

TASMANIA.

THE HOBART BUILDING ACT, 1918.

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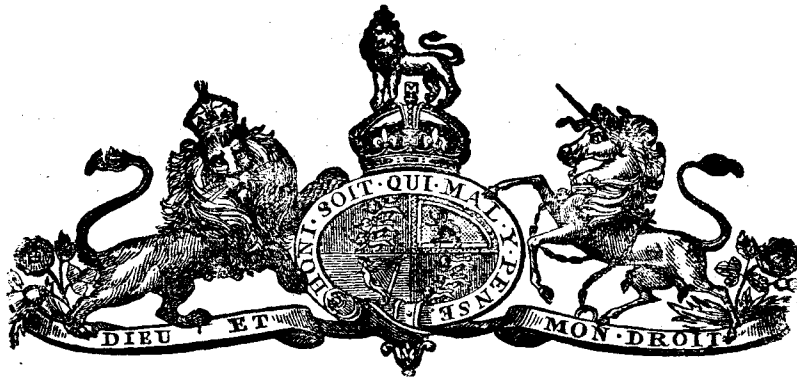
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TASMANIA.



1918.

ANNO NONO

GEORGII V. REGIS.

No. 75.



AN ACT to consolidate and amend the Law relating to Buildings in the City of Hobart, and for other purposes. [25 January, 1919.]

A.D.
1918.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I.

INTRODUCTORY.

1 This Act may be cited as “The Hobart Building Act, 1918.”

Short title.

2 The provisions of this Act are arranged as follows:—

Arrangement of Act.

- Part I.—Introductory.
- Part II.—Open Spaces about Buildings.
- Part III.—Construction of Buildings.
- Part IV.—Frame Construction, and Building with Reinforced Concrete.
- Part V.—Special and Temporary Buildings and Wooden Structures.
- Part VI.—Rights of Building and Adjoining Owners.
- Part VII.—Dangerous and Neglected Structures.
- Part VIII.—Sky Signs.
- Part IX.—Surveyors.
- Part X.—By-laws.
- Part XI.—Legal Proceedings.
- Part XII.—Miscellaneous.

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PART I.
Application of
Act.

3 This Act shall apply to all places which may now or hereafter be included within the limits of the City of Hobart.

Provided that where any provision of this Act or any rule or by-law thereunder is inconsistent with any provision of—

- I. "The Public Health Act, 1903," or any amendment thereof, or any regulation or by-law thereunder: or
- II. "The Places of Public Entertainment Act, 1917," or any regulation or by-law thereunder—

the latter provision shall prevail, and the former provision to the extent of its inconsistency shall be invalid.

Nothing in this Act contained shall operate so as to impliedly repeal any provision of—

- I. "The Public Health Act, 1903," or any amendment thereof, or any regulation or by-law thereunder: or
- II. "The Places of Public Entertainment Act, 1917," or any regulation or by-law thereunder.

Commencement
of Act.

4 This Act shall come into operation on a day to be fixed by the Governor by proclamation, except as to Sections Twenty-one and One hundred and Twenty-two, which shall come into operation Six months after peace is declared in the present European War.

Definitions.

London Build-
ing Act, 1894,
s. 5.

5 In this Act, unless the contrary intention appears—

"Adjoining occupier" means the occupier, or one of the occupiers, of land, buildings, storeys, or rooms adjoining those of the building owner.

"Adjoining owner" means the owner or one of the owners of land, buildings, storeys, or rooms adjoining those of the building owner.

"Approved" means approved by the Surveyor.

"Area," applied to a building, means the superficies of a horizontal section thereof made at a point of its greatest surface, inclusive of the external walls and of such portions of the party walls as belong to the building.

"Base," applied to a wall, means the underside of the course immediately above the footings (if any), or, in the case of a wall carried by a bressummer, above such bressummer.

"Basement storey" means any storey of a building which is under the ground storey, the storey immediately below the ground storey being the first basement storey, and that next below being the second basement storey, and so on.

"Bressummer" means any beam or girder which carries a wall.

Ibid., and S.A.
Building Act,
1881.

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- “**Builder**” means the person who is employed to build or to execute work on a building or structure; or, where no person is so employed, the owner of the building or structure. A.D. 1918.
PART I.
L.B. Act, 1894,
and S.A. Act,
1881.
- “**Building**” shall mean any fixed structure which is either wholly or in part enclosed with walls and roofed.
- “**Building line**” means a line beyond which property-owners or others have no legal or vested right to extend a building or any part thereof, without approval of the Council.
- “**Building owner**” means such one of the owners of adjoining lands as builds or is desirous of building, or such one of the owners of buildings, storeys, or rooms separated from one another by a party wall or party structure as does, or is desirous of doing, a work affecting that party wall or party structure.
- “**Building of the warehouse class**” means a warehouse, factory, manufactory, brewery, distillery, a building where any business or trade is carried on (not being a domestic building as herein defined), and every building exceeding in cubical extent One hundred and fifty thousand cubic feet, which is neither a public building nor a domestic building; and in the Second Schedule also includes, with respect to the thickness of walls, every building herein defined as a public building which exceeds in capacity Two hundred and fifty thousand cubic feet.
- “**By-law**” means a by-law made under this Act by the Council.
- “**City**” means the City of Hobart.
- “**Corporation**” means the Mayor, aldermen, and citizens of the City of Hobart.
- “**Council**” means the Hobart City Council. L.B. Act, 1894,
and S.A. Act,
1881.
- “**Cross wall**” means a wall used or constructed to be used in any part of its height as an inner wall of a building for separation of one part from another part of the building, that building being wholly in, or being constructed or adapted to be wholly in, one occupation.
- “**Cubical extent**,” applied to the measurement of a building, means the space contained within the external surfaces of its walls, the upper surface of the floor of its lowest storey, and the ceiling or tie of its topmost storey.
- “**Domestic building**” includes, subject to Section Seven, a dwelling-house, hotel, offices, professional chambers, counting-house, and any other building not being a public building nor a building of the warehouse class, and also includes any shop or workshop not subject to vibration of machinery, and not exceeding in cubical extent Forty thousand cubic feet; and, in the Second Schedule, also includes, with respect to the thickness

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PART I.

L.B. Act, 1894,
and S.A. Act,
1881.

- of walls, every building herein defined as a public building which does not exceed in capacity Two hundred and fifty thousand cubic feet.
- “ Dwelling-house ” means a building used, or constructed, or adapted to be used, wholly or principally for human habitation.
- “ External wall ” means an outer wall or vertical enclosure of any building not being a party wall.
- “ First storey ” means that storey of a building which is next above the ground storey, the successive storeys above the first storey being the second storey, the third storey, and so on to the topmost storey.
- “ Fire-resisting material ” means any of the materials and things described in the Third Schedule to this Act.
- “ Footings,” applied to a wall, means the first course or courses stepped or splayed immediately over the bed-rock, earth, or constructional bed on which a building rests.
- “ Foundation,” applied to a wall having footings, means the solid ground, or artificially formed support, on which the footings of the wall rest; but, in the case of a wall carried by a bressummer, means such bressummer.
- “ Frame building ” means a building of frame construction.
- “ Frame 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 internal loading, are carried down to the foundations by means of columns in such manner that the walls are not required to assist in supporting such loads.
- “ Ground storey ” means that storey of the building to which there is an entrance from the outside on or near the level of the ground, and where there are two such storeys then the lower of the two: Provided that no storey of which the upper surface of the floor is more than Four feet below the mean level of the pavement of ground adjoining thereto shall be deemed to be the ground storey.
- “ Habitable,” applied to a room, means a room constructed or adapted to be used as a living room or work-room other than a basement for the storage of bulk goods.
- “ Height,” in relation to any building, means the measurement taken from the level of the footway, if any, or if no footway, from the level of the ground, immediately in front of the centre of the face of the building, to the level of the top of the wall immediately below the roof, or (in the case of gabled buildings) to the base of the gable; but, where the height of a building is expressed in storeys, the number of storeys shall comprise all the storeys from the ground storey to the topmost storey, both inclusive.

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“Hoarding” means and includes any erection or structure erected, built, or constructed, or used for the purpose of writing, printing, painting, pasting, or posting thereon notices, advertisements, placards, or other printed, painted, or written matter, or any erection or structure being of a height greater than Six feet, measured from the level of the adjoining street, to the highest point of such erection or structure upon which notices, advertisements, placards, or other printed, painted, or written matter are printed, written, painted, pasted, or posted, but shall not include a hoarding erected in a street for the purpose of carrying on building operations only, or dwelling-house or shop or any fence Seven feet or under in height.

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PART I.

“Inhabited,” applied to a room, means a room in which some person passes the night or which is used as a living room, and includes a room with respect to which there is a probable presumption, until the contrary is shown, that some person passes the night therein, or that it is used as a living room.

“Level of the ground” means the level of the ground as determined by the Surveyor.

“Necessary repairs” shall mean any work required to be done in or to any building in order to make it weather-proof; or any work required to be done in or to any building which by reason of age, or, decay, or accident is becoming dilapidated.

“New building” includes—

- I. Any building erected after the commencement of this Act:
- II. Any building which has been taken down entirely or for more than One-half of its cubical extent, and has been re-erected, or commenced to be re-erected, wholly or partially on the same site, after the commencement of this Act:
- III. Any space between walls and buildings which is roofed, or commenced to be roofed, after the commencement of this Act.

“Occupier” does not include a lodger, and “occupy” and “occupation” do not refer to occupation by a lodger.

“Owner” includes any person in possession or receipt either of the whole or any part of the rents or profits of any land or tenement, or in the occupation of any land or tenement otherwise than as a tenant from year to year, or for any less term, or as a tenant at will.

L.B. Act, 1894,
and S.A. Act,
1881.

“Partition” shall apply to every wall used or built in order to be used as a separation of one part of any building from another part of the same building, such building being wholly in one occupation.

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PART I.

L.B. Act, 1894,
and S.A. Act,
1881.L.B. Act, 1894,
and S.A. Act,
1881.L.B. Act, 1894,
and S.A. Act,
1881.

“Party arch” means an arch separating adjoining buildings, storeys, or rooms belonging to different owners, or occupied or constructed or adapted to be occupied by different persons, or separating a building from a public way or from a private way leading to premises in another occupation.

“Party fence wall” means a wall used or constructed to be used as a separation of adjoining lands of different owners, and standing on land of different owners and not being part of a building, but does not include a wall constructed on the land of one owner, the footings of which project into the land of another owner.

“Party structure” means a party wall, or a partition floor or other structure separating vertically, horizontally, or in any other direction, buildings, storeys, or rooms approached by distinct staircases or separate entrances from without.

“Party wall” means—

- I. A wall forming part of a building, and used or constructed to be used for separation of adjoining buildings belonging to different owners or occupied or constructed or adapted to be occupied by different persons: or
- II. A wall forming part of a building and standing to a greater extent than the projection of the footings on lands of different owners.

“Public building”—

- I. Means a building used or constructed or adapted to be used as a church, chapel, or other place of public worship, or as a hospital, workhouse, public theatre, public concert-room, public hall, public ballroom, public lecture-room, public exhibition room, public library, or public place of assembly, or used, or constructed, or adapted to be used for any other public purpose, or as a stock exchange: and
- II. Includes a building used or constructed or adapted to be used as a school, college, or other place of instruction, or as an hotel, lodging-house, home, refuge, or shelter, or home for children of defective intellect or physical infirmity, where such building extends to more than Two hundred and fifty thousand cubic feet, or has sleeping accommodation for more than One hundred persons.

“Reinforced concrete” means a concrete in which iron or steel is embodied in such a manner that the two act in unison in resisting stress.

“Roadway,” in relation to any street or way, means and includes the whole space open for traffic, whether carriage traffic and foot traffic, or carriage or foot traffic only.

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- “Shed” shall mean any fixed roof other than a verandah or balcony which is not in any way enclosed with walls. A.D. 1918.
- “Shop front” means such portion of the structure of a shop on the ground storey as abuts or faces a street or way, and is not in the nature of a wall supporting a wall or portion of a wall above. PART I.
- “Square” applied to the measurement of the area of a building means the space of One hundred superficial feet.
- “Storey” means the space or distance or portion of a building included between the underside of the floor-joists of any floor and the underside of the floor-joists of the floor next above it, or the underside of the tie beam, or collar tie, or half the vertical height of the rafters above, as the case may be; but a gallery shall not be deemed to divide a wall or building into storeys.
- “Street” means any highway, road, bridge, lane, footway, square, court, alley, or passage, whether a thoroughfare or not, and a part of any such highway, road, bridge, lane, footway, square, court, alley, or passage.
- “Surveyor” means any building surveyor or inspecting officer who is appointed in pursuance of this Act by the Council, or whose appointment by such Council is confirmed by this Act, and includes any deputy or assistant surveyor or inspecting officer so appointed under this Act.
- “This Act” includes any by-laws made under this Act.
- “Topmost storey” means the uppermost storey in a building, whether constructed wholly or partly in the roof or not.
- The expression “total floor area,” applied to a building, means the sum of the superficies of each floor inclusive of the internal and external walls and of such portions of the party walls as belong to the building.
- “Town Clerk” means the Town Clerk of the City of Hobart.
- “Treasurer” means the Treasurer for the time being of the City of Hobart.
- “Way” includes any public roadway or footpath not being a street, and any private roadway or footpath which it is proposed to convert into a highway or to form, lay out, or adapt as a street.

6 The Acts mentioned in Part I. of the First Schedule to this Act are hereby repealed, and the provisions of the Acts mentioned in Part II. of the said schedule shall not after the commencement of this Act apply to the City of Hobart. Repeal of enactments

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PART II.

Meaning of
"domestic build-
ings" in this part
of Act.

London Building
Act, 1894, s. 39.

Light and ventila-
tion of habitable
basements.
Ibid., s. 40.

Yard or open
space in connec-
tion with
dwellings.
L.B. Act, s. 41.

Courts within
building.
L.B. Act, s. 45

PART II.

OPEN SPACES ABOUT BUILDINGS.

7 For the purposes of this part of this Act the expression "domestic building" does not include any buildings used or constructed or adapted to be used wholly or principally as offices, counting-houses, or hotels.

8 In the case of every domestic building erected after the commencement of this Act, which has a habitable basement, there shall, for the purpose of giving light and air to such basement, be provided in connection with the building, and exclusively belonging thereto, an open space of an aggregate extent of not less than One hundred square feet, free from any erection thereon above the mean level of the footway or ground adjoining, such space to be not less than Four feet wide.

9—(1) With respect to dwelling-houses erected after the commencement of this Act, and abutting upon a street, the following provisions shall have effect:—

- I. There shall be provided in connection with every such building, in addition to any space in front thereof, an open yard space exclusively belonging to such building, and of an aggregate extent of not less than Four hundred and fifty square feet:
- II. Where there is a basement storey directly and sufficiently lighted and ventilated by the open space required by Section Eight, irrespective of any use to which the ground storey is appropriated, or where there is no basement storey and the ground storey is not constructed or adapted to be inhabited, the open yard space required by this section may be provided above the level of the ceiling of the ground storey, or at a level not exceeding Twenty feet above the mean level of the adjoining footway, such area to be exclusive of lantern lights:
- III. In all other cases the open yard space shall be free from any erection thereon above the level of the adjoining footway, except a water closet, earth closet, or privy, and a receptacle for ashes, and enclosing walls, none of which erections shall exceed Ten feet in height.

(2) Such open yard space shall have a least measurement in every part of at least Ten feet.

10—(1) Where a court, wholly or in part open at the top but enclosed at every side and constructed and used for admitting light or air to a domestic building, is constructed in connection with such domestic building, and the height of such court from the floor of the lowest storey lighted or ventilated from a side or end

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of such court to the eaves or the top of the parapet exceeds twice the greater horizontal dimension of such court, approved provision for the ventilation of such court shall be made and maintained by the owner of the building by means of a communication between the lower end of the court and the outer air; and in no case shall such greater horizontal dimension be less than Ten feet.

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PART II.

(2) No habitable room, not having a window directly opening into the external air otherwise than into a court enclosed on every side, shall be constructed in any domestic building, unless the lesser horizontal dimension of such court in every part is equal to at least One-quarter the height measured from the level of the floor of such habitable room to the eaves or the top of the parapet of the opposite wall; and in no case shall such lesser dimension be less than Six feet.

(3) The foregoing provisions shall not apply to habitable rooms lighted and ventilated from a light area which has one or both ends open to an open space or street or open yard space, as required by Section Nine, if the lesser horizontal dimension of such light area in every part is equal to at least One-fifth the height or greater horizontal dimension measured from the open end to the farthest window from an open end, whichever is the less, provided that such lesser dimension is in no part less than Three feet; and where such light court extends to the ground floor and is not less than Ten feet wide, its area shall be considered as yard space.

(4) No habitable room shall be constructed in any domestic building unless such room is lighted and ventilated by a sufficient window in an external wall, dormer, lantern light, court, or light area, as provided in this section.

11 In any case when it may be necessary the surveyor shall determine which is the front and which is the rear of a building, and such determination shall be evidenced by his certificate.

Surveyor may define front or rear of buildings. *Ibid.*, s. 46.

PART III.

CONSTRUCTION OF BUILDINGS.

12 No building shall be either erected or adapted to be used as a dwelling-house upon any land, the surface of which is so situated as not to admit of being sufficiently drained at all times by gravitation or by any mechanical or other method if approved by the surveyor into an existing storm-water sewer or channel.

Dwelling houses on low-lying land. L.B. Act, s. 122.

13 All excavations for buildings shall be properly guarded and protected so as to prevent same from becoming dangerous to life or property, and shall be sustained where necessary, to prevent the adjoining earth from caving in, by the person or persons causing the excavations to be made.

Excavations.

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PART III.

Construction and
thickness of
walls.*Ibid.*, s. 53.Strength of piers
and columns.Rules as to
recesses and open-
ings.

L.B. Act, s. 54

14 The walls of all buildings within the area defined in the Eleventh Schedule and all party walls throughout the city, shall be constructed of the substances and in the manner, and of not less than the thickness prescribed by this Act or mentioned in the Second Schedule.

15 Every pier or column bearing the weight of any superstructure, or part of a superstructure, shall be of approved strength for that purpose.

16—(1) Recesses and openings shall not be made in external walls unless—

- I. The back of every such recess is not less in thickness than Eight and a half inches : and
- II. Over every opening or recess so formed the piers are united on every storey by a sufficient bressummer, or by a stringcourse at least One foot in depth carried on an arch of at least two rings of brickwork both of the full depth of the opening or recess (the rise of such arch being not less than One-eighth of the span), but where the recess does not exceed Five inches in depth corbelling in brick or stone may, subject to Subsection (4) hereof, be substituted for the arching : and
- III. The combined widths of such recesses and openings do not, taken together, exceed Two-thirds of the whole length of the wall of the storey in which they are made; but in the case of shop fronts the proportion of recesses and openings shall not be limited.

(2) Corbelling (continuous or in the form of brackets) may, subject to Subsection (4) hereof, be substituted for the arching over recesses on the outer face of an external wall.

(3) Recesses shall not be made in party walls unless—

- I. The back of every such recess is not less in thickness than Eight and a half inches : and
- II. Over every recess so formed the piers are united on every storey by a sufficient bressummer, or by a stringcourse at least One foot in depth, carried on an arch of at least Two rings of brickwork, both of the full depth of the recess (the rise of such arch being not less than One-eighth of the span); but where such recess does not exceed Five inches in depth, corbelling in brick or stone may, subject to Subsection (4) hereof, be substituted for the arching : and
- III. The combined widths of such recesses do not, taken together, exceed Two-thirds of the whole length of the wall of the storey in which they are made : and
- IV. No such recess comes within Thirteen and a half inches of the inner face of an external wall.

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(4) In no case shall brick corbelling be substituted for arching under this section unless such corbelling is done in Portland cement and in steps not exceeding Two and a quarter inches. A.D. 1918.

