes of any trade, industry, manufactory, shop, or place of public amusement, other than those prescribed. Prohibition of erection or use of buildings in a residential area for purposes of trade, &c.

(2.) A person shall not use in any residential area any building for the purposes of any trade, industry, manufactory, shop, or place of public amusement, other than those prescribed or other than those for which the building was used at the time of the coming into operation of these Regulations.

19.—(1.) In any residential area, a building shall not be erected upon an allotment having an area of less than 40 perches nor shall the proportion of any allotment which may be covered by buildings exceed two-thirds of the whole allotment. Area of building allotments.

(2.) Subject to the provisions of Regulation 44 of these Regulations, in an area other than a residential area, a building shall not be erected upon an allotment having an area of less than fifteen perches nor shall the proportion of any allotment which may be covered by buildings exceed two-thirds of the whole allotment.

\* (4) \* \* \* \* \*

(4) Regulation 19A was inserted by *Amending Regulation* (1951, No. 18), printed in this Volume on p. 1430.

PART B: BUILDINGS—

Distance from building line and boundaries.

20.—(1.) No building, other than a commercial building, or a combined commercial building and dwelling-house erected under the provisions of sub-regulation (2.) of regulation 44 of these Regulations, shall be erected at a distance of—

- (a) less than twenty feet from a building line; or
- (b) less than ten feet from the boundary of any adjoining allotment; or
- (c) less than thirty feet from any building on the same allotment.

(2.) The Board may exempt any building from the provisions of paragraphs (a), (b) or (c) of sub-regulation (1.) of this regulation.

Appeal.

21.—(1.) At any time within two months after—

- (a) the refusal of an application for a permit;
- (b) the service of a notice under these Regulations;
- (c) any refusal of the consent of the Board under these Regulations;
- (d) the refusal of a certificate under regulation 13 of these Regulations;
- (e) the making of any requirement of the Board under these Regulations; or
- (f) any order of a Board under these Regulations, a person aggrieved by the refusal, requirement, or order may, if he thinks fit, appeal to the Administrator.

(2.) The appellant shall serve on the Chairman of the Board a Notice of Appeal in accordance with Form D.

(3.) The Chairman, within seven days of the receipt of the Notice of Appeal, shall forward all relevant plans, specifications, and other documents to the Administrator together with the reason for the refusal, requirement, or order appealed against.

(4.) Subject to the provisions of these Regulations, the Administrator may allow or dismiss the appeal.

Liability of persons aiding, &c.

22. Any person who aids, abets, counsels, or procures, or by act or omission is in any way directly or indirectly knowingly concerned in, or party to, the commission of any offence against these Regulations, shall be deemed to have committed the offence and shall be punishable accordingly.

Exemption of defendant from penalty on conviction of actual offender.

23. Where any person (in this regulation referred to as the defendant) is charged with an offence under these Regulations, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge against himself, and, if after the commission of the offence has been proved, the defendant satisfies the Court that he has used due diligence to ensure the observance of the provisions of these Regulations and that the other person has committed the offence in question without his knowledge, consent, or connivance, the other person shall be convicted of the offence and the defendant shall be exempt from any penalty.

24. Any person who contravenes or fails to comply with any provision of these Regulations or who fails to comply with any order or notice made or given under these Regulations shall be guilty of an offence and shall, where no other penalty is provided, be liable in respect of any offence to a penalty not exceeding Fifty pounds, and, in addition, to a daily penalty not exceeding Five pounds for every day during which the offence continues. Penalties.

PART III.—BUILDING PROVISIONS.

*Division 1.—General.*

25. The provisions of this Division shall apply to all buildings. Application of Division.

26. No person shall build upon a site which has been filled with, or upon which has been deposited, any material impregnated with faecal, animal, or vegetable matter, until the material has been removed by excavation or otherwise and any depressions caused by the removal filled up with clean soil. Unhealthy sites.

27.—(1.) The Board shall not grant an application for a permit to build upon a site which it deems to be unhealthy owing to its dampness, until the site has been effectually drained and rendered sound and dry. Damp sites.

(2.) Wherever the dampness of a site makes it necessary or expedient, the Board may require that, before any building is commenced, the whole or any part of the surface of the site shall be covered by a layer at least four inches thick of cement concrete, or tarred metal solidly rammed.

28. The Board shall, before granting an application for a permit, require that provision shall be made in the plans and specifications for satisfactory dampcourse to be inserted at approved positions in the walls. Damp-courses.

29.—(1.) The Board shall fix the building line for each street or part of a street and shall cause it to be marked upon a plan bearing the date of the resolution by which it was fixed. Building line.

(2.) The plan shall be available for inspection during Office hours at the District Office for the District in which the street is situated.