(5) An opening shall not be made in any party wall, except in accordance with the provisions of this Act in relation thereto. PART III.

(6) In the case of a wall built in cement mortar composed of not more than Three parts of sand and One of Portland cement, the combined widths of recesses and openings prescribed in this section may be increased to Three-quarters of the length of the wall in which they are made.

(7) "Opening" in a wall, as referred to in this section, includes that portion of a wall which is not built up, and includes doorways, windows, and other openings, and such portion of any wall as is not of the thickness prescribed for recesses, or as is built hollow and without proper cross bonds, as provided for in Paragraph Fifteen of the preliminary part of the Second Schedule, unless One of the parts of such hollow wall is throughout of the thickness required for a recess.

"Recess" in a wall, as referred to in this section, includes that portion of a wall, the thickness of which, being less than that set out in the Second Schedule for solid walls, complies with the provisions of this section as to recesses.

17—(1) Every bressummer shall have a bearing, in the direction of its length, of Six inches at least at each end upon a sufficient pier of brick or stone, or upon timber, iron, or reinforced concrete storey post fixed on a solid foundation; and every bressummer shall be of a strength sufficient to afford a factor of safety of Six, or, in case the bressummer is of wrought-iron or steel, a factor of safety of Five. Rules as to bressummers. L.B. Act, s. 56.

(2) Every opening, unless spanned by a sufficient bressummer, shall have a proper relieving arch over it.

(3) No timber or wood plate shall be built longitudinally into any wall, but jarrah, red gum, or other approved timber may be used in foundations on swampy ground.

(4) The end of any wooden beam or joist bearing on a party wall shall be at least Two and a half inches distant from the centre line of such party wall.

(5) Every bressummer bearing upon a party wall shall be borne by a template or corbel of stone or iron tailed through at least half the thickness of the wall (which shall be of the full thickness set out in the Second Schedule) and of the full breadth of the bressummer.

(6) No timber bressummer resting on a party wall shall be built upon unless the approval of the Surveyor has first been obtained.

(7) The end of any timber not permitted to be placed in or to have a bearing on a party wall may be carried on a corbel or template of stone, or iron, or vitrified stoneware tailed into the wall to a distance of at least Eight and a half inches, or otherwise supported to the satisfaction of the surveyor.

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(8) Every floor joist or lintel shall be of a strength sufficient to afford a factor of safety of Six; and shall have a bearing at each end of at least Three inches.

Height and thickness of parapet to external walls.
L.B. Act, s. 57.

18—(1) If any gutter any part of which is formed of combustible material, adjoins an external wall, such wall shall be carried up so as to form a parapet Eighteen inches at least above the highest part of the gutter, and the thickness of the parapet so carried up shall be at least Eight and a half inches throughout, and such parapet shall have a bearing for the full width on a wall or bressummer; but in no part shall the height of the parapet, measured from the top of the wall, exceed Six times the thickness thereof, and the ends of such parapet shall be returned for a distance of at least twice the height.

(2) This section shall not apply to a dwelling-house, except where any combustible material is within Three feet of the boundary of the premises whereon the building stands.

Height of party walls above roof.
L.B. Act, s. 59.

19—(1) Every party wall shall be carried up, of a thickness of at least Eight and a half inches, to a vertical height of at least Three feet above the roof, flat, or gutter of the building, in a building of the warehouse class exceeding Thirty feet in height, and of at least Eighteen inches above the highest part of any flat or gutter of the building, in any other building except as provided by Subsection Three of this section.

(2) Every party wall shall be carried up of the thickness aforesaid above any turret, dormer, lantern light, or other erection of combustible materials fixed upon the roof or flat of any building within Four feet from such party wall, and shall extend at the least Twelve inches higher and wider on each side than such erection; and every party wall shall be carried up above any part of any roof opposite thereto and within Four feet therefrom; but in no case shall the height of such parapet exceed Six times the thickness.

(3) In any new domestic building, within the area defined in the Eleventh Schedule, which does not exceed Two storeys in height, and the roof of which is externally covered with slates, tiles, metal, or other incombustible materials, every party wall shall be carried up at least as high as the slates or other covering of the roof, shall be properly and solidly bedded in mortar or cement on the top of such party wall, and the roof so constructed that no lath, timber, or woodwork of any description shall extend upon or across any part of such party wall.

Rules as to chases in party walls.
L.B. Act, s. 60.

20 In an external or party wall a chase shall not be made wider than Fourteen inches nor more than Four and a half inches deep from the face of the wall, nor so as to leave less than Eight and a half inches in thickness at the back or opposite side thereof; and a chase shall not be made within a distance of Seven feet from any other chase on the same side of the wall, nor within Thirteen and a half inches from an external or party wall. No chase shall be made in a wall of less thickness than Thirteen inches.

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21 Within the area defined in the Eleventh Schedule except as hereinafter provided—

(1) The flat, gutter, and roof of every building, and every turret, dormer, lantern light, skylight, or other erection placed on the flat or roof thereof shall be externally covered with slates, tiles, metal or other incombustible materials, except wooden cornices and barge boards to dormers, not exceeding Twelve inches in depth, and the doors, door frames, windows, and window frames of such dormers, turrets, lantern lights, skylights, or other erections.

(2) Every building, exceeding Thirty feet in height, used wholly or in part as a dwelling-house or factory, and having a parapet, shall be provided either—

- I. With a dormer window, or a door opening on to the roof :
or
- II. With a trapdoor, furnished with a fixed or hinged step-ladder leading to the roof : or
- III. With other proper means of access to the roof.

(3) The plane of the surface of any roof of a building of the warehouse class shall not incline from the external or party wall upwards at a greater angle than Forty-seven degrees with the horizon : Provided that this subsection shall not apply to towers, turrets, or spires.

(4) The plane of the surface of any roof of any other building shall not incline from the external or party wall upwards at a greater angle than Seventy-five degrees with the horizon : Provided that this subsection shall not apply to towers, turrets, or spires.

(5) Every person who erects a new building shall cause the roof or flat thereof to be so constructed that all water falling on such roof or flat shall be received in suitable gutters, shoots, or troughs, and shall thence be discharged in such a manner as to create no nuisance.

(6) Provided that Subsection One of this section shall only apply to such area within the area defined in the Eleventh Schedule, as the Governor at the request of the Council may by notification and description published in the "Gazette" from time to time declare.

(7) Provided that the provisions of "The Hobart Building Act, 1886," shall apply to all buildings and parts of buildings referred to in Sub-clause (1) of this section until the Thirty-first day of December, One thousand nine hundred and nineteen.

22—(1) The rules contained in this section shall apply to every building of Three or more storeys, or which is not less than Forty-five feet in height from the mean level of the street immediately in front of the building—

- I. If the building is constructed after the commencement of this Act, and has not more than One internal staircase, and the floor area of any storey thereof above the

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Rules as to construction of roof.
L.B. Act, s. 61.

Provision against spread, and for extinction of fires.

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Second storey exceeds Six squares, such building shall be provided with at least One escape staircase erected on an external wall thereof, so as to provide means of escape, to the satisfaction of the surveyor, from each storey above the Second storey. No external staircase shall be erected on any such building unless the position and design thereof have been approved by the surveyor :

- ii. If the building is constructed after the commencement of this Act, each storey shall be provided with a water hose placed in an easily accessible position, not less than Three-quarters of an inch in diameter, capable of projecting water into every part of the storey. The hose for a storey shall be kept attached to a water-pipe, not less than an inch in diameter, inserted through the external wall of the building on the level of such storey and connecting with a pipe on the external wall, which last-mentioned pipe shall itself be connected with the main water supply, and shall be provided with a shut-off valve within Three feet of the ground.

In this section the word "storey" does not include any basement storey.

(2) In a building constructed after the commencement of this Act every floor-joist and every beam or support of steel or iron shall be thoroughly protected in such manner, and with such fire-resisting material, as are approved by the surveyor.

(3) No building, of whatever class, shall hereafter be erected or altered to contain more than Four storeys, with floors of non-fire resisting construction. All other storeys of such buildings shall have fire-resisting floors.

(4) All portions of the structure supporting a floor or roof of fire-resisting construction shall be of fire-resisting construction also, and all iron or steel work used for this purpose shall be fire-protected to the approval of the surveyor.

(5) Nothing herein contained shall prevent the use of wood flooring boards to cover floors of fire-resisting materials, provided that the space occupied by battens or sleepers to which such boards may be secured is filled solid to within Two inches of the under side of such flooring boards with concrete.

Rules as to
chimneys and
flues.
London Building
Act, 1894, s. 64.

23—(1) Chimneys built on corbels of brick, stone, or other incombustible materials may be erected if the work so corbelled out does not project from the wall more than the thickness of the wall measured immediately below the corbel; but all other chimneys shall be built on solid foundations and with footings similar to the footings of the wall against which they are built, unless they are carried upon iron or reinforced concrete girders with direct bearings upon party, external, or cross walls to the satisfaction of the surveyor.

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(2) Chimneys and flues inclined at a less angle than Forty-five degrees to the horizon shall have proper soot doors, and every angle shall be properly rounded. All soot doors shall be at least Twelve inches distant from any woodwork.

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(3) An arch of brick or stone, or a bar of wrought iron of sufficient strength, shall be built over the opening of every chimney to support the breast thereof, and if the breast projects more than Four and a half inches from the face of the wall and the jamb on either side is of less width than Seventeen and a half inches, the abutments shall be tied in by an iron bar or bars of sufficient strength turned up and down at the ends, and built into the jambs for at least Eight and a half inches on each side.

(4) A flue shall not be adapted to or used for any new oven, furnace, cockle, steam boiler, or close fire used for any purpose of trade or business unless the flue is surrounded with brickwork at least Eight and a half inches thick from the floor on which such oven, furnace, cockle, steam boiler, or close fire is situate to the level of the ceiling of the room next above such floor.

(5) A flue shall not be used in connection with a steam boiler or hot air or gas engine unless the flue is at least Twenty feet in height, measured from the level of the floor on which such engine is placed.

(6) The inside of every flue, and also the outside where in close proximity to woodwork, shall be rendered, pargeted, or lined with fire-resisting piping of stoneware.

(7) The jambs of every fireplace opening shall be at least Eight and a half inches wide on each side of the opening thereof.

(8) The breast of every chimney and the brickwork surrounding every smoke flue shall be at least Four and a half inches in thickness.

(9) The back of every fireplace opening in an external or party wall shall be at least Eight and a half inches thick from the hearth level up to a height of at least One foot above the chimney opening. The divisions of back-to-back fireplaces in cross walls shall be not less than Eight and a half inches thick.

(10) The thickness of the upper side of every flue, when its course makes with the horizon an angle of less than Forty-five degrees, shall be at least Eight and a half inches.

(11) Every chimney shaft or smoke flue shall be carried up in brickwork at least Four and a half inches thick throughout, or approved stonework, to a height of not less than Three feet above the roof, flat, or gutter adjoining thereto, measured at the highest point in the line of junction with such roof, flat, or gutter.

(12) The highest Eighteen inches of every chimney stack or shaft shall be built in cement.

(13) The brickwork of any chimney shaft, except that of the furnace of any steam engine, brewery, distillery, or manufactory, shall not be built higher above the roof, flat, or gutter adjoining thereto than a height equal to Six times the least width of such

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chimney shaft at the level of such highest point in the line of junction, unless such chimney shaft is built with and bonded to another chimney shaft not in the same line with the first, or otherwise rendered secure to the satisfaction of the surveyor.

(14) There shall be laid level with the floor of every storey before the opening of every chimney a slab of stone, slate, or other incombustible substance, at the least Eight and a half inches longer on each side than the width of such opening, and at least Fifteen inches wide in front of the breast thereof.

(15) Such slab shall be laid wholly upon stone or iron bearers, or upon a brick arch, or curved iron covered with concrete, or upon other incombustible materials.

(16) The hearth or slab of every chimney shall be bedded wholly on brick, stone, or other incombustible substance, and shall, together with such substance, be solid for a thickness of Six inches at least beneath the upper surface of such hearth or slab.

(17) A new flue shall not be built in or against any party structure unless it is surrounded with new brickwork at least Four and a half inches in thickness, properly bonded.

(18) A chimney shaft, jamb, breast, or flue shall not be cut into except for the purpose of repair, or doing some one or more of the following things:—

- i. Letting in, or removing, or altering flues, pipes, or funnels for the conveyance of smoke, hot air, or steam, or letting in, removing, or altering smoke jacks:
- ii. Forming openings for soot doors; such openings being fitted with a close iron door and frame:
- iii. Making openings for the insertion of ventilating valves, subject to the following restriction: That an opening shall not be made nearer than Six inches to any timber or combustible substance.

(19) Timber or woodwork shall not be placed—

- i. In any wall or chimney breast nearer than Nine inches to the inside of any flue or chimney opening:
- ii. Under any chimney opening within Nine inches from the upper surface of the hearth of such chimney opening:
- iii. Within Two inches from the face of the brickwork or stonework about any chimney or flue where the substance of such brickwork or stonework is less than Nine inches thick, unless the face of such brickwork or stonework is rendered.
- iv. Wooden plugs shall not be driven nearer to the inside of any flue or chimney opening than Four and a half inches therefrom, nor shall any iron holdfast or other iron fastening be driven nearer to the inside of any flue or chimney opening than Two inches therefrom.

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24 Unless the Council otherwise permits, every chimney shaft for the furnace of a steam engine, brewery, distillery, or manufactory shall be constructed in conformity with the following rules:—

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Furnace chimney shafts.

L.B. Act, s. 65.

- I. Every shaft shall be carried up throughout in brickwork, and, if detached, the walls of such shaft shall batter uniformly from the base to the top of the shaft at the rate of at least Two inches in Ten feet of height:
- II. The thickness of brickwork at the top of the shaft and for Twenty feet below the top shall be at least Eight and a half inches, and shall be increased at least One-half brick for every additional Twenty-five feet measured downwards, and the top Six feet shall be in cement:
- III. Every cap, cornice, pedestal, plinth, stringcourse, or other variation from plain brickwork shall be provided as additional to the thickness of brickwork required by this section, and every cap shall be constructed and secured to the satisfaction of the surveyor:
- IV. The foundation of the shaft shall always be made, to the satisfaction of the surveyor, on concrete or other sufficient foundation:
- V. The footings shall spread all round the base by regular offsets to a projection equal to the thickness of the enclosing brickwork at the base of the shaft, and the space enclosed by the footings shall be filled in solid as the work progresses:
- VI. The width of the base of the shaft above footings, if square, shall be at least One-tenth of the height of the shaft, or if the same is round or of any other shape, then One-twelfth of the height:
- VII. Any firebricks built inside the shaft shall be provided as additional to and independent of the thickness of brickwork prescribed by these rules, and shall not be bonded therewith, but where such firebrick lining exceeds Forty feet in height any such additional height may be carried independently on a sufficient corbelling of the shaft at intervals of not less than Twenty feet in height.

25—(1) The floor under every oven, copper, steam boiler, or stove which is not heated by gas or electricity, and the floor round the same shall, for a space of Eighteen inches in front of any furnace and Nine inches elsewhere, be formed of materials of an incombustible and non-conducting nature, not less than Six inches thick or Three inches thick when covered by quarter-inch steel or iron plate. A fender Two inches in height shall be formed round the front of the furnace, but this shall not apply in the case of private residences.

Rules as to
fire-pipes for conveying vapour.
Ibid., s. 66.

(2) A pipe for conveying smoke or other products of combustion, heated air, steam, or hot water, shall not be fixed against any building on the face adjoining to any street or public way.

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(3) A pipe for conveying smoke or other products of combustion shall not be fixed nearer than Nine inches to any combustible materials.

(4) A pipe for conveying heated air (other than air heated by hot water at low pressure and bath heaters) or steam shall not be fixed nearer than Six inches to any combustible materials.

(5) A pipe for conveying hot water shall not be placed nearer to any combustible material than Three inches therefrom.

(6) The restrictions imposed by this section with respect to the distance from any combustible material within which pipes for conveying hot water or steam may be placed, shall not apply in the case of pipes for conveying hot water or steam at low pressure. For the purposes of this section hot water or steam shall be deemed to be at low pressure when provided with a free blow off.

(7) Any lagging to pipes for conveying smoke or other products of combustion, heated air, steam, or hot water, shall be of incombustible materials.

(8) Every bath heater shall be provided with a vent pipe not less than Three inches in diameter, extending at least Twelve inches above the roof, and fitted with an approved hood; vent pipes to have an air space of not less than One and a half inches round same.

Floors above
furnaces and
ovens.
L.B. Act, s. 67.

26 The floor or roof over any room or enclosed space in which a furnace is fixed shall be of fire-resisting materials if such floor or roof is of a less height than Ten feet, and all walls and floors within Eighteen inches of any furnace or oven, other than ovens in private residences, shall be of fire-resisting materials.

Rules as to
accesses and stairs
in certain
buildings.
Ibid., s. 68.

27 In every public building, and in every building of more than Two hundred thousand feet in cubical extent or more than Three storeys in height which is constructed or adapted to be used as a dwelling-house for separate families, the floors of the lobbies, corridors, passages, and landings, and also the flights of stairs, shall be of fire-resisting material, and be carried by supports of fire-resisting material.

Ventilation of
staircases.
L.B. Act, s. 69.

28—(1) In every building constructed or adapted to be occupied in separate tenements by more than Two families, the principal staircase used by the several families in common shall be ventilated, upon every storey above the ground storey, by means of windows or skylights opening directly into the external air, or shall be otherwise adequately ventilated.

(2) The principal staircase in every building, being a dwelling-house and not subject to the provisions of Subsection (1) of this section, shall be ventilated by means of a window or skylight opening directly into the external air.

Rules as to
habitable rooms.
Ibid., s. 70.

29—(1) i. Every habitable room, except rooms wholly or partly in the roof, shall be in every part at least Nine feet in height from the floor to the ceiling :

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ii. Every habitable room, wholly or partly in the roof, shall be at least Eight feet in height from the floor to the ceiling, throughout not less than One-half the area of such room :

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iii. Every habitable room shall have One or more windows opening directly into the external air or into a conservatory with a total superficies clear of the sash frames free from any obstruction to the light equal to at least One-tenth of the floor area of the room, and so constructed that a portion equal to at least One-twentieth of such floor area can be opened, and the opening in each case shall extend to at least Seven feet above the floor level. Provided that if the opening portion of the said windows does not reach within Eighteen inches of the ceiling of the said habitable room, such habitable room shall contain in addition to the aforesaid windows supplementary air vents opening directly into the external air and inserted in the walls of the said habitable room at a distance of not more than Eighteen inches below the ceiling thereof, and such air vents shall contain a superficial area free from obstruction of not less than Twenty-four inches for every Seven hundred and fifty cubic feet of air space contained in such habitable room. No habitable room shall contain less than Seven hundred and fifty cubic feet of air space.

But a room having no external wall, or a room constructed wholly or partially in the roof, may be lighted through the roof by a dormer window with a total superficies clear of the sash frames free from any obstruction to the light equal to at least One-twelfth of the floor area of the room, and so constructed that a portion of such window equal to at least One twenty-fourth of such floor area can be opened, and the opening in each case shall extend to at least Five feet above the floor level, or such room may be lighted by a lantern-light of which a portion equal to at least One-twentieth of the floor area can be opened :

iv. Every habitable room constructed over a stable shall be separated from the stable by a floor which shall have in every part not occupied by a joist or girder a layer of concrete pugging, of good quality, or of other solid construction Three inches in thickness.

Any staircase or gallery or structure by which such rooms are approached shall be separated from any stable to which it may adjoin by a brick wall not less than Eight and one-half inches in thickness.

(2) Every underground room intended for habitation—

i. Shall be in every part at least Nine feet in height, measured from the floor to the ceiling, and shall have a floor

Public Health
Act (London),
1891, s. 96.

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- area of not less than One hundred superficial feet, and every wall of such room shall be constructed with a proper dampcourse :
- II. Shall have in every part at least One foot of its height above the mean level of the surface of the footway or land adjoining or nearest to the same :
 - III. Shall have on the outside of and against all walls thereof, from the footings up to the level of the surface of the ground, not less than Two inches in width of broken stone, or shall be made waterproof :
 - IV. Shall be effectually drained, and secured against the rise of effluvia from any sewer or drain :
 - V. Shall have an external glazed window of at least Nine superficial feet in area clear of the sash frames, and made to open to at least One-half of its extent :
 - VI. Shall, if such room has a wooden floor other than a floor constructed of solid wood bedded on concrete, have a space of at least Six inches between the ground and the underside of the floor-joists, and be ventilated by means of air tubes or otherwise, as approved by the surveyor :
 - VII. Shall have along at least One side thereof an open area at least Two feet six inches wide, from Six inches below the floor thereof up to the level of the surface of the ground : Provided always that in any such area there may be placed steps necessary for access to such underground room, and over or across any such area there may be constructed any steps or arch necessary for access to any building above such room, if the steps or arch in such respective cases are or is so placed as not to be over or across any such external window as required by this subsection :
 - VIII. Shall be ventilated to the satisfaction of the surveyor.

(3) If any person knowingly suffers to be inhabited any room constructed after the commencement of this Act which, in any respect, is not constructed in conformity with this section, he shall, in addition to any other liabilities to which he may be subject, be liable to a penalty not exceeding Twenty Shillings for every day during which such room is inhabited.

(4) For the purposes of this section the expression "underground room" includes any room of a dwelling-house the surface of the floor of which room is more than Four feet below the mean level of the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room.

Dampness of site.

30—(1) Where necessary, in the judgment of the surveyor, the ground surface or site of every building shall be properly asphalted, or covered with a layer of good cement concrete at least Four inches thick, or other approved damp-resisting covering. This shall apply to all basements and cellars where any woodwork of floors is below ground level.

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(2) Every person who erects a new building shall so construct every room situated in the lowest storey, and provided with boarded floor, that there shall be, for the purpose of ventilation between the underside of every joist on which such floor is laid and the upper surface of the asphalt or concrete with which the ground surface or site of the building is covered, a clear space of Three inches at the least in every part, or not less than Nine inches where the site is not concreted or asphalted, and shall cause such space to be thoroughly ventilated by means of suitable and sufficient air bricks or by some other effectual method.

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31 Every building hereafter erected as a dwelling-house, or altered for use as a dwelling-house, which is supplied with water from Corporation mains, shall be provided with an approved bathroom and bath.

Bathrooms and baths to be provided to dwelling-houses.

32—(1) Every party arch or party floor, and every arch or floor over any public way or any passage leading through or under a building or part of a building to premises in other occupation, shall be formed of brick, stone, or other incombustible materials.

Rules as to party arches over public ways.
London Building Act, 1894, s. 71.

(2) Every arch or other construction over any passage leading to premises in other occupation, or over any road or intended road, shall be formed of brick, stone, or other fire-resisting materials constructed in such a manner as may be approved by the surveyor.

(3) If any such arch or floor is formed of material other than brick or stone it shall be constructed in such manner as is approved by the surveyor.

33 Every arch or other construction under any passage leading to premises in other occupation, or under any public way or intended public way, shall be formed of brick, stone, or other incombustible material, and shall be constructed in such manner as is approved by the surveyor.

Rules as to arches under public ways.
L.B. Act, s. 72.

34 The following rules shall apply to projections from buildings :—

Rules as to projections.
L.B. Act, s. 73.

- I. In public buildings and buildings of the warehouse class, every coping, cornice, stringcourse, fascia, window dressing, portico, porch, balcony, oriel, balustrade, outside landing, outside stairs, and outside steps and architectural projection or decoration whatsoever, except the eaves, barge boards, and cornices to any overhanging roof, and the cornices and dressings to the window fronts of shops, shall be of brick, tile, stone, artificial stone, slate, cement, or other fire-resisting material :
- II. Every balcony, cornice, or other projection shall be tailed into the wall of the building and weighted or tied down to the satisfaction of the surveyor, and no cornice shall exceed in projection Two feet six inches over the public way; except with the consent of the Council :

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- iii. In any street or way of a width greater than Thirty feet any shop front may project to any extent not exceeding Ten inches, and any cornice of any such shop front, being at least Ten feet in clear height above the pavement, may project to any extent not exceeding Eighteen inches, beyond the external wall of the building to which it belongs, over the ground of the owner of the building: Provided that this provision shall not authorise in any such street or way the projection of any part of any such shop front other than the cornice on or over the public way, or any land to be given up to the public way:
- iv. No part of the woodwork of any shop front shall be fixed higher than the ground storey or more than Twenty-five feet above the level of the public footpath immediately in front of the shop. No part of the woodwork of any shop front shall be fixed nearer to the centre of the party wall than Four inches therefrom, where the adjoining premises are separated by a party wall, or nearer to the face of the wall of the adjoining premises than Four inches therefrom, where the adjoining premises have a separate wall, unless a pier or corbel of stone, brick, or other incombustible material, Four inches wide at the least, is placed as high as such woodwork and projecting throughout an inch at least in front thereof between such woodwork and the centre of the party wall, or the separate wall, as the case may be:
- v. In a building in a street of a width of not less than Forty feet, or in a building the front wall of which is not at a less distance than Forty feet from the opposite boundary of the street, oriel windows or turrets may be constructed projecting over the public way, provided that—
- (a) No part of any such projection extends more than Three feet from the face of the front wall of the building, or more than Twelve inches over the public way;
 - (b) No part of any such projection over the public way is less than Ten feet above the level of the footway of the street;
 - (c) No part of any such projection (where it overhangs the public way) is within a distance of Four feet from the centre of the nearest party or external wall;
 - (d) On no floor shall the total length of any such projections over the public way, taken together,

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exceed One-half of the length of the wall of the building on the level of that floor; A.D. 1918.

(e) Every such projection is constructed to the satisfaction of the surveyor; PART III.

- VI. The roof, flat, or gutter of every building and every balcony, verandah, shop front, or similar projection or projecting window shall be so arranged and constructed, and so supplied with gutters and pipes, as to prevent the water therefrom from dropping upon or running over any public street or way :
- VII. Except in so far as is permitted by this section in the case of shop fronts and projecting windows, and with the exception of water pipes and their appurtenances, copings, stringcourses, cornices, fascias, window dressings, and other like architectural decorations not less than Ten feet above the level of the footway or ground adjoining, and verandahs and balconies erected in pursuance of the provisions of this Act or any by-law, no projection from any building, nor anything affixed or attached to such building, shall encroach upon or overhang any public street or way.
- VIII. A breach of any of the provisions in this section contained shall for all purposes be deemed to be a continuing offence.

35—(1) Every building shall be separated either by an external wall or by a party wall, or other proper party structure, from the adjoining building, if any, and from each of the adjoining buildings, if more than one. Separation of buildings. L.B. Act, s. 74.

(2) In every building exceeding Twenty squares in total floor area, used in part for purposes of trade or manufacture, and in part as a dwelling-house, the part used for the purposes of trade or manufacture shall be separated from the part used as a dwelling-house by walls and floors constructed of fire-resisting material, and have independent means of approach to the part used as a dwelling-house. Doorways for communicating between the Two parts of such building shall be fitted with self-closing doors of fire-resisting material hung in frames of fire-resisting materials. The part used for purposes of trade or manufacture shall be subject to the provisions of this Act relating to the cubical extent of buildings of the warehouse class.

(3) In every building of more than Two hundred thousand feet in cubical extent, or more than Three storeys in height, and divided into Two or more tenements, or containing separate sets of chambers, offices, or rooms, tenanted or constructed or adapted to be tenanted by different persons, and whether approached by separate entrances from without or not, the lobbies, corridors, passages, landings, and flights of stairs shall be of fire-resisting material,

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carried on fire-resisting supports, and the partition walls separating such tenements, or such sets of chambers, offices, or rooms, shall be constructed as provided in Paragraph 4 of the miscellaneous part of the Second Schedule.

Cubical extent of buildings.
L. B. Act, s. 75.

36—(1) Except as in this section or Section Thirty-five provided, no building shall extend to more than Three hundred and fifty thousand cubic feet, unless divided by party walls, or by floors of fire-resisting construction, in such manner that no division thereof extends to more than Three hundred and fifty thousand cubic feet: Provided that the cubical extent of a building fitted up throughout with automatic fire-extinguishing apparatus approved by the surveyor may be increased to Four hundred thousand cubic feet without being so divided.

(2) No addition shall be made to any building, or to any division thereof, so that the cubical extent of such building or division will exceed Three hundred and fifty thousand cubic feet, except as provided in this Act.

(3) The restriction contained in this section upon the cubical extent of a building shall not apply to any building which is used wholly for the manufacture of machinery and boilers or ironwork generally, or for a retort-house, or the manufacture of gas or for generating electricity: Provided that such building consists of One floor only and is constructed of brick, stone, or other incombustible material throughout, and is not used for any purpose other than those specified in this subsection.

Consent to larger dimensions.
Cf. *Ibid.*, s. 76.

37 In the case of a building constructed entirely of fire-resisting materials and not used for the purpose of any trade or manufacture involving the storage or use of any explosive or inflammable material, there shall be no limit to the cubic capacity of such building: Provided that if the building exceeds Three hundred and fifty thousand cubic feet in cubic capacity, or being more than Two storeys in height, exceeds Two hundred and fifty thousand cubic feet in cubic capacity, the external and party walls, unless built of cement, are increased in thickness by at least Four and a half inches in every part beyond the thickness set out in the Second Schedule, but such extra thickness may be confined to piers as set out in paragraph Three of the miscellaneous part of the Second Schedule.

Rules as to uniting buildings.
Cf. *ibid.*, s. 77.

38—(1) Buildings shall not be united if, when so united and considered as One building only, they would not be in conformity with this Act.

(2) An opening shall not be made in any party wall or in Two adjoining external walls dividing buildings which, if taken together, would extend to a greater cubic capacity than is permitted in this Act for the particular class of building, except under the following conditions:—

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- I. Such opening shall not exceed in width Seven feet or in height Eight feet, and such opening or all such openings taken together shall not exceed One-half the length of such party wall or of either of such external walls on any floor of the building on which such opening or openings occur :
- II. Such opening shall have the floor-jambs and head formed of fire-resisting material and be closed by doors or shutters of fire-resisting material, and shall comply with the requirements of the Fire Underwriters' Association of Tasmania.

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(3) Whenever any buildings which have been united cease to be in one occupation, all openings made for the purpose of uniting the same in any party wall between the buildings, or in any external wall, shall be stopped up with brick or stone work not less than Thirteen inches in thickness (except in the case of a wall Eight and a half inches in thickness, in which case Eight and a half inches shall be sufficient) and properly bonded with such wall, and any timber not in conformity with this Act placed in the wall in connection with any such opening shall be removed.

(4) Whenever any buildings which have been united cease to be in one occupation, the owner of each building shall forthwith give notice to the surveyor, and shall cause any openings made in the party wall or external walls to be stopped up and bonded as aforesaid.

(5) Buildings shall be deemed to be united when any opening fitted with an approved door is made in the party wall or the external walls dividing such buildings, or when such buildings are so connected that there is access from one building to the other without passing into the open air, provided that buildings shall not be deemed to be united when they are only connected by an open gangway of fire-resisting material.

39 For the purposes of the provisions of this Act relating to construction, every public building shall be deemed to be included in the term "building," and shall be subject to all the provisions of this Act, in the same manner as if it were a building erected for a purpose other than a public purpose.

Construction of public buildings
Cf. L.B. Act,
s. 78.

40 Where it is proposed to convert or alter any building erected for a purpose other than a public purpose into a public building, such alteration or conversion shall be carried out in accordance with the provisions of this Act in such manner as shall be approved by the surveyor.

Conversion of houses, &c., into public buildings.
Ibid., s. 79.

41 The rules set out in Schedule Six shall be observed with respect to new public buildings, additions, or alterations, by which increased accommodation is to be provided in existing buildings, and also with respect to all works executed for the purpose of converting into a public building any existing building not previously used as a public building.

Rules as to public buildings other than theatres.
Ibid., s. 80.

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Special rules as to theatres.

Provisions for buildings corresponding to particular classes.

42 The rules set out in Schedule Seven shall be observed with respect to every building hereafter erected or altered to be used as a theatre or public place of amusement.

43 Buildings which correspond in form and structure, either in whole or in part, with buildings of the Domestic Building Class shall be governed to such extent by the provisions relating to such class.

If they correspond in form or in structure, either in whole or in part, with buildings of the Warehouse Class they shall be governed to such extent by the provisions relating thereto.

If such buildings do not correspond in form or structure with buildings of either class, the construction, elevation, materials, and form of such buildings shall be subject to the approval of the surveyor.

Floor space accommodation.

44 In the case of churches, theatres, and places of public assembly, for the purposes of this section Five superficial feet of the total floor spaces of the auditoria shall be deemed to accommodate One person.

Stairways and fire-escapes.

45 The rules set out in Schedule Eight shall be observed with respect to every building, other than a private residence, which shall be more than Three storeys in height, and every wooden building, other than a private residence, of Two or more storeys in height, and every building intended for use as a factory.

Construction of lift shafts.

46—(1) The shaft of every lift or elevator shall be constructed and enclosed with brickwork not less than Nine inches thick, reinforced concrete not less than Four inches thick, or other approved fire-resisting materials, as follows:—

- i. The sides of the shaft of every such lift or elevator shall be enclosed throughout its height, and such shaft shall be enclosed (in cases where such shaft is not carried down to the foundations of the building) at the bottom, and (in cases where such shaft is not carried up to the roof of the building) at the top. Doorways in enclosed shafts shall be fitted with doors glazed with wire-rolled glass in metal framework, or fitted with doors constructed of other approved fire-resisting material, and shall be fixed to the approval of the surveyor:
- ii. The shaft of any lift or elevator constructed within the well-hole of a fire-resisting staircase and landings may be enclosed with open metal grilles or guards and open metal doors, but, save as aforesaid, the materials used for enclosing shafts shall be solid fire-resisting materials (other than wood) not less than Three inches thick.

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(2) No goods lift shall be constructed in or communicate with an enclosed staircase in any building of the Warehouse Class. A. D. 1918.

(3) When the shaft of any lift or elevator is carried up to the roof of the building such shaft shall be carried through the roof and lighted, ventilated, and protected to the satisfaction of the surveyor. PART IV.

47—(1) All openings in any external wall of a building of the Warehouse Class, or of a building of the Domestic Class exceeding Three storeys in height, which are distant less than Twenty feet in any direction from any opening in any external wall of any other building, shall be fitted with approved solid iron, armoured doors, tin-clad shutters, or shutters of steel wire-gauze. This shall not be necessary for windows constructed with frames and sashes of metal and glazed with wire-rolled glass or prisms.

Prevention of fire in connection with windows and openings in certain cases.

(2) No opening shall be permitted in external walls which abut on land in other occupation, unless same shall be fitted with fire-resisting glazing as for vertical party structures, or alternatively such openings shall be protected with solid iron or armoured or gauze shutters.

(3) All openings in external walls abutting on enclosed light courts common to separate buildings or on lanes and streets under Fifteen feet in width shall be fitted with metal frames and sashes and glazed with wire-rolled glass or prisms, or protected with approved tin-clad or steel wire-gauze shutters.

(4) All sky-lights or lantern-lights which are placed in courts or wells constructed in buildings, or constructed on roofs of fire-resisting construction shall, so far as regards the frames and glazing thereof, be constructed of fire-resisting materials and wire glazing respectively.

PART IV.

FRAME CONSTRUCTION AND BUILDING WITH REINFORCED CONCRETE.

48 The rules set out in Schedule (9) shall apply to all buildings of frame construction, and to all building with reinforced concrete.

Rules as to frame construction, &c., reinforced concrete.

PART V.

SPECIAL AND TEMPORARY BUILDINGS AND WOODEN STRUCTURES.

49—(1) Where a builder is desirous of erecting an iron building or structure, or any other building or structure to which the general provisions of Part III. of this Act are inapplicable, or, in the opinion of the Council, inappropriate, having regard to the special purpose for which the building or structure is designed and to be actually used, he shall make an application to the Council, accompanied by plans of the proposed building and a block plan of the site, with such particulars as to the construction of the building as are required by the Council.

Application to Council for buildings to which rules of Act are inapplicable. *Ibid.*, s. 82.

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(2) The Council, if satisfied with such plans and particulars, shall signify their approval of the same in writing, and thereupon the building may be constructed according to such plans and particulars; but the Council shall not authorise any building of the Warehouse Class to be erected of greater cubical extent than Two hundred and fifty thousand cubic feet, except in accordance with the foregoing provisions of this Act.

(3) The Council may, for the purpose of regulating the procedure in relation to such applications, make such by-laws as they think fit as to the time and manner of making such applications, and as to the plans to be presented, the expenses to be incurred, and any other matter or thing connected therewith.

Cf. *ibid.*, s. 57.

(4) All expenses incurred in and about the obtaining of the approval of the Council shall be paid by the builder to the Council, and in default of payment may be recovered in a summary manner.

Control by
Council of certain
temporary
buildings.
L.B. Act, s. 83.

50—(1) Where an application is made to the Council by any person stating his desire to erect in any place an iron or other building or structure of a temporary character to which the general provisions of Part III. of this Act are inapplicable, the Council shall, if they approve of the plans and particulars of the building or structure, limit the period during which it shall be allowed to remain in the place, and shall make their approval subject to such conditions as to the removal of the building or structure, or otherwise, as they think fit.

(2) If at the expiration of the period so limited the building or structure is not removed in accordance with those conditions, the Council may serve a notice on the occupier or owner of such building or structure requiring him to remove it within a reasonable time specified in the notice.

(3) If the owner or occupier fails to remove such building or structure within the time so specified, the Council shall, notwithstanding the imposition and recovery of any penalty, cause complaint thereof to be made before a justice, who shall thereupon issue a summons requiring such occupier or owner to appear before a police magistrate or Two or more justices to answer such complaint; and if the said complaint is proved to the satisfaction of the magistrate or justices, he or they may make an order, in writing, authorising the Council to enter upon the land upon which such building or structure is situated and to remove or take down the same, and do whatever may be necessary for such purpose, and also to remove the materials of which the same is composed to a convenient place, and (unless the expenses of the Council are paid to them within Fourteen days after such removal) sell the same as they think proper.

Wooden structures not to be erected without licence of Council.
Ibid., s. 84.

51—(1) No person shall set up in any place any wooden structure (unless it is exempt from the operation of this Part of this Act) except hoardings on vacant land not within Twelve feet of the building line of any street or public way, and not exceeding in any

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part Ten feet in height, without having first obtained for that purpose a licence from the Council. Such licence may contain such conditions with respect to the structure, and the time for which it is to be permitted to continue in the said place, as the Council think expedient.

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PART V.

(2) Notwithstanding Subsection One hereof, a licence shall not be required in the case of any wooden structure of a movable or temporary character erected on private property by a builder for his use during the construction, alteration, or repair of any building: Provided the same is taken down or removed immediately after such construction, alteration, or repair is completed.

52—(1) Where any hoarding in the opinion of the Council is dangerous, unsightly, or unsuitable (not being such a structure as mentioned in Subsection Two of Section Fifty-one), whether erected before or after the commencement of this Act, and of whatever materials it is constructed, stands within Twelve feet of the building line of any street or public way, the Council may serve a notice on the owner or occupier of the land whereon the same stands requiring him to remove it within Fourteen days after the service of such notice.

Removal of hoardings abutting on streets.