(3.) A Board may alter a building line in respect of any building or part of a building when it appears to the Board to be necessary or expedient owing to the levels or the depth of any allotment or to any other exceptional condition.

30.—(1.) Subject to the provisions of Regulation 45 of these Regulations, a building shall not exceed two stories in height. Height of buildings.

(2.) For the purpose of this regulation, any roof space containing a room or rooms and any basement or cellar shall not be counted as a story.

31. In any habitable room—

- (a) the floor area shall not be less than 100 square feet; and
  - (b) the height of the walls shall not be less than eight feet.
- Dimensions of habitable rooms.

32. Every building shall rest either upon a brick, stone, or concrete foundation or upon brick, stone or concrete piles with galvanized iron or zinc plates laid upon the tops of the piles: Foundations.

Provided that the Board may in any case permit the use of wooden piles or dispense with the requirement of galvanized iron or zinc plates.

PART B : BUILDINGS—

Footings.

33.—(1.) The walls of every building of brick, stone, concrete, or similar material, unless built upon a hard rock foundation, shall rest upon proper footings or upon a sufficient beam.

(2.) The height from the bottom of the footings to the base of the wall shall be equal to at least two-thirds of the thickness of the wall at its base.

(3.) When the footings are constructed of reinforced concrete, the Board may approve of a height less than that mentioned in the last preceding sub-regulation, but in any case it shall not be less than nine inches.

Ventilation,  
lighting, &c.

34.—(1.) The Board shall not grant an application for a permit unless the plans and specifications of the proposed building make provision, in the case of a frame building, for the following:—

(a) Where the building is proposed to be erected on piles, a clear space of not less than three feet between the ground level and every joist upon which the lowest floor is laid.

(b) Where the building is proposed to be erected on dwarf walls constructed of concrete—

(i) the ground-floor level being not less than six inches above the ground level;

(ii) the ground floor being of concrete of a thickness of not less than three inches; and

(iii) the walls resting upon foundations extending as a dwarf wall not less than twelve inches below the surface and having a thickness of not less than four inches greater than the thickness of the walls.

(c) Ventilation through the external walls—

(i) for a distance of nine inches from the ceiling downwards; or

(ii) in the proportion of six square feet for every thousand cubic feet of internal air ventilated.

(d) A window or windows (the area of glass in any glass door in any external wall being deemed to be a window for the purpose of this paragraph) of any room having, exclusive of sash frame, a total superficial area of not less than one-sixth of the floor area of the room.

(2.) Additional ventilation and lighting may be required by the Board in cases in which it thinks additional ventilation or lighting advisable for the maintenance of health.

Closets.

35. Every building shall be provided with the prescribed closet accommodation.

Drains.

36. Every building shall be provided with drains—

(a) adequate for the purpose of carrying away from the building all surface rain or waste water; and

(b) laid elsewhere than beneath the building, unless the Board deems this to be impracticable.

Roofs.

37. Every roof shall be constructed of iron, tiles, or other impervious material and shall be of a pitch approved by the Board.



*Building Regulations of the Territory of Papua—cont.*

38. The Board may exempt from the operation of Regulations 32 to 37 inclusive of these Regulations or any of them— Power to exempt outbuildings.

- (a) any out-building used as a summer house, pergola, tool house, private boat house, fuel shed, private garage, private stable, fowl house, out-house, or the like; or
- (b) any buildings erected within any public garden, recreation reserve, sports ground, golf course, or race-course.

39. A building, in which there is a room, designed for the assembly of persons for any purpose, having a floor area of five hundred or more square feet, shall be built in compliance with the following provisions:— Assembly rooms, &c.

- (a) The room shall be provided with at least two exits.
- (b) If the room is on any floor above the ground floor, it shall, in addition to the two exits, be provided with two staircases, or one staircase and one fire-escape, leading from the exits to the ground floor or an open area.
- (c) The exits and staircases and the passages connecting them shall be of a total width calculated in the proportion of twenty inches for every six hundred square feet of floor area; but no exit, staircase, or passage shall be less than three feet six inches in width.
- (d) The stairs shall be uniform throughout with risers not more than seven inches high and treads not less than ten inches wide exclusive of nosings.
- (e) Each flight of steps shall contain not less than three nor more than fourteen risers.
- (f) Landings shall be half-space or quarter-space; and there shall be no winding stairs.
- (g) There shall be sufficient handrails, securely fixed, and staircases of over ten feet in width shall have a central handrail.
- (h) A door shall not open immediately upon a flight of steps, but a landing of a depth at least equal to the width of the door shall be provided between the steps and the doorway.

40. No building shall be built upon an allotment to which in the opinion of the Board there is not a convenient and satisfactory means of access for the purpose of removal of night-soil, garbage and other refuse. Access to allotment.

*Division 2.—Dwelling-houses.*

41. Every dwelling-house erected after the commencement of these Regulations shall be provided with— Provision for bathroom and laundry.