(2) If such hoarding is not removed within Fourteen days after the service of such notice, proceedings may be taken by the Council for the removal thereof in manner provided by Subsection Three of Section Fifty, and all the provisions of the lastmentioned subsection shall apply.

(3) This section shall not apply to any hoarding erected before the commencement of this Act, until after the expiration of Ten years from the date of such commencement.

53 This part of this Act shall not apply in the case of a pile, stack, or store of timber, not being a structure affixed or fastened to the ground.

Piles of loose timber not regarded as structure. *Ibid.*, s. 85.

PART VI.

RIGHTS OF BUILDING AND ADJOINING OWNERS

54 Where lands of different owners adjoin and are unbuilt on at the line of junction, and either owner is about to build on any part of the line of junction, the following provisions shall have effect:—

Rights of owners of adjoining lands respecting erection of walls on line of junction. *Ibid.*, s. 87 (part).

- i. If the building owner desires to build a party wall on the line of junction, he may serve notice thereof on the adjoining owner, describing the intended wall:

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- II. If the adjoining owner consents to the building of a party wall, the wall shall be built half on the land of each of the Two owners, or in such other position as is agreed between the Two owners :
- III. The expense of the building of the party wall shall be from time to time defrayed by the Two owners in due proportion, regard being had to the use made and which may be made of the wall by the Two owners respectively :
- IV. If the adjoining owner does not consent to the building of a party wall, the building owner shall not build the wall otherwise than as an external wall placed wholly on his own land :
- V. If the building owner does not desire to build a party wall on the line of junction, but desires to build an external wall placed wholly on his own land, he may serve notice thereof on the adjoining owner describing the intended wall :
- VI. Where an external wall is built on the boundary of the land of the building owner or against another external wall or against a party wall, it shall be lawful for the surveyor to allow the footing of the side next such boundary or other external or party wall to be omitted, as provided for in Paragraph Nineteen of the Preliminary Part of the Second Schedule :
- VII. In any case where a party wall is built in pursuance of the provisions of this Part of this Act, and the land or any of the land upon which such party wall is built is under the provisions of "The Real Property Act" and of every Act amending the same, or any Act substituted for that Act, the owner of any land so built upon, and being under the said provisions, shall execute an easement of support in respect of such wall over the last-mentioned land and appurtenant to the other land upon which the party wall is built, and shall cause such easement to be registered upon the folium of the Register Book relating to his said land, and the building owner shall bear the expenses of and incidental thereto.

Rights of
building owner.*Ibid.*, s. 88.

55 The building owner shall have the following rights in relation to party structures, in addition to and without prejudice to any rights he may have under any other Act or at common law, that is to say :—

- I. A right to make good, underpin, or repair any party structure which is defective or out of repair :
- II. A right to pull down and rebuild any party structure which is so far defective or out of repair as to make it necessary or desirable to pull it down :

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- III. A right to pull down any timber or other partition which divides any buildings and is not conformable with the provisions of this Act, and to build instead a party wall conformable thereto : A.D. 1918.
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- IV. In the case of buildings having rooms or storeys the property of different owners intermixed, a right to pull down such of the said rooms or storeys, or such parts thereof, as are not built in conformity with this Act, and to rebuild the same in conformity with this Act :
- V. In the case of buildings connected by arches or communications over public ways or over passages belonging to other persons, a right to pull down such of the said buildings, arches, or communications, or such parts thereof, as are not built in conformity with this Act, and to rebuild the same in conformity with this Act :
- VI. A right to raise and underpin any party structure permitted by this Act to be raised or underpinned, or any external wall built against such party structure, upon condition of making good all damage occasioned thereby to the adjoining premises or to the finishings and decorations thereof, and of carrying up to the requisite height all flues and chimney stacks belonging to the adjoining owner on or against such party structure or external wall :
- VII. A right to pull down any party structure which is of insufficient strength for any building intended to be built, and to rebuild the same of sufficient strength for that purpose, upon condition of making good all damage occasioned thereby to the adjoining premises or to the finishings and decorations thereof :
- VIII. A right to cut into any party structure upon condition of making good all damage occasioned to the adjoining premises by such operation :
- IX. A right to cut away any footing or any chimney breasts, jambs, or flues projecting, or other projections, from any party wall or external wall in order to erect an external wall against such party or external wall, or for any other purpose, upon condition of making good all damage occasioned to the adjoining premises by such operation :
- X. A right to cut away or take down such parts of any wall or building of an adjoining owner as may be necessary in consequence of such wall or building overhanging or encroaching upon the ground of the building owner, in order to erect an upright wall against the same on condition of making good any damage sustained by the wall or building by reason of such cutting away or taking down :

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- XI. A right to perform any other necessary works incident to the connection of a party structure with the premises adjoining thereto :

But the above rights, numbered One to Eleven inclusive, shall be subject to this qualification, that any building which has been erected previously to the date of the commencement of this Act shall be deemed to be conformable to the provisions of this Act, if it is conformable with the provisions of the Acts of Parliament regulating buildings at the time such building was erected :

- XII. A right to raise a party fence wall or to pull the same down and rebuild it as a party wall.

Rights of adjoining owner.
L.B. Act, s. 89.

56—(1) Where a building owner proposes to exercise any of the foregoing rights with respect to party structures, the adjoining owner may by notice require the building owner to build on any such party structure such chimney copings, jambs, or breasts or flues, or such piers or recesses, or any other like works as may fairly be required for the convenience of such adjoining owner, and are specified in the notice, and it shall be the duty of the building owner to comply with such requisition in all cases where the execution of the required works will not be injurious to the building owner, or cause to him unnecessary inconvenience or unnecessary delay in the exercise of his right.

(2) Any difference that arises between a building owner and an adjoining owner in respect of the execution of any such works shall be determined in the manner in which differences between building owners and adjoining owners are hereinafter directed to be determined.

Rules as to exercise of rights by building and adjoining owners.
L.B. Act, s. 90.

57—(1) A building owner shall not, except with the consent in writing of the adjoining owner and of the adjoining occupiers, or, in cases where any party wall or structure is dangerous (in which case the provisions of Part VII. of this Act shall apply), exercise any of his rights under this Part of this Act in relation to any party wall, party fence wall, or party structure, unless at least Six weeks before doing so he has served on the adjoining owner a party wall or party structure notice stating the nature and particulars of the proposed work, and the time at which the work is proposed to be commenced.

(2) When a building owner in the exercise of any of his rights under this Part of this Act lays open any part of the adjoining land or building, he shall, at his own expense, make and maintain for a proper time a proper hoarding and shoring or temporary construction for the protection of the adjoining land or building and the security of the adjoining occupier.

(3) A building owner shall not exercise any right by this Act given to him arbitrarily or in such manner or at such a time as to cause unnecessary inconvenience to the adjoining owner or to the adjoining occupier.

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(4) A party wall or structure notice shall not be available for the exercise of any right unless the work to which the notice relates is begun within Six months after the service thereof, and is prosecuted with due diligence. A.D. 1918.
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(5) Within Fourteen days after the receipt of such notice, or at any time before building operations are commenced, the adjoining owner may serve on the building owner a notice requiring him to build on such party structure any works to the construction of which he is entitled under Section Fifty-six.

(6) The lastmentioned notice shall specify the works required by the adjoining owner for his convenience, and shall, if necessary, be accompanied by explanatory plans and drawings.

(7) If either owner does not within Fourteen days after the service on him of any notice express his consent thereto, he shall be considered as having dissented therefrom, and thereupon a difference shall be deemed to have arisen between the building owner and the adjoining owner.

58 In all cases not specially provided for by this Act, where a difference arises between a building owner and an adjoining owner in respect of any matter arising with reference to any work to which any notice given under this Part of this Act relates, such difference shall be referred to Two arbitrators, One to be appointed by each party, or their umpire, pursuant to "The Arbitration Act, 1892." Settlement of
difference
between building
and adjoining
owners.
L.B. Act, s. 91.

59 A building owner, his servants, agents, and workmen, at all usual times of working, may enter and remain on any premises for the purpose of executing, and may execute, any work which he has become entitled or is required in pursuance of this Act to execute, removing any furniture, or doing any other thing which may be necessary; and if the premises are closed, he and they may, accompanied by a constable or other peace officer, break open any fences or doors in order to effect such entry: Provided that before entering on any premises for the purposes of this section the building owner shall, except in the case of emergency, give Fourteen days' notice of his intention so to do to the occupier and owner, and in case of emergency shall give such (if any) notice as may be practicable. Power for
building owner
to enter premises.
L.B. Act, s. 92.

60 Where a building owner intends to erect within Ten feet of a building belonging to an adjoining owner, a building or structure any part of which within such Ten feet extends to a lower level than the foundations of the building belonging to the adjoining owner, he may, and, if required by the adjoining owner, shall (subject as hereinafter provided) underpin or otherwise strengthen the foundations of the lastmentioned building so far as may be necessary, and the following provisions shall have effect:— Building owner
to underpin
adjoining owner's
building.
L.B. Act, s. 93.

- I. At least One month's notice in writing shall be given by the building owner to the adjoining owner, stating his intention to build, and whether he proposes to under-

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pin or otherwise strengthen the foundations of the said lastmentioned building, and such notice shall be accompanied by a plan and sections showing the site of the proposed building and the depth to which he proposes to excavate :

- II. If the adjoining owner within Fourteen days after being served with such notice, gives a counter notice in writing that he disputes the necessity of or that he requires such underpinning or strengthening, a difference shall be deemed to have arisen between the building owner and the adjoining owner :
- III. The building owner shall be liable to compensate the adjoining owner and occupier for any inconvenience, loss, or damage which may result to them by reason of the exercise of the powers conferred by this section :
- IV. Nothing in this section contained shall relieve the building owner from any liability to which he would otherwise be subject in case of injury caused by his building operations to the adjoining owner.

Security to be given by building and adjoining owners.
L.B. Act, s. 94.

61—(1) An adjoining owner may, if he thinks fit, by writing, require the building owner (before commencing any work which he may be authorised by this part of this Act to execute) to give such security as is agreed upon or, in case of difference, is settled by Two arbitrators or their umpire, as provided by Section Fifty-eight of this Act, for the payment of all such expenses, costs, and compensation in respect of the work as may be payable by the building owner.

(2) The building owner may, if he thinks fit, at any time after service on him of a party wall or party structure requisition by the adjoining owner, and before beginning a work to which the requisition relates, but not afterwards, serve a counter requisition on the adjoining owner requiring him to give such security for payment of the expenses, costs, and compensation for which he is, or will be liable, as may be agreed upon, or in the case of difference, may be settled as mentioned in Subsection One hereof.

If the adjoining owner does not within One month after service of such counter requisition give security accordingly, he shall at the end of that month be deemed to have ceased to be entitled to compliance with his party wall or party structure requisition, and the building owner may proceed as if no party wall or party structure requisition had been served on him by the adjoining owner.

Rules as to expense in respect of party structures.
L.B. Act, s. 95

62—(1) As to expenses to be borne jointly by the building owner and the adjoining owner—

- I. If any party structure is defective or out of repair, the expense of making good, underpinning, or repairing the same shall be borne by the building owner and adjoining owner in due proportion, regard being had to the use that each owner may make of the structure :

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- ii. If any party structure is pulled down and rebuilt by reason of its being so far defective or out of repair as to make it necessary or desirable to pull it down, the expense of such pulling down and rebuilding shall be borne by the building owner and adjoining owner in due proportion, regard being had to the use that each owner may make of the structure : A.D. 1918.
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- iii. If any timber or other partition dividing a building is pulled down in the exercise of the right by this Part of this Act vested in a building owner, and a party structure is built instead thereof, the expense of such pulling down and of building such party structure, and also of building any additional party structures that may be required by reason of the partition having been pulled down, shall be borne by the building owner and the adjoining owner in due proportion, regard being had to the use that each owner may make of the party structure and to the thickness required for support of the respective buildings parted thereby :
- iv. If any rooms or storeys, or any parts thereof, the property of different owners and intermixed in any building are pulled down in pursuance of the right by this Act vested in a building owner and are rebuilt in conformity with this Act, the expense of such pulling down and rebuilding shall be borne by the building owner and adjoining owner in due proportion, regard being had to the use that each owner may make of such rooms or storeys :
- v. If any arches or communications over public ways or over passages belonging to other persons than the owners of the buildings connected by such arches or communications, or any parts thereof, are pulled down in pursuance of the right by this Part of this Act vested in a building owner, and are rebuilt in conformity with this Act, the expense of such pulling down and rebuilding shall be borne by the building owner and adjoining owner in due proportion, regard being had to the use that each owner may make of such arches or communications.
- (2) As to expenses to be borne by the building owner—
- i. If any party structure, or any external wall built against another external wall, is raised or underpinned in pursuance of the power by this Part of this Act vested in a building owner, the expense of raising or underpinning the same, and of making good all damage occasioned thereby, and of carrying up to the requisite height all such flues and chimney stacks belonging to the adjoining owner on or against any such party structure or external wall as are by this Part of this Act required to be made good and carried up, shall be borne by the building owner :

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- ii. If any party structure which is of proper materials and sound, or not so far defective or out of repair as to make it necessary or desirable to pull it down, is pulled down and rebuilt by the building owner, the expense of pulling down and rebuilding the same, and of making good any damage by this Part of this Act required to be made good, and a fair allowance in respect of the disturbance and inconvenience caused to the adjoining owner, shall be borne by the building owner :
- iii. If any party structure is cut into by the building owner, the expense of cutting into the same and of making good any damage by this Part of this Act required to be made good shall be borne by such building owner :
- iv. If any footing, chimney breast, jamb, or floor is cut away in pursuance of the powers by this Part of this Act vested in any building owner, the expense of such cutting away and of making good any damage by this Part of this Act required to be made good shall be borne by the building owner :
- v. If any party fence wall is raised for a building, the expense of raising such wall shall be borne by the building owner :
- vi. If any party fence wall is pulled down and built as a party wall the expense of pulling down such party fence wall and building the same as a party wall shall be borne by the building owner :

Provided that if at any time the adjoining owner makes use or any party structure (or any part thereof) raised or underpinned as aforesaid, or of any party fence wall pulled down and built as a party wall (or any part thereof), beyond the use thereof made by him before the alteration, there shall be borne by the adjoining owner from time to time, a due proportion of the expense (having regard to the use that the adjoining owner may make thereof)—

- i. Of raising or underpinning such party structure or external wall, and of making good all damage occasioned thereby to the adjoining owner, and of carrying up to the requisite height all such flues and chimney stacks belonging to the adjoining owner on or against any such party structure or external wall as are by this Part of this Act required to be made good and carried up :
- ii. Of pulling down and building such party fence wall as a party wall.

Account of expenses to be delivered to adjoining owner.
L.B. Act, s. 96.

63 Within One month after the completion of any work which a building owner is by this Part of this Act authorised or required to execute, and the expense of which is in whole or in part to be borne by an adjoining owner, the building owner shall deliver to the adjoining owner an account in writing of the particulars and expense of the work, specifying any deduction to which such adjoin-

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ing owner or other person may be entitled in respect of old materials, or in other respects; and every such work shall be estimated and valued at fair average rates and prices, according to the nature of the work and the locality and the market price of materials and labour at the time.

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64—(1) At any time within One month after the delivery of the said account the adjoining owner, if dissatisfied therewith, may declare his dissatisfaction to the building owner by notice in writing, specifying his objection thereto, and thereupon a difference shall be deemed to have arisen between the parties, and such difference shall be determined in manner hereinbefore in this Part of this Act provided for the settlement of differences between building and adjoining owners.

Adjoining owner may object to account.

L.B. Act, s. 97

(2) If within the said period of One month the adjoining owner does not declare in the said manner his dissatisfaction with the account, he shall be deemed to have accepted the same, and shall pay the same on demand to the party delivering the account, and if he fails to do so, the amount so due may be recovered as a debt.

Building owner may recover if no objection made.

L.B. Act, s. 98.

65 Where the adjoining owner is liable to contribute to the expenses of building any party structure, then, until such contribution is paid, the building owner at whose expense the same was built shall stand possessed of the sole property in the structure.

Structure to belong to building owner until contribution paid.

L.B. Act, s. 99.

66 The adjoining owner shall be liable for all expenses incurred on his requisition by the building owner, and in default of payment thereof the same may be recovered from him as a debt.

Adjoining owner liable to expenses incurred on his requisition.

L.B. Act, s. 100.

67 Nothing in this Act shall authorise any interference with an easement of light or other easement in or relating to a party wall, or take away, abridge, or prejudicially affect any right of any person to preserve or restore any light or other thing in or connected with a party wall in case of the party wall being pulled down or rebuilt.

Saving for lights in party walls, &c.

L.B. Act, s. 101.

PART VII.

DANGEROUS AND NEGLECTED STRUCTURES.

Dangerous Structures.

68 In this part of this Act the expression "structure" includes any building, wall, or other structure, and anything affixed to, against, or projecting from any building, wall, or other structure, and also includes any sky sign (within the meaning of Part VIII. of this Act) erected before the commencement of this Act.

Meaning of "structure." *Ibid.*, s. 102.

69—(1) In the case of any structure in a dangerous state, the surveyor shall, on it becoming known to him, make a survey of such structure.

Survey to be made of dangerous structures. *Ibid.*, s. 103 (part).

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(2) It shall be lawful for the surveyor, at all times in the day-time, to enter into or upon any structure, or upon any land upon which any structure is situated, for the purpose of making a survey of such structure.

Surveyor to give certificate.

L.B. Act, s. 105.

Notice to be given to owners in respect of certificate.

L.B. Act, s. 106.

70—(1) Upon the completion of his survey the surveyor shall certify to the Council his opinion as to the state of the structure.

(2) If the surveyor certifies that in his opinion the structure is not in a dangerous state, no further proceedings shall be had in respect thereof, but if he certifies that in his opinion the same is in a dangerous state, he shall cause notice to be served on the owner or occupier of the structure, requiring him forthwith to take down, secure, make safe, or repair the same, as the case requires, to his satisfaction; and may cause the same to be shored up or otherwise secured, and a proper hoard or fence to be put up for the protection of the public.

Proceedings to enforce compliance with notice.

L.B. Act, s. 107.

71 If the owner or occupier on whom the notice is served fails to comply as speedily as the nature of the case permits with the notice, the Council may make complaint thereof before a justice, who shall thereupon issue a summons requiring such owner or occupier to appear before a police magistrate or Two justices to answer such complaint, and if the said complaint is proved to the satisfaction of the magistrate or justices, he or they may order the owner to take down, repair, or otherwise secure to the satisfaction of the surveyor the structure or such part thereof as appears to the magistrate or justices to be in a dangerous state, within a time to be fixed by the order; and if the same is not taken down, repaired, or otherwise secured within the time so limited, the Council may, with all convenient speed, cause all or so much of the structure as is in a dangerous state to be taken down, repaired, or otherwise secured in such manner as may be requisite.

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 to arbitration.

Court may make order notwithstanding arbitration.

L.B. Act, s. 108.

72 Notwithstanding any such notice requiring arbitration as aforesaid, any police magistrate or Two justices, on complaint by the Council may, if of opinion that the structure is in such a dangerous condition as to require immediate treatment, make any order which such magistrate or justices may think fit with respect to the taking down, repairing, or otherwise securing the structure.

Expenses.

Ibid., s. 109.

73—(1) All expenses incurred by the Council in relation to the obtaining of any order as to a dangerous structure and carrying the same into effect under this Part of this Act, or carrying out any work under this Part of this Act, shall be paid by the owner of the structure, but without prejudice to his right to recover the same from any person liable to the expenses of repairs.

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(2) If the owner cannot be found, or if on demand he refuses or fails to pay the said expenses, the Council, after the expiration of Three months from the service on him of notice of their intention so to do, may, if in their discretion they think fit, sell the structure; but they shall, after deducting from the proceeds of the sale the amount of all expenses incurred by them, pay the surplus (if any) to the owner, on demand.

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74 Where under this part of this Act any dangerous structure is sold for payment of the expenses incurred in respect thereof by the Council, the purchaser, his agents and servants, may enter upon the land whereon the structure is standing for the purpose of taking down the same and removing the materials of which it is constructed.

Provisions
respecting sale of
dangerous struc-
tures.

L.B. Act, s. 110.

75 If the materials are not sold by the Council, or if the proceeds of the sale are insufficient to defray the said expenses, the Council may recover the expenses or the balance thereof from the owner of the building, together with all costs in respect thereof, in a summary manner.

Recovery of
expenses.*Ibid.*, s. 112.

76 Where a structure has been certified by the surveyor to be dangerous to its inmates, a justice may, if satisfied of the correctness of the certificate, upon the application of the Council, by order, direct that any inmates of such structure be removed therefrom by a constable or other peace officer.

Power to remove
inmates from
dangerous struc-
tures.*Ibid.*, s. 114.*Neglected Structures.*

77—(1) Where a structure is ruinous, or so far dilapidated as thereby to have become and to be unfit for use or occupation, or is, from neglect or otherwise, in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood, a police magistrate or Two justices, on complaint by the Council, may order the owner to take down, or repair, or rebuild such structure (in this Act referred to as a neglected structure) or any part thereof, or to fence in with a close fence or picket fence the ground upon which it stands or any part thereof, or otherwise to put the same or any part thereof into a state of repair and good condition, to the satisfaction of the Council, within a reasonable time to be fixed by the order, and may also make an order for the costs incurred up to the time of the hearing.

Removal of
dilapidated and
neglected build-
ings.

L.B. Act, s. 115

(2) If the order is not obeyed, the Council may with all convenient speed enter upon the neglected structure, and the ground upon which it stands, and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof, the Council, in executing the order, may remove the materials to a convenient place, and (unless the expenses of the Council under this section in relation to such structure are paid to them within Fourteen days after such removal) sell the same, if and as they in their discretion think fit.

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(4) All expense incurred by the Council under this section in relation to a neglected structure may be deducted by the Council out of the proceeds of the sale, and the surplus (if any) shall be paid by the Council on demand to the owner of the structure; and if such neglected structure, or some part thereof, is not taken down, and such materials are not sold by the Council, or if the proceeds of the sale are insufficient to defray the said expenses, the Council may recover such expenses or the deficiency from the owner of the structure, together with all costs in respect thereof in a summary manner, but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

Supplementary as to Dangerous and Neglected Structures.

Further provision
for enforcing
repayment of
expenses incurred
by Council.
Ibid., s. 116.

78—(1) Where the Council have incurred any expenses in respect of any dangerous or neglected structure, and have not been paid or have not recovered the same, any police magistrate or Two justices, on complaint by the Council, may make an order fixing the amount of such expenses and the costs of the proceedings before such magistrate or justices, and directing that no part of the land upon which such dangerous or neglected structure stands, or stood, shall be built upon, or that no part of such dangerous or neglected structure, if repaired or rebuilt, shall be let for occupation, until after payment to the Council of the said amount; and thereupon, and until payment to the Council of the said amount, no part of such land shall be built upon, and no part of such dangerous or neglected structure so repaired or rebuilt shall be let for occupation.

(2) Every such order shall be made in duplicate, and One copy of such order shall be delivered to and shall be retained by the proper officer of the Court, and the other copy shall be kept at the office of the surveyor.

(3) The surveyor shall keep in his office a register of all orders made under this section, and shall keep the same open for inspection by all persons at all reasonable times, and any such order not entered in such register within Thirty days after the making thereof shall cease to be of any force. No property shall be affected by any such order unless and until such order is entered in such register.

Buildings, &c., to
be made sightly
and suitable.

79 Whenever the Council shall be of opinion that any building or structure is unsightly or unsuitable to the locality in which such building or structure is situate, the Council may proceed as follows:—

- i. If the Council shall consider that such building or structure can be made sightly or suitable as aforesaid, the Council may cause a notice to be served upon the owner of the land upon which such building or structure is erected, requiring such owner to make such alterations and improvements as the Council shall think fit; and such owner shall, within the time specified in such notice, make such alterations and improvements accordingly:

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- II. If the Council shall consider that such building or structure can not be made sightly or suitable as aforesaid by any alteration or improvement, the Council may cause a notice, in writing, to be served upon the owner of the land upon which such building or structure is erected, requiring such owner to remove such building or structure, and such owner shall, within the time specified in such notice, remove such building or structure, in such manner as shall have been directed by the Council :
- III. If any such owner as aforesaid, after service upon him of any notice under this section, fails within the time specified in such notice to comply with the requirements thereof, he shall incur a penalty not exceeding Five Pounds for every such offence, and also a further penalty not exceeding Twenty Shillings a day for every day during which such failure or non-compliance shall continue; and it shall be lawful for the Council to cause all such acts and things as may be necessary to secure a compliance with the requirements contained in such notice to be done; and all the costs, charges, and expenses incurred by or on behalf of the Council thereby or incidental thereto shall be repaid to the Council by such owner :
- IV. All penalties and all costs, charges, and expenses imposed or made payable by this Act, may be recovered in a summary manner in the mode directed by "The Magistrates Summary Procedure Act," before a police magistrate or before any Two justices of the peace :
- V. If the owner of any such building or structure as aforesaid is unknown, or cannot be found, the Council may give the notice by advertisement in One or more newspapers generally circulating in Hobart of their intention as herein provided, and by affixing a copy of such notice to some conspicuous place on such building or structure; and if at the end of Three months after such notice has been first advertised as aforesaid, no owner shall be found, then the Council may proceed as provided in Subsection Three of this section, and may sell the material of any building or structure removed, and apply the proceeds towards payment of the expenses incurred thereby.

PART VIII.

SKY SIGNS.

30 In this part of this Act the expression "sky sign" means any word, letter, model, sign, device, or representation in the nature of an advertisement, announcement, or direction, supported on or attached to any post, pole, standard framework, or other support

Sky signs.
Ibid., s. 125.

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wholly or in part upon, over, or above any building or structure, which, or any part of which word, letter, model, sign, device, or representation, is visible against the sky from any point in any street or public way, and includes all and every part of any such post, pole, standard, framework, or other support. The expression "sky sign" also includes any balloon, parachute, or similar device, employed wholly or in part for the purposes of any advertisement or announcement on, over, or above any building, structure, or erection of any kind, or on or over any street or public way, but does not include—

- i. Any flagstaff, pole, vane, or weathercock, unless adapted or used, wholly or in part, for the purposes of any announcement or advertisement; or
- ii. Any sign on any board, frame, or other contrivance which is permissible under any by-law in force at the commencement of this Act, or which may be made in pursuance of this Act, or, in the absence of any such by-law, which is securely fixed to or on the top of the wall or parapet of any building, on the cornice or blocking course of any wall, or to the ridge of a roof: Provided that such board, frame, or other contrivance is of one continuous face, and does not extend in height more than Four feet above any part of the wall, or parapet, or ridge, to, against, or on which it is fixed or supported.

Prohibition of sky signs.
Ibid., s. 127 and s. 128, altered.

81 From and after the commencement of this Act it shall be unlawful to erect or place any sky sign without the sanction of the Council.

Removal of sky signs.
Ibid., s. 134.

82—(1) If any sky sign is erected or placed after the commencement of this Act without the sanction of the Council, it shall be lawful for the Council to take proceedings for the taking down and removal of such sky sign in the same manner in all respects as if it were a structure certified by the Surveyor, under Part VII. of this Act, to be in his opinion in a dangerous state, except that the provisions of the said Part with respect to arbitration shall not apply; and it shall be lawful for the Council, or any officers, servants, or workmen appointed by them for that purpose (after obtaining the order of a police magistrate or Two justices for the taking down of the sky sign, and after the expiration of the period (if any) fixed by such order for taking down the same), to enter upon the land, building, or premises on, over, or above which the sky sign is erected, and to take down and remove the sky sign, and to execute and do any works which may be necessary for that purpose, and for leaving any building to which the same was attached in a condition of safety; and all the expenses of and incidental to any such work shall be repaid and be recoverable as though the same were a penalty imposed under this Act.

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(2) For the purpose of any such proceeding the expression "the owner" in Part VII. of this Act shall mean the occupier of the house, building, or structure on, to, or against which the sky sign is erected or attached, or, if the house, building, or structure is unoccupied, then the person who is the owner thereof within the meaning of this Act.

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83—(1) For the purpose of giving effect to the provisions of this Part of this Act, the surveyor shall inspect and survey all such structures and things as he has any reason to believe to be sky signs, and shall report thereon from time to time to the Council.

Surveyor to inspect sky signs.
Ibid., s. 126.

(2) For the purposes of this section, it shall be lawful for the surveyor, at all times in the daytime, to enter into and upon any land and any building or other premises.

PART IX.

SURVEYORS.

84—(1) The Council may, for the purpose of aiding in the execution of this Act, appoint some fit person to be called the "building surveyor" (herein referred to as "the surveyor"), and such inspecting officers and such clerks as they think fit. All such appointments shall be during the pleasure of the Council.

Power for Council to appoint surveyors.
Ibid., s. 136.

(2) Such surveyor, inspecting officers, and clerks shall perform such duties as the Council direct.

(3) There shall be paid to the surveyor, inspecting officers, and clerks such salaries as the Council direct.

(4) Subject to the foregoing provisions of this section, and to the Council's power of dismissal, the persons who at the commencement of this Act hold office as the surveyor, inspecting officers, and clerks shall continue to be the surveyor, inspecting officers, and clerks respectively under this Act.

(5) If any building or structure is executed, or any work is done to, in, or upon any building or structure by or under the superintendence of the surveyor, acting professionally or on his own private account, the surveyor shall not survey such building or structure for the purposes of this Act, or act as the surveyor in respect thereof or in any matter connected therewith; but it shall be his duty to give notice to the Council, who shall then appoint some other person to be the surveyor and to act in respect of the matter.

L.B. Act, s. 144.

85 Subject to the provisions of this Act and to the exemptions in this Act mentioned, every building or structure and every work done to, in, or upon any building or structure, and all matters relating to open spaces about buildings shall be subject to the supervision of the surveyor.

Buildings to be supervised by the surveyor.
Ibid., s. 138.

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PART IX.

Powers of
Council as to
surveyor.
Ibid., s. 139,
adapted.
L.B. Act, s. 139,
adapted.

86 The Council shall have the following powers with regard to the surveyor, inspecting officers, and clerks, that is to say:—

- I. They may dismiss or suspend the surveyor, or any inspecting officer or clerk, and in case of any suspension or during any vacancy, may appoint a temporary substitute and pay him such remuneration as they think proper:
- II. On a vacancy occurring in the office of surveyor, inspecting officer, or clerk, they may appoint another qualified person in his place:
- III. Where, on account of the pressure of business or on any other account, the surveyor or any inspecting officer or clerk cannot discharge his duties promptly and efficiently, they may appoint some other person to assist in the performance of his duties and pay him such remuneration as they think proper.

Surveyor to have
an office.
Cf., *ibid.*, s. 140.

87 The Council shall provide and maintain an office for the surveyor.

Notice to be given
to surveyor by
builder.
Ibid., s. 145

88 In the following cases, and not later than the following times, that is to say—

- I. Where a building, or structure, or work is about to be begun, then Two clear days before it is begun; and
- II. Where a building, or structure, or work is, after the commencement thereof, suspended for any period exceeding Three months, then Two clear days before it is resumed; and
- III. Where during the progress of a building, or structure, or work the builder employed thereon is changed, then Two clear days before a new builder enters upon the continuance thereof—

the builder or other person causing or directing the work to be executed shall serve on the surveyor a building notice respecting the building, or structure, or work. Every building notice shall be on the official form, and state the situation, total floor area, height, number of storeys, and intended use of the building or structure, and the number of buildings or structures if more than One, and the particulars of the proposed work and the cost thereof, and the name and address of the person giving notice and those of the owner then in possession of and the occupier of the building or structure, or of its site or intended site. All works in progress at the same time to, in, or on the same building or structure may be included in one building notice.

Surveyor to
enforce execution
of this Act.
L B Act, s. 146

89 The surveyor shall upon the receipt of any such notice as aforesaid, and also upon any work being observed by or made known to him, which is affected by the provisions of this Act, but in

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respect of which no notice has been given, and also from time to time during the progress of any work affected by such provisions, as often as may be necessary for securing the due observance of such provisions, survey any building or work hereby placed under his supervision, and cause all such provisions to be duly observed.

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90 Every notice served in pursuance of this Act shall be deemed in any question relative to any building, structure, or work to be *primâ facie* evidence, as against the builder, of the nature of the building, structure, or work proposed to be built or done.

Notice to be evidence of intended works.
Ibid., s. 147.

91—(1) The surveyor at all reasonable times during the progress and after the completion of any building, structure, or work affected by any of the provisions of this Act, or by any terms or conditions on which the observance of any such provisions may have been dispensed with, may enter and inspect such building, structure, or work, and any premises where it is situated.

Power of entry to inspect buildings.
L.B. Act, s. 148.

(2) The surveyor may, for the purpose of ascertaining whether any buildings erected in any premises are in such a situation or possess such characteristics as are required in order to exempt them from the operation of this Part of this Act, at all reasonable times and after reasonable notice, enter any premises except buildings exempt from the operations of Parts III. and V. of this Act; and he may do therein all such things as are reasonably necessary for the said purpose.

92 Where, by reason of any emergency, any act or work is required to be done immediately or before notice can be given as aforesaid, such act or work may be done on condition that before the expiration of Twenty-four hours after it has been begun notice thereof is served on the surveyor.

In case of emergency, works may be commenced without notice.
L.B. Act, s. 149.

93 Where it appears from the building notice served on the surveyor under this Act that it is proposed to erect any building or structure, or to do any work to, in, or upon any building which will be in contravention of this Act, or that anything required by this Act is proposed to be omitted, the Council shall serve upon the builder or building owner a notice of objection to such proposed erection; and in the event of the builder or building owner being dissatisfied with the decision of the Council he may, within Fourteen days of the date of the service of the notice of objection, make a complaint thereof before any justice. Such complaint may be determined by any police magistrate or Two justices, who may make an order thereon either affirming the objection or otherwise.

As to service of notice of objection on building or building owner
L.B Act, 150.

94 In any of the following cases, that is to say:—

- i. Where, in erecting any building or structure, or in doing any work to, in, or upon any building, anything is done in contravention of this Act, or anything required by this Act is omitted to be done; or

Notice by surveyor in case of irregularity.
Ibid., s. 151.

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II. Where the surveyor, on surveying or inspecting any building or work in respect of which notice has not been served as required by this Part of this Act, finds that the same is so far advanced that he cannot ascertain whether anything has been done in contravention of this Act, or whether anything required by this Act has been omitted to be done—

the surveyor shall serve on the builder engaged in erecting such building or structure, or in doing such work, a notice (hereinafter referred to as a notice of irregularity) requiring him within Forty-eight hours from the date of notice to cause anything done in contravention of this Act to be amended; or to do anything required to be done by this Act which has been omitted to be done; or to cause so much of any building, structure, or works as prevents the surveyor from ascertaining whether anything has been done or omitted to be done as aforesaid to be to a sufficient extent cut into, laid open, or pulled down.

Notice of irregularity after completion of building.
L.B. Act, s. 152.

95—(1) Notwithstanding that a building or structure has ceased to be in charge of or under the control of the builder, a notice of irregularity to the effect stated in the last preceding Section may, at any time during the erection of such building or structure, or within Thirty days after the completion thereof, be served on the builder, or on the owner or occupier thereof, or other the person causing or directing or who has caused or directed the work, instead of or in addition to the builder (if any).

(2) When the owner of a building or structure does not allow the builder to comply with the requisition of a notice of irregularity served on the builder, and the builder serves notice on the surveyor to that effect, a notice of irregularity to the effect above mentioned may, at any time within Fourteen days after service of the notice by the builder on the surveyor, be served on the owner or occupier of the building or structure, or other the person causing or directing or who has caused or directed the work.

Summary proceedings on non-compliance with notice.
Ibid., s. 153.

96—(1) If the person on whom a notice of irregularity is served makes default in complying with that notice within the period named therein, a police magistrate or Two justices, on complaint by the Council, may make an order on such person, requiring him to comply with the notice, or with any requisitions therein which in the opinion of the magistrate or justices are authorised by this Act, within a time named in the order.

(2) If the order is not complied with, the Council may, if they think fit, after giving Seven days' notice to such person, enter with a sufficient number of workmen upon the premises and do all such things as may be necessary for enforcing the order, and for bringing any building, structure, or work into conformity with the provisions of this Act, and all expenses incurred by the Council in so doing may be recovered in a summary way, either from the person on whom the order was made or from the owner of the premises.

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97 Nothing in the Three last preceding sections shall prejudice any remedy of the owner or occupier of a building or structure or any other person against the builder of such building or structure.

98 A register shall be made up and kept in the surveyor's office of all plans submitted for the approval of the Council, and of all building notices received by the surveyor. Such register shall set out the description, locality, contract price, and total floor area of all new buildings, alterations, or additions indicated on such plans, and the amount of fees chargeable thereon, and the date of receipt of such plans and building notices, and such other information as the Council directs.

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PART IX.

Rights of owner preserved.

L.B. Act.
s. 152 (4).

Register to be kept.

PART X.

BY-LAWS.

99—(1) Subject to the provisions of this Act, the Council may make such by-laws as they may think expedient for the better carrying into effect of the objects and powers of this Act with respect to the following matters or any of them, that is to say:—

Power to Council to make by-laws.
Ibid., s. 164.

- I. The forms of notices, applications, and other documents to be used for the purposes of this Act, and other like matters of procedure :
- II. The regulation of the plans, level, surface, and inclination of new streets, and for regulating the plans and levels of sites for new buildings :
- III. Foundations and sites of buildings and other erections :
- IV. The mode in which, and the materials with which, such foundations and sites are to be made, excavated, filled up, prepared, and completed, for securing stability and for purposes of health :
- V. The protection of ironwork and other metal work used in the construction of buildings from the action of fire :
- VI. Woodwork in external walls :
- VII. The description and quality of the substances of which plastering may be made :
- VIII. The mode in which, and the materials with which, any excavation made within a line drawn outside the external walls of a house, building, or other erection, and at a uniform distance therefrom of Three feet, shall be filled up :
- IX. The prohibition or regulation of lamps, signs, signboards, advertisements, or (and) other structures or things overhanging or near the public street or way :
- X. The prohibition or regulation of the erection, repair, and removal of verandahs, balconies, awnings, and similar structures over the public street or way, and the materials, height, and construction of the same :

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PART XI

- XI. Compelling the owner or occupier of any building to which a balcony or verandah over the public street or way is attached to keep the said balcony or verandah properly painted and repaired, and the floors and roof thereof watertight and free from rubbish, and providing in default thereof power for the Council to do the work and to recover the cost from such owner or occupier :
- XII. The prohibiting of persons using the roofs of such verandahs or (and) balconies for viewing processions or sights in the public streets or ways :
- XIII. The prohibition or regulation of the use of scaffolding over or near the public street or way, in connection with the erection, repair, alteration, or removal of buildings and other structures, of cranes and hoists worked by steam, electric, hydraulic, or other power, and machines, boilers, and other apparatus and contrivances :
- XIV. The prohibiting of the erection or construction, within localities defined by such by-laws, of any buildings or structures, except buildings or structures of classes or descriptions permitted by such by-laws :
- XV. The requiring of the removal by the owners, within a time fixed by such by-laws (not being earlier than Fourteen years from their coming into force), of all buildings and structures, except those of specified classes or descriptions erected or constructed since a specified time within localities defined by such by-laws :
- XVI. The prohibiting of the erection or construction of buildings and structures of specified classes or descriptions, elsewhere than within localities permitted by such by-laws :
- XVII. The requiring of the removal by the owners, within a time fixed by such by-laws (not being earlier than Fourteen years from their coming into force) of all buildings and structures of specified classes or descriptions erected or constructed since a specified time elsewhere than within localities permitted by such by-laws :
- XVIII. The fees to be paid to the Council by the builder or by the owner or occupier of any building or structure to which this Act applies :
- XIX. The procedure and forms for obtaining the approval of the Council of plans and other matters :
- XX. Any other matter or thing in respect of which it is by this Act provided or contemplated that the Council shall or may make by-laws.