- (a) a bathroom—
  - (i) completely enclosed except so far as may be necessary for ventilation and lighting; and
  - (ii) having a floor composed of impervious material properly graded and drained and having an area of not less than forty-two square feet; and
- (b) a laundry separate from the kitchen and fitted with wash-tubs and copper or other means of washing clothes and having a floor composed of impervious material properly graded and drained.

## PART B : BUILDINGS—

Construction  
or dividing  
walls.

42. All dividing walls between semi-detached dwelling-houses or between one flat and another in the same dwelling-house shall be so constructed as to—

- (a) minimize the conduction of sound; and
- (b) where the dividing walls are of wood, contain a cavity not less than two inches wide throughout the length and height of the internal portion of the walls, the cavity to be filled with some sound-absorbing material approved by the Board.

Semi-detached  
houses and  
flats.

43. Each semi-detached dwelling-house and flat shall contain a bathroom, a laundry and a kitchen:

Provided that, in a residential-flat building, where a room is provided for meals to be taken by all the tenants or a kitchen is provided for the preparation of food for all the tenants, a separate kitchen need not be provided for each flat, if the approval of the Board is obtained.

### *Division 3.—Commercial Buildings.*

Proportion of  
allotment to  
be occupied  
by building.

44.—(1.) In an area other than a residential area, a commercial building which is not designed for use as a dwelling-house in any part, other than for a caretaker, may, with its appurtenant buildings, occupy not more than seven-tenths of the allotment on which it stands.

(2.) In an area other than a residential area, the Board may permit the erection of a building intended to be used as a commercial building and dwelling-house combined on any allotment:

Provided that the proportion of the allotment which may be covered by buildings shall not exceed two-thirds of the allotment:

Provided further that no building shall be erected at a distance of less than ten feet from the boundary of any adjoining allotment without the consent in writing of the Board.

(3.) The provisions of Sub-regulation (2.) of Regulation 19 of these Regulations shall not apply to buildings referred to in Sub-regulations (1.) and (2.) of this regulation.

Construction.

45. Every commercial building shall be so constructed—

- (a) that no wall shall be built at a distance of less than three feet from the boundary of any adjoining allotment, unless with the consent of the Board:

Provided that proper provision is made for the construction of the wall as specified by the Board;

- (b) that any wall built at a distance of less than six feet from the boundary of any adjoining allotment shall be constructed of fire-proof or slow-burning material and shall be carried up two feet above the rafters;
- (c) that any fire-proof walls shall be carried on concrete dwarf walls and be devoid of any break or opening and that no downpipe shall be led through or down the face of the fire-proof walls; and
- (d) that the roof shall be constructed of fire-proof or slow-burning material.

*Building Regulations of the Territory of Papua—cont.*

46. Where any commercial building makes provision for a number of shops or suites of offices, the Board may direct that the walls dividing the shops or suites—

Dividing walls of shops or suites of offices.

- (a) shall be constructed of fire-proof or slow-burning material; and
- (b) shall pass through the roof without break or opening and form a parapet two feet above the rafters.

**THE SCHEDULE.**

TERRITORY OF PAPUA.  
Building Regulations.

Form A.

**APPLICATION FOR A PERMIT.**

, 19

To the Chairman of the Building Board.

I submit herewith Plans and Specification for a <sup>(a)</sup> to be used as <sup>(b)</sup> to be built by me on the allotment of land shown in the accompanying block plan, such allotment having a frontage to

Name of Builder (if known)

Address of Builder

Signature of Owner or Agent.

Address of Owner or Agent.

(a) State if new building, alteration, addition, conversion, &c.

(b) State purpose, e.g., dwelling-house, shop, &c.

TERRITORY OF PAPUA.  
Building Regulations.

Form B.

**PERMIT.**

Permission is hereby given to <sup>(a)</sup> to erect a building as a <sup>(b)</sup> on allotment <sup>(c)</sup> in accordance with the Plans and Specifications attached hereto, and in accordance with the provisions of the Building Regulations.

Signed on behalf of the Building Board this                      day of                      One thousand nine hundred and

Member of the Building Board.

(a) Name, description and address of applicant.

(b) Short description of building, e.g., dwelling-house, shop, &c.

(c) Situation of allotment.

TERRITORY OF PAPUA.  
Building Regulations.

Form C.

**CERTIFICATE OF COMPLETION.**

This is to certify that a building has been completed by <sup>(a)</sup> on allotment <sup>(b)</sup> at                      in accordance with the Plans and Specifications approved therefor, and in accordance with the provisions of the Building Regulations.

Signed on behalf of the Building Board this                      day of                      One thousand nine hundred and

Member of the Building Board.

(a) Name, description and address.

(b) Situation of allotment.