Penalties.

(2) Any by-law may impose for any breach thereof, or of any other by-law made by the Council under this Act, a penalty not exceeding Twenty Pounds and a further penalty not exceeding Two Pounds for every day during which such offence continues after conviction; and such penalties may be recovered in a summary manner.

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(3) Subject to the provisions of this Act, the provisions of "The Hobart Corporation Act, 1893," relating to by-laws made under that Act shall be applicable to by-laws made under this Act.

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Application may be limited.

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LEGAL PROCEEDINGS.

100 All offences, penalties, fees, costs, and expenses under this Act, or any by-law made under this Act, directed to be prosecuted or recovered in a summary manner, or the prosecution or recovery of which is not otherwise provided for, may be prosecuted and recovered before any police magistrate or Two or more justices in manner provided by "The Magistrates Summary Procedure Act."

Summary proceeding for offences, &c., and recovery of penalties.
L.B. Act, s. 166.

101 All fines and penalties imposed or inflicted for any offence against this Act or any by-law made under this Act shall be paid to the Council.

Application of penalties.
Cf. *ibid.*, s. 169.

102 Where jurisdiction is by this Act given to a Court, or to a police magistrate or justice or justices, it, he, or they may settle the time and manner of executing any work, or of doing any other thing, and may put the parties to the case upon such terms with respect to the execution of the work as it, he, or they think fit. Such court, magistrate, justice, or justices shall also have power to award or refuse costs according to the circumstances, and to settle the amount thereof.

Court and justices may make orders.
S.A. Building Act, 1881, s. 88.

103—(1) Where any person has been convicted of any offence against this Act, by constructing, erecting, adapting, extending, raising, uniting, or separating any building or structure, or any part of any building or structure, in contravention of any provision of this Act, the Council may give notice in writing to such person to bring such building or structure into conformity with the said provision.

Council may demolish buildings and sell materials and recover expenses.
London Building Act, 1894, s. 170.

(2) If such person fails to comply with such notice within Fourteen days after the giving thereof, the Council may, notwithstanding the imposition and recovery of any penalty, cause complaint of such conviction, notice, and default to be made before a justice, who shall thereupon issue a summons requiring such person to appear to answer such complaint before a police magistrate or Two justices.

(3) If on the hearing of the said complaint the matter thereof is proved to the satisfaction of the magistrate or justices, he or they may make an order, in writing, authorising the Council, and it shall thereupon be lawful for the Council, or any person authorised by them, to enter upon such building or structure with a sufficient number of workmen and to demolish or alter such building or structure, or any part thereof, so far as the same has been adjudged to be in contravention of this Act, and to do whatever other acts may

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be necessary for such purpose, and to remove the materials to some convenient place, and, if in their discretion they think fit, to sell the same in such manner as they think fit.

(4) All expenses incurred by the Council in demolishing or altering such building or structure, or any part thereof, and in doing such other acts as aforesaid, or the balance of such expenses after deducting the proceeds of sale of the aforesaid materials (if the Council sell the same), may be recovered from the person committing the offence aforesaid in a summary manner.

(5) If the proceeds of such sale are more than sufficient to defray such expenses, the Council shall restore the surplus of such proceeds after deducting the amount of all such expenses, to the owner of the building or structure on demand.

Payment of
surplus proceeds
into Treasury.
Cf. *ibid.*, s. 172.

104 Where, by any provisions of this Act, any surplus of the proceeds of the sale of any building, structure, or materials is made payable to any owner thereof, and no demand is made by any person entitled thereto within One year of the receipt of the proceeds by the Council, then the same shall be paid to the Treasurer of the said State, and shall be by him paid out to the owner upon the order of the Supreme Court or a judge thereof, obtained on the application by petition or summons of the owner and proof of his title thereto.

Payment of
expense by
owners.
Ibid., s. 173.

105 Where it is by any provision of this Act declared that expenses are to be borne by or may be recovered from the owner of any premises (including under the term "owner" the adjoining and building owners, respectively), the following rules shall be observed with respect to the payment of those expenses :—

- i. The owner immediately entitled in possession to the premises, or the occupier thereof, shall, in the first instance, pay the expenses—with this limitation, that an occupier shall not be liable to pay any sum exceeding in amount the rent due, or that will thereafter accrue due from him in respect of the premises, during the period of his occupancy :
- ii. If there are successive owners, each of them shall be liable to contribute to such expenses in proportion to his interest :
- iii. Any difference arising as to the amount of contribution shall be decided by arbitration :
- iv. If some of the owners liable to contribution cannot be found, the deficiency so arising shall be divided amongst the owners who can be found :
- v. Any occupier of premises who has paid any such expenses may deduct the amount so paid from any rent payable by him to any owner of the said premises; and any owner who has paid more than his due proportion of any such expenses may deduct the amount so overpaid from any rent payable by him to any other owner of the same premises :

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VI. If default is made by any person in payment of any expenses hereby made payable by him in the first instance, the same may be recovered in a summary way; and if default is made by any person in repaying to any other person any money recoverable under this section, such moneys may be recovered in the same manner as if the obligation to pay such moneys were a simple contract debt.

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Notices.

106—(1) Notices, orders, and other such documents under this Act shall be in writing, and notices and documents other than orders when issued by the Council, shall be sufficiently authenticated if signed by the Town Clerk, or by the officer by whom the same are given or served.

Notices to be in writing.

Ibid., s. 187.

(2) Orders made by the Council shall be under the seal of the Corporation.

107—(1) Any notice, order, or other document required or authorised to be served under this Act may be served by delivering a copy thereof at, or by sending a copy thereof by post in a registered letter addressed to, the usual or last known residence in the State of the person to whom it is addressed; or by delivering the same to some person on the premises to which it relates; or if no person is found on the premises, then by fixing a copy thereof on some conspicuous part of the premises to which it relates; or, in the case of a company, by delivering a copy thereof at the registered office of the company.

Service of notices.

Ibid., s. 188.

(2) Any notice, order, or other document to be served upon a builder shall be deemed to be sufficiently served if a copy thereof is posted in a registered letter, addressed to such builder at the place of address stated in his building notice (if any) or, in default thereof, at his office or any one of his principal offices, or if a copy thereof is fixed on some conspicuous part of the premises to which it relates.

(3) Any notice, order, or other document by this Act required to be given to or served on the owner or occupier of any premises, or a copy thereof, may be addressed by the description of the "owner" or "occupier" of the premises (naming the premises) in respect of which the notice is given or served, without further name or description.

(4) Any notice or other document by this Act required to be given to or served on the Council may be given or served by post in a registered letter addressed to the Council at its office, or by delivering the same to some person at its office.

(5) Any notice required by this Act to be served on the surveyor may be served on him by post in a registered letter addressed to him at his office, or by delivering the same to some person at his office.

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Expenses, how borne.

108 All expenses incurred by the Council in carrying this Act into execution, which are not otherwise provided for, shall be paid by the Council out of its moneys.

Fees.
Ibid., s. 154.

109—(1) There shall be paid to the Council by the builder employed in erecting any building or structure, or in doing any work, or, in his default, by the owner or occupier of the building or structure so erected or being erected, or in respect of which such work is done or is being done, the fees specified in the Tenth Schedule, or such other fees as are prescribed by the Council by by-law in that behalf.

When fees are to be paid.
L.B. Act, s. 157.

(2) The fees to be paid under this section shall be due at the times following, that is to say :—

- I. When plans are submitted for approval or the building notice is given to the surveyor, whichever is first done :
- II. If no plans are submitted or no notice is given, then at the time when such plans should have been submitted or such notice should have been given :
- III. As to any fees not ascertainable when the plans are submitted, or the building notice is given, or should have been given, at the expiration of Three days after the completion of any work in respect of which such fees are payable.

(3) If any such builder, owner, or occupier refuses or fails to pay the said fees when the same are due, they may be recovered in a summary manner, on its being shown to the satisfaction of the magistrate or justices that a bill specifying the amount of the fees was delivered to him or sent to him in a registered letter, addressed to his place of business or last known residence.

Plans to be submitted for approval of Council.

110—(1) In every case not specially provided for by this Act, when any person intends to—

- I. Erect any building; or
- II. Add to or alter the structure of any building; or
- III. Use as a dwelling-house any building or any portion of any building which has not been previously used for that purpose; or
- IV. Alter the mode of occupancy of any building in such manner as to increase the number of separate buildings—

such person shall give notice to the surveyor, and shall deliver (in duplicate) to him for his approval—

- v. A plan of the site showing the immediately conterminous properties, and also the position and width and name of the road from which the property has access, or upon which it abuts; and

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- VI. Plans, sections, elevations, and specifications, and such detailed drawings as are necessary to show the height and mode of structure and arrangement of the intended building or alteration. Such plans and sections shall show in figures, as regards every floor of such proposed building, the thickness of the walls, and the dimensions of all columns, girders, joists, and roof framing; and
- VII. A plan of the drainage, showing the intended lines of drainage, the intended size, depth, and inclination of each drain, and the details of the arrangement proposed to be adopted for the trapping and ventilation of same.

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In regard to any building intended as a public building such plans shall show the arrangement for ventilation and the provision intended to be made for ingress and egress.

The plans, sections, elevations, specifications, and detailed drawings to be delivered as aforesaid shall be drawn (except in the case of detailed drawings) to a scale of not less than One-eighth of an inch to a foot, except plans of the site, which may be drawn to a scale of not less than One-sixth of that of the other plans. Plans showing drainage shall be drawn to a scale of not less than One-forty-fourth of an inch to the foot. The aforesaid drawings (if not approved helio prints) shall be finished in ink on tracing cloth or drawing-paper.

If such plans, sections, elevations, specifications, and detailed drawings of any building or any alteration of any building are approved by the surveyor, he shall endorse One copy thereof with his approval, and shall retain, file, and carefully preserve the other copy.

If any person—

- VIII. Fails to deliver such plans, sections, elevations, specifications, and detailed drawings to the surveyor; or
- IX. Executes or causes to be executed any work contrary to the plans, sections, elevations, specifications, and detailed drawings that have been approved by the surveyor, or executes or causes to be executed any part of the works before the approval of the surveyor has been obtained, he shall be guilty of an offence.

After approval of the plans, sections, elevations, specifications and detailed drawings by the surveyor, any subsequent modifications made in drawings or specification, as regards arrangement and construction, shall be subject to further approval. Copies of plans and specifications showing any modifications shall be filed.

(2) Within One month after the receipt of the application the Council shall either approve of the plans or alteration of plans or give notice to the applicant of their disapproval thereof: Provided that the Council may, within the said month, require such further drawings and other particulars as they think necessary to be supplied by the applicant; and in such case the Council shall have One month from the time when the drawings and particulars so required have been supplied to the Council in which to give their approval or disapproval as aforesaid.

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(3) No person shall commence to do any of the works mentioned in Subsection One of this section, or make any alteration in any plan as therein mentioned, without having obtained the Council's approval of the plans of such work or of such alteration: Provided that if within the time allowed by Subsection Two hereof the Council fail to give notice of their disapproval, they shall, subject to Section Forty-nine, be deemed to have given their approval.

(4) In this section the term "plans" includes elevations and sections.

Maintenance of architectural standard.

(5) The Council may refuse to approve of the plans of any building proposed to be erected which, in the opinion of the Council, would, by reason of the architectural design or elevations, or the size, quality, or nature of such building, injuriously affect the value of property in the vicinity of the site of the proposed building.

Power for Council to annex conditions.
London Building Act, 1894, s. 190.

111 In any case where the Council are authorised under this Act to refuse their sanction, consent, or allowance to the doing or omission of any act or thing, the Council may, if it thinks fit, instead of refusing such sanction, consent, or allowance, give the same, subject to such terms and conditions in relation to the subject-matter of such sanction, consent, or allowance as the Council think fit. Any such term or condition, when accepted, shall be binding on the owner and occupier of the building, or structure, or ground to which the sanction, consent, or allowance relates; and if at any time any term or condition so accepted is not observed or fulfilled, the owner or occupier in default shall be subject to a penalty as herein provided.

Power of entry to owner, &c., to execute work.
Ibid., s. 192.

112 Any owner, builder, or other person, and his servants workmen, and agents, may, for the purpose of complying with any notice or order served or made on him in pursuance of this Act in respect of any building or structure, room, or place, after giving Seven days' notice to the occupier thereof, and on production of the firstmentioned notice or order, enter and from time to time without further notice re-enter such building or structure, room, or place, and do all works and things therein, thereto, or in connection therewith which may be necessary for complying with such notice or order.

Limitation of time for proceedings when notice not given.
Ibid., s. 193.

113 Where any building has been erected or work done without due notice having been given to the surveyor (in accordance with this Act), the surveyor may, at any time within One month after he has discovered that such building has been erected or work done, enter the premises for the purpose of seeing that the provisions of this Act or any notice or order made under this Act have been complied with; and the time during which the surveyor may take any proceedings, or do anything authorised or required by this Act to be done by him in respect of such building or work, shall begin to run from the date of his discovering that such building has been erected or work done.

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- 114** Applications, plans, and other documents delivered at the office of the Council, or to the surveyor, in pursuance of this Act, shall remain in the custody of the Council until its written approval of the plans is given and the fees are paid, when the owner's copy shall be returned.
- 115** The approval by the Council of any plans, specifications, drawings, or particulars for the purposes of this Act shall be signified in writing thereon signed by the Town Clerk.
- 116** Where any consent is required to be given, any notice to be served, or any other thing to be done by, on, or to any owner in pursuance of this Act, if there is no owner, or if any such owner cannot be found, the police magistrate may give such consent, or do or cause to be done such thing, on such terms and conditions as he may think fit, and may dispense with the service of any notice which would otherwise require to be served.
- 117** Proceedings with respect to a building shall not be affected by the removal or falling in of the roof or covering of such building.
- 118**—(1) No person shall—
- i. Unless lawfully authorised, erect or place, or cause to be erected or placed, any post, rail, fence, wire, bar, obstruction, or encroachment whatsoever in, upon, over, or under any street or way in any manner, or alter or interfere with any street or way in such a manner as to reduce the width thereof, or impede or hinder the traffic for which such street was formed or laid out, from passing over the same :
 - ii. Erect any new building, structure, wall-fence, or fence in lieu of any building, structure, wall-fence, or fence which may encroach or project on any street or way without showing on the plan to be submitted for the approval of the Council such new building, wall-fence, or fence proposed to be built or erected, and the position thereof as regards the street or way, nor until such plan has been approved by the Council, nor unless such building, wall-fence, or fence is placed clear of and beyond the distance defined for the breadth of such street or way :
 - iii. Erect any balcony over the street or way in front of his building, unless the same is constructed in accordance with, and of the materials required by, the by-law for the time being of the Council made in that behalf under this Act, or, if there is no such by-law, unless the work is done to the satisfaction of the surveyor, nor, in either case, until a plan thereof has been submitted to and approved by the Council and the Council has granted its licence in writing for such erection :

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Plans and documents to be returned by Council.

Ibid., s. 194, altered.

Mode of giving approval of Council.

Ibid., s. 195.

Consent, how given on behalf of owners not to be found.

Ibid., s. 196.

Removal of roof not to affect proceedings.

Ibid., s. 198.

Preventing obstructions in streets.

Ibid., 199.

Cf. Municipal Council Act, 1890, sec. 207.

M.C.A., 1890, s. 207.

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Ibid.

- iv. Use any balcony heretofore or hereafter erected over any street or way for any purpose of trade, or for storing or exposing goods, or hanging or suspending clothes, or as a place of habitation: Provided that nothing herein contained shall prevent any person from serving any refreshments upon any such balcony:
- v. Erect any awning or verandah over the street or way in front of his building, unless the same is constructed in accordance with, and of the materials required by, the by-law for the time being of the Council in that behalf made under this Act, or, if there is no such by-law, unless such awning or verandah in every part is Eight feet at least in height above the footway immediately in front of such building, and the posts thereof, where permitted, are placed flush with the kerb line or outer edge of such footway, and the work is done to the satisfaction of the surveyor, nor, in either case, until a plan of such awning or verandah has been submitted to and approved by the Council and the Council has granted its licence in writing for such erection. Every such awning or verandah must be of the full width of footpath.

The Council may refuse to grant a licence for the erection of any balcony, awning, or verandah over any street or way without assigning any reason therefor.

(2) If anything is done contrary to the provisions of Subsection One hereof, the Council may give notice in writing to the builder or the owner or occupier to demolish or remove the post, rail, fence, wire, bar, obstruction, or encroachment, or to reinstate or restore the street to its former condition, or to demolish or remove the new building, wall-fence, or fence, balcony, awning, or verandah (as the case may be) erected contrary to the provisions of the said subsection.

(3) If such notice is not complied with before the expiration of Two days from the giving thereof, the Council may demolish or remove such post, rail, fence, wire, bar, obstruction, encroachment, new building, wall-fence, or fence, balcony, awning, or verandah, and reinstate or restore such street to its former condition, and recover the expenses thereof from the person to whom the notice was given in a summary manner; and the Council or its officers shall not be liable for any damage done or occasioned in performing these acts.

Doors and gates
not to open
outward on to
street.

119—(1) Except as otherwise provided in this Act, no person shall after the commencement of this Act hang or construct any gate, door, window-sash, or shutter to any building or premises so as to open outwards on to any street or way, unless the whole of such gate, door, sash, or shutter is at least Ten feet above the level of the ground, or place any cellar-flap or make any entrance to any cellar or underground room on any street or way.

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(2) For the purpose of this section a gate, door, window sash, or shutter shall not be deemed to open outwards unless, when open to its utmost extent, some part thereof projects beyond the building line.

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120 It shall not be lawful to make any alteration of any building in such manner that when so altered it will, by reason of such alterations, not be in conformity with the provisions of this Act applicable to new buildings.

Buildings not to be altered so as not to conform to Act.
I.B. Act, s. 207.

121—(1) Where a party or external wall not in conformity with this Act has been taken down, burnt, or destroyed to the extent of One-half thereof or more (measured in superficial feet), every remaining portion of the old wall not in conformity with this Act shall either be made to conform therewith or be taken down before the rebuilding thereof.

When remainder of party or external wall to be taken down
Ibid., s. 208.

122 Within the area to be declared as provided by Section Twenty-one, Subsection Six, it shall not be lawful to re-cover, or substantially re-cover, any roof with any combustible material. Should any roof which is covered by combustible material be re-covered or substantially re-covered, such combustible material must first be removed.

Re-covering roofs.

123 Every addition to or alteration of a building and any other work made or done for any purpose in, to, or upon a building (except that of necessary repair not affecting the construction of any external or party wall) shall, so far as regards such addition or alteration or other work, be subject to the provisions of this Act relating to new buildings.

Additions to and alterations of buildings.
Ibid., s. 209.

124 Until the approval of the Council has been obtained, no person shall—

- I. Convert into or use as a dwelling-house any building or part of a building not originally constructed for human habitation :
- II. Convert into one dwelling-house Two or more dwelling-houses constructed originally as separate dwelling-houses :
- III. Convert into or use as Two or more dwelling-houses any building constructed originally as one dwelling-house :
- IV. Convert a building, which when originally erected was exempt from the operation of any building enactments or by-laws in force within the municipality or district, into a building which, if it had been originally erected in its converted form, would have been within the operation of those enactments or by-laws :
- v. Reconvert into or use as a dwelling-house any building which has been discontinued as, or appropriated for any purpose other than, a dwelling-house :

Rules as to conversion of buildings.
Ibid., s. 211, altered.

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VI. Convert into or use as a dwelling-room or part of a dwelling-room any room or part of a room used as a shop :

VII. Convert a dwelling-house or any part of a dwelling-house into a shop ; or

VIII. Convert a balcony into a verandah, or a verandah into a balcony.

Definition of tents.

125 For the purposes of this part of this Act, a tent shall include any structure or erection constructed or covered wholly or in part with canvas, calico, or any other material of a similar nature. The term does not include any fernery, conservatory, or other like structure.

Restriction on erection.

126 No tent shall be erected or maintained for a longer period than Three days within any part of the city, unless with the express sanction, in writing, of the surveyor, who may then or at any future time limit the period during which such tent shall remain erected, and on the expiration of such time the person by whom the tent was erected shall remove the same.

Notice.

127 Every person intending to put up or cause to be put up any tent within any part of the City for a longer period than Three days shall give Two days' previous notice of such his intention to the surveyor, and in such notice shall mention particularly the precise nature of the structure and the purposes for which it is intended to be used.

Tents for public purposes.

128 The erection and construction of all tents intended to be used for public purposes, and the seats and fittings therein or thereon, and the means of lighting to be used therein, shall be subject to the approval of the surveyor, and no tent shall be opened for the admission of the public until his written approval of these matters has been obtained.

This Act not to excuse from compliance with other Acts.

129—(1) Compliance with the requirements of this Act shall not excuse any person from complying with the requirements of any Act or regulations with respect to buildings or structures of any particular class or kind, or used or intended to be used for any particular purpose, or with respect to buildings or structures within any particular locality; nor shall compliance with the requirements of any such Act or regulations excuse any person from complying with the requirements of this Act.

(2) In case of conflict between any provision of any such Act or regulations as mentioned in Subsection One hereof and any provision of this Act, the firstmentioned provision shall prevail, but only to such extent as is necessary to overcome such conflict.

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130 Subject to the provisions of this Act, every person who does any of the things specified or mentioned in this section shall be deemed to have committed an offence against this Act, and shall be liable, upon conviction in a summary manner, to a penalty not exceeding the amount herein specified in connection with such offence, and to a further penalty not exceeding the amount herein stated as the daily penalty in connection with such offence for every day on which the offence is continued after such conviction :—

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Offences against Act.

London Building Act, 1894, s. 200, and Amending Act, 1898, s. 7.

(1) Every person who—

- i. Unlawfully erects or places, or causes to be erected or placed, in, upon, over, or under any street or way any post, rail, fence, wire, bar, obstruction, or encroachment, contrary to Subdivision One of Subsection One of Section One hundred and eighteen; or
- ii. Unlawfully erects any new building, structure, wall-fence, or fence contrary to Subdivision Two of the said subsection; or
- iii. Unlawfully erects any balcony contrary to Subdivision Three of the said subsection; or
- iv. Unlawfully uses any balcony contrary to Subdivision Four of the said subsection; or
- v. Unlawfully erects any awning or verandah contrary to Subdivision Five of the said subsection; or
- vi. Unlawfully permits any such post, rail, fence, wire, bar, obstruction, or encroachment in, upon, over, or under any street or way, or any such new building, structure, wall-fence, or fence, balcony, awning, or verandah to remain after the expiration of Two days from the service upon him of notice to remove the same; or
- vii. Unlawfully hangs or constructs any gate, door, window-sash or shutter to any building or premises contrary to Section One hundred and nineteen, or places any cellar-flap or makes any entrance to any cellar or underground room contrary to that section :
- viii. Unlawfully permits any such gate, door, window sash, or shutter, or any cellar-flap or any entrance to any cellar or underground room, to remain after the expiration of Two days from the service upon him of notice to remove or fill up the same; or
- ix. Unlawfully alters or interferes with any street in such manner as to reduce the width thereof, or impede or hinder the traffic for which such street was formed or laid out from passing over the same—

shall be liable to a penalty not exceeding Ten Pounds for every such offence, and to a daily penalty not exceeding Two Pounds.

(2) Every person who—

- i. Erects, alters, enlarges, rebuilds, or raises, or commences to erect, alter, enlarge, rebuild, or raise any building or structure so that such buildings or structure is or will be in contravention of any of the provisions of Part II. of this Act; or

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- II. Fails to comply with, or does anything in contravention of, any of the provisions of Part III. or Part IV. of this Act; or
- III. Fails to comply with the requirements of any notice given to or served upon him under and in accordance with Part V. of this Act within the time (if any) specified in such notice; or
- IV. Sets up, erects, retains, or adapts any building or structure to which Part V. of this Act applies without having obtained any approval or licence required by that Part of this Act, or makes default in observing any of the conditions contained in such approval or licence:
or
- v. Fails to comply with a notice requiring the removal of a hoarding as mentioned in Section Fifty-two—

shall be liable to a penalty not exceeding Ten Pounds: And the magistrate or justices by whom an information in respect of any of the said matters is heard may, in addition to imposing a penalty make an order in writing directing the person charged to demolish the building or structure complained of, or any part thereof, or to comply with the conditions contained in any consent, licence, or approval granted by the Council for the setting up, erection, adaptation, alteration, or retention of such building or structure; and such person shall be further liable to a penalty not exceeding Five Pounds for every day of the continuance of the non-compliance with such order.

(3) Every person who hinders or obstructs any person empowered by this Act to enter and remain on any premises for the purpose of executing and to execute any work authorised or directed to be done under this Act, or wilfully damages or injures any such work, shall be liable for every such offence to a penalty not exceeding Ten Pounds.

(4) Every person who, being a building owner, is liable under Part VI. of this Act to make good any damage which he occasions to the adjoining owner's or adjoining occupier's property by any works authorised to be executed by the building owner, or to do any other thing upon condition of doing which his right to execute such works is by Part VI. of this Act declared to arise, fails within a reasonable time to make good such damage, or to do such thing, shall be liable to a penalty not exceeding Twenty Pounds, and to a daily penalty not exceeding Five Pounds.

(5) Every person who refuses to admit the purchaser of any materials sold under this Act, his servants or agents, upon the land on which the same are, at a reasonable hour, or impedes him or them in removing the same therefrom at a reasonable hour, shall be liable to a penalty not exceeding Ten Pounds, and to a daily penalty not exceeding Five Pounds.

(6) Every person not complying with any term or condition imposed by the Council under Section One hundred and eleven shall be liable to a penalty not exceeding Ten Pounds.

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(7) Any person who—

- i. Erects or places, or suffers or permits to be erected or placed, any sky sign contrary to the provisions of this Act; or
- ii. Being the builder, commences to erect, raise, or otherwise add to any building or structure, or to alter any existing building, before the plans of such work have been approved by the Council, in any case in which such plans are by this Act required to be approved by the Council before the work is commenced; or
- iii. Being the builder, commences to make any alteration in any building in course of construction or proposed to be constructed or in the plans thereof, after the plans of such building have been approved by the Council, before the plans of such alteration or such alteration of plans has been approved by the Council; or
- iv. Being a person who ought to serve a building notice, fails to do so, or begins to execute a work respecting which he ought to serve a building notice, before serving such notice, or having served a building notice, begins to execute the work to which it relates before the expiration of Two clear days after the notice has ceased to operate; or
- v. Refuses to permit the surveyor at a reasonable time to enter, survey, or inspect any building, work, or premises which such surveyor is by this Act authorised to enter and inspect, or refuses or neglects to afford him all reasonable assistance in such inspection; or
- vi. Erects or constructs, within a locality defined by a by-law made by the Council under this Act, a building or structure not being of a class or description permitted by such by-law to be erected within such locality; or
- vii. Being the owner of a building or structure which is not of a class or description specified by a by-law made by the Council under this Act and which has been erected or constructed since the time specified by such by-law within a locality defined by such by-law, fails to remove the same within the time fixed by such by-law; or
- viii. Erects or constructs a building or structure of a class or description specified by a by-law made by the Council under this Act, elsewhere than within a locality permitted by such by-law; or
- ix. Being the owner of a building or structure which is of a class or description specified by a by-law made by the Council under this Act, and which has been erected or constructed since the time specified by such by-law elsewhere than within a locality permitted by such by-law, fails to remove the same within the time fixed by such by-law; or

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- x. Fails to comply with any order of any court, magistrate, justice, or justices made in pursuance of this Act within the time named in such order; or
- XI. Refuses to admit at a reasonable time a builder to a building, or otherwise prevents a builder from complying with any order of any court, magistrate, justice, or justices made in pursuance of this Act; or
- XII. Being a workman, labourer, servant, or other person employed in or about any building, wilfully, and without the privity or consent of the person causing the work to be done, does anything in or about such building contrary to the provisions of this Act; or
- XIII. Refuses to admit at a reasonable time any owner, builder, or person, or his servants, workmen, or agents, into any land, building, or structure for the purpose of complying with any notice or order served or made on him in pursuance of this Act in respect of such land, building, or structure, or refuses or neglects to afford them all reasonable assistance in complying with such notice or executing such order; or
- XIV. Acts in any manner in contravention of any of the provisions of this Act relating to the erecting, placing, piling, stacking or storing of timber, lathwood, firewood, casks, and barrels; or
- xv. In any case in which no special provision is made by this Act, does anything prohibited by this Act, or fails, neglects, or omits to do anything which he is required to do under or in pursuance of this Act, or in any other way acts in contravention of any provision of this Act, shall be liable to a penalty not exceeding Ten Pounds, and to a further penalty not exceeding Two Pounds for each day, after the first, on which the offence continues.

(8) Every person who, without the consent of the Council, converts or uses a building, or converts a balcony or verandah, contrary to any of the provisions of Section One hundred and twenty-four of this Act shall be liable to a penalty not exceeding Ten Pounds, and to a daily penalty not exceeding the like amount for every day on which the building remains so converted or is used, or the balcony or verandah remains converted, contrary to the provisions of the said section.

The liability to the penalties mentioned in any of the provisions of this section shall be without prejudice to any other proceedings, whether under this Act or otherwise, but so that no person shall be liable to more than One penalty (other than daily penalties), or otherwise to be punished twice for the same offence.

Exemptions from the Act and Modifications thereof.

Buildings exempt from parts of Act. London Building Act, s. 20 (part).

131 The following buildings and works shall be exempt from the operation of Parts III., IV., and V. of this Act:—

- i. Bridges, piers, jetties, embankment walls, retaining walls, and wharf or quay walls :

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- ii. All party fence walls not exceeding in height Seven feet measured from the top of the footings of the walls : A.D. 1918.
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- iii. Greenhouses if not attached to other buildings :
- iv. Greenhouses if attached to other buildings, so far as regards the necessary woodwork of the sashes, doors, and frames :
- v. Woodsheds, washhouses, and toolhouses, in connection with dwelling-houses, and also such other similar sheds, not exceeding One hundred and fifty square feet in area or Twelve feet in height, as may be exempted by by-laws.
- vi. Openings made into walls or flues for the purpose of inserting therein ventilating valves of a superficial extent not greater than Forty square inches, if such valves are not nearer to any timber or other combustible material than a distance of Twelve inches therefrom :
- viii. Any building or structure situated upon a railway, or within the railway or station premises, and used for the purposes of or in connection with railway traffic :

Provided that the area occupied by buildings included in Subdivisions Three, Four, and Five hereof shall be in addition to the open yard space required by Section Nine of this Act.

132—(1) In the case of a dwelling-house—

- i. Erected or to be erected within a locality defined by by-law :
- ii. Designed to be of only One storey, and to be wholly in one occupation ; and

iii. Not attached or to be attached to any other building—

the Council shall have power, in its discretion, by writing signed by the mayor or the Town Clerk, to permit, subject to any conditions which it sees fit to impose, such (if any) modifications of any particular provisions of this Act as, having regard to the materials to be used or the method of construction, it considers may safely be permitted without interfering with the objects of this Act : Provided that in no case shall any permission be granted under this section unless the granting thereof has been recommended in writing signed by the surveyor.

(2) A building in respect of which any permission is granted under this section shall be deemed to be privileged within the meaning of Section One hundred and thirty-three.

133 Any building, structure, or work in any respect exempt from the operation of this Act, or in any manner privileged in respect of any provision of this Act, shall remain so exempt or privileged so long only as it is used for the purpose or retains the character by reason whereof it is so exempt or privileged.

Provision for modification of the Act in certain cases

Duration of exemption or privilege.
Ibid., s. 206.

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Application of Act to buildings erected before commencement of Act.

Ibid., s. 210.

Buildings in progress.

Ibid., s. 212.

134 A building, structure, or work erected or constructed before the commencement of this Act, to which no objection could have been taken under any law then in force, shall (subject to the provisions of this Act as to new buildings, or the alteration of buildings) be deemed to be erected or constructed in compliance with the provisions of this Act.

135 Notwithstanding anything contained in this Act, any building, structure, or work which has been commenced before the commencement of this Act, or which is to be carried out under any contract entered into before the commencement of this Act, may be completed subject to and in accordance with the provisions of the Acts relating thereto in force immediately previous to the commencement of this Act.

Balcony and verandah licences, compulsory removal.

136—(1) No licence before or after the commencement of this Act granted by the Council to erect a verandah or balcony over a street or way in front or at the side of any building shall have effect as a licence for a longer period than Five years; and no length of user of such verandah or balcony shall deprive the Council of the right to have the same removed.

(2) The owner of the building to which any such verandah or balcony is attached shall, after the expiration, by reason of Sub-section One hereof, or otherwise, of the licence respecting such verandah or balcony, remove the same within Six months after service on him of a notice in writing by the Council requiring him so to do. No such notice shall be served except as permitted by by-laws of the Council made in that behalf.

Fees to be paid for balconies over streets.

137—(1) The occupier of any building erected before or after the commencement of this Act, to which any balcony over the street or way in front or at the side of such building is attached, and which is used for the purposes of a restaurant, fish-shop, or tea or refreshment-rooms, shall, while such balcony remains so attached, pay to the Council an annual licence based on the assessed annual value of the premises: Provided that where any balcony forms a portion of premises licensed as a restaurant or fish-shop, for which premises a licence fee is paid, the amount of the licence fee to be paid in respect of such balcony shall be diminished by the amount paid as a licence fee for such restaurant or fish-shop.

(2) Such licence fee shall be payable in advance on the First day of July in every year that such balcony remains so attached as aforesaid, and if not paid within Twenty-eight days therefrom, may be recovered from the occupier, or in default of payment by him, from the owner of the building to which such balcony is attached, by action in any court of competent jurisdiction, or in a summary way, or by distress upon the premises described in the licence, in like manner as rates are recoverable under "The Hobart Corporation Act, 1893," or any Act amending or substituted for that Act.

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138—(1) Every person who fails to remove any building, balcony, or verandah, as required by Section One hundred and thirty-six shall be liable to a penalty of Ten Pounds, and to a further penalty of One Pound for every day after the First that he so fails to remove the same.

(2) Such penalties shall be a charge upon the land upon which such building, or the building to which such balcony or verandah is attached, is erected, and shall be recoverable from the owner of such land by action in any court of competent jurisdiction; and in default of payment it shall be lawful for the Corporation to apply by petition to the Supreme Court or a judge thereof, and such Court or judge shall upon proof by affidavit or otherwise of such default—

- I. Order the sale by public auction of the said land, to satisfy such penalties and the costs of action, together with all costs and expenses of and attending the application and sale, and that the proceeds be paid into court:
- II. Order, where the land is under "The Real Property Act," that a memorandum of transfer be executed by the Registrar or other officer of the court, in a form to be approved by the court or a judge thereof, transferring the land to the purchaser free from all mortgages and incumbrances, or, where the land is not under that Act, that the Registrar or other officer of the court request in writing the Recorder of Titles to issue to and in the name of the purchaser a certificate of title under that Act for such land, free from all mortgages and incumbrances.

(3) The court may order payment out of the proceeds of such sale of the penalties, costs, and expenses aforesaid; and the balance of the proceeds of such sale shall remain subject to any future or other orders of the court made on application by or on behalf of the parties interested therein.

(4) The Recorder of Titles shall, upon receipt of an office copy of the order, and of the memorandum of transfer or request, as the case may be, and without any further evidence of title or the necessity of publishing any notice of such request, forthwith make such entries in the Register Book, or if the land is not under "The Real Property Act," on the memorial of the last registered instrument relating to the said land, as he considers necessary, and issue to the purchaser a certificate of title to the land free from all mortgages and incumbrances.

(5) The issue of such certificate of title shall vest in the purchaser an indefeasible estate in fee simple in the land free from all mortgages and incumbrances.

(6) The provisions of this section shall take effect notwithstanding the provisions of "The Real Property Act," or any amendment thereof.

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Penalty for not removing building.

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Purchaser to
remove the
building.

139 The purchaser of any land sold under any order under Section One hundred and thirty-eight shall, within Six months from the issue to him of a certificate of title to such land, remove the building thereon or the balcony or verandah attached thereto (as the case may be), and if he fails so to do he shall be liable to the penalties mentioned in Section One hundred and thirty-eight; and the provisions of that section shall apply as if he had been the owner of the land at the time fixed by Section One hundred and thirty-six for the removal of such building, balcony, or verandah.

SCHEDULES.

(1)

Title of Act.	Date and No. of Act.	Extent of Repeal.
	Part I.	
"The Hobart Building Act, 1886"	50 Vic. No. 19	The whole
"The Hobart Building Act, 1909"	9 Edw. VII. No. 43	The whole
	Part II.	
"The Public Health Act, 1903"	3 Edw. VII. No. 37	Sections 164 to 166 inclusive
"The Public Health Act, 1908"	8 Edw. VII. No. 16	Section 10
"The Police Act, 1905"	5 Edw. VII. No. 30	Sections 164 to 166 inclusive, and 171 to 176 inclusive, and 182 and 185
"The Hobart Corporation Act, 1893"	57 Vic. No. 11	Section 237
"The Hobart Corporation Act, 1914"	5 Geo. V. No. 21	Section 32

(2)

PRELIMINARY PART.

Parts I. and II. of this schedule apply to walls built of clay bricks not less than 8½ inches long, or of stone or concrete or blocks of hard and incombustible substance, the beds or courses being horizontal.

Structure of
buildings.

1. Every building or other structure within the boundaries defined in Eleventh Schedule, unless otherwise sanctioned in accordance with this Act, shall be enclosed with its own or party walls constructed of brick, stone, concrete, or other hard and incombustible substance, and the footings shall rest on the solid ground, or upon concrete, or upon other solid substructure.

Construction of walls
of brick, stone, &c.

2. Every wall constructed of brick, stone, concrete, or other similar material shall be properly bonded and solidly put together with lime mortar or cement, and all return walls shall be properly bonded together.

Mortar.

3. The mortar used in any building shall be either lime mortar, cement mortar, or mortar of a composition approved by the surveyor. Lime mortar shall consist of not less than one part of fresh burnt slacked lime to three parts of sharp clean sand, and shall be properly mixed with clean water. Cement mortar, except where otherwise specially provided by this schedule or any other provision of this Act, shall consist of not less than one part of cement to four parts of sharp, clean sand.

Concrete for floors
and walls.
Concrete.

4.—(a) Concrete shall be composed of not more than seven parts of approved aggregate to one part of Portland cement for foundations and solid walls. With the approval of the surveyor, and when a building does not exceed two stories in height, lime concrete may be substituted for cement concrete for

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foundations only, in the proportion of not less than one part of lime to four parts of other ingredients; sand must not be in a greater proportion than one part to two.

(b) Concrete for hollow blocks, floors, backing of ashlar, &c., shall be composed of one part Portland cement, two parts sand, and four parts broken stone or approved clinker; gauge not exceeding $\frac{3}{4}$ -inch.

(c) Reinforced concrete shall be composed of not more than two parts of sand, and four parts of approved gravel, blue stone, or other recognised material of suitable coarseness to one part of Portland cement.

(d) Concrete for fireproofing shall be composed of broken stone, brick, clinker, or terra cotta, mixed in the proportion of one part Portland cement, two parts of sand, and four parts of broken brick, clinker, or terra cotta; gauge not exceeding $\frac{3}{4}$ -inch. The brick and terra cotta must be thoroughly wetted before using.

5. Portland cement shall be of approved brand, delivered in original packages. For reinforced concrete work it shall be subject to all requirements prescribed by the British Engineering Standard Committee's Specification, and all subsequent amendments thereof or prescribed by any other approved standard specifications and all subsequent amendments thereof.

Portland cement.

6. The bricks used in all buildings shall be good, hard, well-burnt bricks, When old bricks are used in any way they shall be thoroughly cleaned before being used, and shall be whole and good, hard, well-burnt bricks.

Brick.

7. All structural timber work used in any building shall be of good, sound material, free from rot, large and loose knots, shakes, or any imperfection whereby the strength may be impaired, and be of such size and dimensions as the purposes for which the building is intended require.

Timber.

8. All corrugated iron to be of good quality, and well galvanised. No perished or burnt or black iron shall be used either for new buildings or in repairs.

Corrugated iron.

9. No old materials shall be re-used in the erection of any dwelling-house unless the same shall be sound, have been cleaned, and certified by the surveyor as suitable for such re-use.

Use of old materials

10. The surveyor shall have authority to condemn any materials which shall be, in his opinion, unsound, unfitted, or unsuitable, from any cause whatsoever, for use in any buildings, and any material which he may so condemn shall within 24 hours be removed by the person in charge of the works from the site of the proposed building or work. Any person using any materials in a building which have been condemned as unsound, unfitted, or unsuitable, shall be guilty of an offence against this by-law.

Surveyor may object to materials.

11. All wrought iron shall be uniform and fibrous. It shall have an ultimate tensile resistance of not less than 42,000 lb. per square inch, and an elongation of 18 per centum in 8 inches when tested in small test pieces.

Iron and steel work

All structural steel used in buildings shall be free from seams, flaws, cracks, defective edges, or other defects, and shall have a smooth uniform finish. It may be made by either the Bessemer, open hearth, or other approved process.

All structural steel used in beams and columns, and in other large members, shall have an ultimate tensile resistance of from 56,000 lb. to 70,000 lb. per square inch, an elastic limit of not less than one-half of its ultimate strength, and a percentage of elongation in 8 inches equal to 22 per centum. Such steel shall also bend cold 180 degrees to a diameter equal to the thickness of the piece tested without fracture on the outside of the bent portion when tested in a test piece, and shall not contain more than one-tenth of one per centum of phosphorous when made by the acid process, nor more than five-hundredths of one per centum when made by the basic process. As an alternative, steel complying with the specification of the British Engineering Standard Committee will be accepted.

Rivet steel shall have an ultimate resistance of from 48,000 lb. to 58,000 lb. per square inch, an elastic limit of not less than one-half of its ultimate strength, and a percentage of elongation in 8 inches equal to 26 per centum, and shall be capable of being bent cold double on itself without fracture of the outside fibres. Such steel shall not contain more than four-hundredths of one per centum of phosphorous.

Test-bars of wrought iron and steel shall have a sectional area of not less than one-half of 1 square inch.

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- All steel castings shall be solid, free from flaws, and be annealed.
All cast iron castings shall be made of clean tough grey iron. They shall be free from injurious blow-holes, cold shuts, and cinder spots. Sample bars 1 inch square, cast in sand moulds, in a span of 12 inches, shall bear a central load of 2000 lb.
- Damp-proof courses.** 12. In any building every wall in contact with the ground shall have for its full length and width a proper damp-proof course or courses of hot tar and sand, glass, sheet lead, mineral asphalte, bitumen, or other approved material impervious to moisture, beneath the level of the lowest floor and at a height above ground of not less than 6 inches.
- Rubble stone walls.** 13. The thickness of any rubble stone wall shall be at least one-fourth greater than the thickness prescribed for brick walls in the rules hereinafter contained, and no rubble stone wall shall be less than 13 inches thick.
- Thickness of walls of materials other than those specified.** 14. The thickness of any wall of any building, if built of materials other than those specified in this schedule, shall be deemed to be sufficient if made of such thickness as is approved by the surveyor.
- Hollow walls.** 15. It shall be allowable to use hollow or cavity walls of brick, formed of two parts, each not less than 4 inches in thickness, provided that—
- (a) The inner and outer parts of the wall shall be separated by a cavity which shall throughout be of a width not exceeding $2\frac{1}{2}$ inches.
 - (b) The inner and outer parts of the wall shall be securely tied together with suitable bonding ties of adequate strength, formed of galvanised iron, glazed stoneware, or other approved material. Such ties shall be placed at distances apart not exceeding 3 feet horizontally, and $13\frac{1}{2}$ inches vertically.
 - (c) The thickness of each part of the wall shall throughout be not less than $4\frac{1}{2}$ inches.
No hollow wall 11 inches or less in thickness shall be greater in superficial extent than two and one-half squares in any one storey, unless strengthened by a partition wall, fireplace, or projecting pier, to the satisfaction of the surveyor.
 - (d) The aggregate thickness of the two parts, excluding the width of the cavity, shall throughout be not less than the minimum thickness prescribed for solid walls of the same height and length.
 - (e) Provided that nothing herein contained shall prevent a cavity of not more than 1 inch across being filled in with materials impervious to moisture, in which case the bonding ties may be omitted, provided no portion of the wall is less than 9 inches thick.
- Heights of storeys, how measured.** 16. The heights of storeys shall be measured as follows:—
- (a) The height of a topmost storey shall be measured from the level of the underside of its floor joists up to the level of the under surface of the tie of the roof or other covering, or, if there is no tie, then up to the level of half the vertical height of the rafters or other supports of the roof:
 - (b) The height of every storey other than a topmost storey shall be measured from the level of the underside of the floor joists of the storey up to the level of the underside of the floor joists of the storey next above it.
- Height of external and party walls, how measured.** 17. For the purpose of determining the thickness of a wall, the height of such wall shall be measured from the base of the wall to the top of the topmost storey, whether such wall is carried to the full height of such storey or not, or, in case of a gable when there is no storey in the roof, to half the height of the gable, except in the case of a wall carried on a bressummer, in which case the height shall be measured from such bressummer.
- Length of walls, how measured.** 18. Walls are deemed to be divided into distinct lengths by return walls, and the length of every wall is measured from the centre of one return wall to the centre of the next, provided that such return walls are external, party, or cross walls of the thickness required by this schedule, and are bonded into the walls so deemed to be divided; and any wall not supported or divided into lengths by such return walls shall be deemed to be of unlimited length.
- Footings of walls.** 19. Every wall, other than a wall carried on a girder, shall have footings unless with the consent of the surveyor, or unless it is constructed on solid rock.

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The projection of the bottom of the footing of every wall on each side of the wall shall be at least equal to one-half of the thickness of the wall at its base. and the diminution of the footing of every wall shall be formed in regular offsets, and the height from the bottom of such footing to the base of the wall shall be, at the least, equal to two-thirds of the thickness of the wall at its base: but where a wall abuts against another wall or against the land of an adjoining owner, the outer projection of the footing may be omitted; provided that, in the case of the latter wall, it shall be separately supported or strengthened to the satisfaction of the surveyor.

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20. The underpinning of walls and chimneys shall be built with brick, bedded in cement to the full thickness of the old wall or work, and with proper footings, in accordance with the next preceding paragraph of this schedule, or to such additional thickness as, in the opinion of the surveyor, the increased height of the wall requires, and shall rest on the solid ground, or concrete, or on other solid substructure as a foundation. Underpinning may be done in piers, provided it is so done to the satisfaction of the surveyor.

Underpinning.

21. A wall shall not be thickened except after notice served on the surveyor of the intention to thicken, and the thickening shall be executed with brick or stone work in cement, or with concrete, properly bonded to the old work, to the extent of at least one-fourth of the area of the wall to be thickened, and to the satisfaction of the surveyor.

Thickening of wall.

PART I.

Buildings defined as Domestic Buildings, with respect to the thickness of Walls under this Schedule, and Buildings which are not of the Warehouse Class.

1. External and party walls shall be of not less thickness than the thickness hereinafter specified in each case, viz. :—

Thickness of walls

Column 1. Height of Wall.	Column 2. Wall not exceeding 45ft in length.	Column 3. Wall exceeding 45ft in length.	
Up to 120 feet ...	One storey, 31 in. Next two storeys, 26½ in. Next two storeys, 22 in. Next three storeys, 17½ in. Remainder, 13 in.	Increased in each storey below the uppermost two storeys by 4½ in. Subject to the provisions in this schedule respecting distribution in piers.	
Up to 100 feet ...	One storey, 26½ in. Next two storeys, 22 in. Next three storeys, 17½ in. Remainder, 13 in.		
Up to 90 feet	One storey, 26½ in. Next storey, 22 in. Next three storeys, 17½ in. Remainder, 13 in.		
Up to 80 feet	One storey, 22 in. Next three storeys, 17½ in. Remainder, 13 in.		
Up to 70 feet	One storey, 22 in. Next two storeys, 17½ in. Remainder, 13 in.		
Up to 60 feet ...	Two storeys, 17½ in. Remainder, 13 in.		One storey, 22 in. Next two storeys, 17½ in. Remainder, 13 in.
Up to 50 feet ...	One storey, 17½ in. Remainder below topmost storey, 13 in. Remainder, 8½ in.		One storey, 22 in. Next storey, 17½ in. Remainder, 13 in.
Up to 40 feet	Below topmost storey, 13 in. Remainder, 8½ in.	One storey, 17½ in. Remainder below topmost storey, 13 in. Remainder, 8½ in.	
Up to 25 feet	Whole height, 8½ in.	Below topmost storey, 13 in. Remainder, 8½ in.	

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If the wall exceeds 120 feet in height it shall, in each storey below the uppermost storey, be 4½ inches thicker than the thickness above prescribed for the particular storey, or shall be of such thicknesses as are approved by the surveyor.

Conditions as to walls not more than twenty feet apart.

2. If any external or party wall is distant not more than 20 feet, measured from centre to centre, from any other external or party wall to which it is tied by beams of any floor or floors other than the ground floor or the floor of any storey formed in the roof, the length of such wall shall not be taken into consideration. The thickness of the walls will be found in Column 2 in the above table.

Condition in respect of storeys exceeding certain height.

3. If any storey exceeds in height sixteen times the thickness prescribed by this schedule for the walls of such storey, the thickness of each external and party wall throughout such storey shall be increased to one-sixteenth part of the height of the storey, and the thickness of each external and party wall below that storey shall (unless such wall is of the full thickness, as increased, of the wall above) be increased to a like extent; but any such additional thickness may be confined to piers properly distributed, of which the collective widths amount to one-third part of the length of the wall, or to one-fourth part of the length if the wall is built in cement mortar; but any storey enclosed with walls less than 13 inches in thickness may be 15 feet in height, and, in the case of dwelling-houses not more than one storey in height, an 8½-inch wall may be 17 feet in height where the length of such wall does not exceed 30 feet.

Outbuildings.

4. With the approval of the surveyor, outbuildings, not exceeding in area 75 square feet and not more than 10 feet in height, may be built in 4½ inches brickwork, provided cement mortar is used of a proportion not exceeding three three parts sand to one part Portland cement.

This Part to apply to all buildings not of the warehouse class.

5. All buildings except such buildings as are in this Act defined to be buildings of the warehouse class shall, with respect to the thickness of their walls, be subject to the provisions contained in this part of this schedule.

PART II.

Buildings of the Warehouse Class.

Thickness of wall

1. The external and party walls of buildings of the warehouse class shall at the base be made of not less thickness than the thickness hereinafter specified in each case, viz. :—

Column 1. Height of Wall	Column 2. Wall not exceeding 45 ft. in length.	Column 3. Wall exceeding 45 ft. in length.
Up to 120 feet	Base, 31 in.	Thickness as provided in Column 2 to be increased from base up to within 16 ft. of top of wall by 4½ in.
Up to 100 feet	Base, 26½ in.	
Up to 80 feet	Base, 22 in.	
Up to 60 feet	Base, 17½ in.	Base, 22 in.
Up to 40 feet	Base, 13 in.	Base, 17½ in.
Up to 25 feet	Base, 13 in.	Base, 13 in.

If the wall exceeds 120 feet in height it shall, in each storey below the uppermost storey, be 4½ inches thicker than the thickness above prescribed for the particular storey, or shall be of such thicknesses as are approved by the surveyor.

Condition as to walls not more than twenty feet apart.

2. External and party walls of buildings of the warehouse class are subject to the same qualifications and conditions respecting walls not more than 20 feet distant from each other, as in the case of walls of the domestic building class.

Thickness of walls how determined,

3. The thickness of the wall at the top and for 16 feet below the top shall be 13 inches, and the intermediate parts of the wall between the base and 16 feet below the top shall not be of less thickness than would be required if the wall were to be built solid throughout the space between straight lines drawn on each side of the wall and joining the thickness at the base to the thickness at 16 feet below the top; but the thickness of such wall shall not be reduced except at the level of a floor or ceiling.

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4. If in any storey of a building of the warehouse class the thickness of the wall as determined by the provisions of this schedule is less than one-fourteenth part of the height of such storey, the thickness of the wall shall be increased to one-fourteenth part of the height of the storey, and the thickness of each external and party wall below that storey shall (unless such wall is of the full thickness, as increased, of the wall above) be increased to a like extent; but any such additional thickness may be confined to piers properly distributed, of which the collective widths amount to one-third part of the length of the wall, or to one-fourth part of the length if the wall is built in cement.

5. In all cases in which hollow or cavity walls are constructed, the aggregate thickness of the two parts of such walls, excluding the width of the cavity, shall throughout be not less than the minimum thickness required in the foregoing schedule.

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Condition in respect of storeys exceeding certain height.

Hollow or cavity walls.

MISCELLANEOUS.

1. The thickness of a cross wall shall be two-thirds of the thickness hereinbefore required for an external or party wall of the same dimensions and belonging to the same class of buildings, but never less than $8\frac{1}{2}$ inches; and no wall subdividing any building shall be deemed to be a cross wall unless it is carried up to the floor of the topmost storey, and unless in each storey the aggregate extent of the vertical faces or elevations of all the recesses and that of all the openings therein taken together does not exceed one-half of the whole extent of the vertical face or elevation of the wall. In the case of domestic buildings, a brick wall at least $4\frac{1}{2}$ inches thick shall be deemed to be a cross wall on the top storey.

Cross walls

2. Whenever a cross wall becomes in any part an external wall, such cross wall shall be of the thickness required for an external wall of the same height and length, and belonging to the same class of buildings.

When cross wall becomes external wall.

3. Where an increase of thickness is by any rule of Part I. or Part II. of this schedule required in case of a wall exceeding 60 feet in height and 45 feet in length, or in case of a storey exceeding in height sixteen times or fourteen times (as the case may be) the thickness prescribed for its walls, or in case of a wall below such storey, the increased thickness may be confined to piers properly distributed, of which the collective widths amount to one-third part of the length of the wall, or to one-fourth part if the wall is built in cement.

Piers.

4. Partition walls separating living-rooms in dwellings, or separating chambers, offices, or rooms tenanted by different persons, or in public or other buildings, shall, where the height of such partition exceeds 9 feet, be constructed either in brick, stone, concrete, or other similar fire-resisting material, or may be constructed as a stud partition not less than 6 inches in total thickness, entirely enclosed and covered in lath and plaster; but such stud partition shall not be deemed to be a cross wall.

Partition walls.

(3)

The following materials shall, for the purposes of this Act, be deemed to be fire-resisting materials:—

1. Brickwork constructed of good clay bricks, well burnt, hard and sound, or composite or silicate bricks approved by the surveyor, properly bonded, and solidly put together—

- (a) With mortar compounded of fresh burnt lime and sharp clean sand; or
- (b) With cement; or
- (c) With cement mixed with sharp clean sand, in proportions approved by the surveyor.

2. Stone suitable for building purposes by reason of its solidity and durability.

3. Iron, steel, and copper: provided that corrugated or flat iron is not to be deemed a fire-resisting material, when used in a wall or ceiling.

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4. Oak, blue gum, stringy-bark, teak, and other hard timber when used—
 - (a) For beams and posts, or in combination with iron, provided that the timber and iron (if any) is protected by plastering in cement or other incombustible or non-conducting external coating.
 - (b) For doors, provided that the timber is not less than 2 inches thick.
 - (c) For staircases, provided the treads, strings, and risers of the staircase are not less than 2 inches thick, the underside being protected by declared fire-resisting material.
5. Slate, tiles, brick, and terracotta, when used for coverings or corbels.
6. Flagstones when used for floors over arches, but not exposed on the underside and not supported at the ends only.
7. Concrete composed of broken brick, broken stone, slag or breeze, or ballast and lime, cement, or calcined gypsum, when used for filling in between joists of floors.
8. Metal lathing, with plaster not less than 2 inches thick, on battens of oak, blue-gum, stringy-bark, teak, or other hard timber.
9. Any material from time to time approved by the surveyor as fire-resisting.

(4)

PART I.

Where the Length Divided by the Least Radius of Gyration equals—	Working Stress in Tons per Square Inch of Section.		
	Cast Iron.	Steel.	Wrought Iron.
160	—	2.5	2.1
140	—	3.0	2.5
120	—	3.5	2.8
100	—	4.0	3.2
80	1.9	4.5	3.5
60	2.4	4.8	3.7
40	3.0	5.1	3.9
20	3.5	5.3	4.0

and in like proportion for intermediate ratios.

Where a pillar is built into a wall, the radius of gyration of that pillar in the direction of the thickness of the wall shall be taken for the purpose of the above table.

PART II.

	Tension.	Compression.	Shearing.	Bearing.
Cast iron	1½	6	1½	8
Wrought iron	5	5	4½	8
Mild steel	7½	7½	6	10
Cast steel	6	10	6	10

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(5)

RULES FOR STATICAL CALCULATION.

Tests of Materials.

1. The cost of all tests of materials required under these by-laws shall be borne by the builder.

2. Where the unit stress for any material is not prescribed in these by-laws the relation of minimum allowable unit stress to ultimate strength shall be as one to four for metals (except cast iron) subject to tension or transverse stress, as one to six for timber, and as one to ten for natural or artificial stones, and brick or stone masonry in columns, except where working stresses are otherwise prescribed in these by-laws varying the factors of safety here given. The factor of safety for cast iron columns shall be eight. Factor of safety.

Greater factors of safety may be required by the surveyor in any building where vibration from machinery, &c., will cause unusual stresses.

3. The dead loads of all buildings shall consist of the actual weight of walls, floors, roof, partitions, and all permanent construction. Dead and superimposed loadings.

The superimposed loads shall consist of all loads other than dead loads, and shall be computed from the following data:—

- (a) On pitched roofs a wind pressure of 25 lb. to the superficial foot of sloping surface and normal to such sloping surface when the pitch is 30 degrees, and 36 lb. to the superficial foot of sloping surface and normal to such sloping surface when the pitch is 45 degrees. Other pitches in proportion.
- (b) On floors of dwelling-houses a minimum weight of 70 lb. per superficial foot.
- (c) On floors of balconies a minimum weight of 100 lb. per superficial foot.
- (d) On floors of hotels, offices, residential chambers, or flats, a minimum weight of 80 lb. per superficial foot.
- (e) On floors of shops, stores, and small warehouses for storage of light goods, a minimum weight of 120 lb. per superficial foot.
- (f) On floors of theatres, ballrooms, churches, public buildings, and all areas subject to the load of moving crowds a minimum weight of 150 lb. per superficial foot.
- (g) On floors of factories and warehouses a minimum weight of 200 lb. to the superficial foot. Notices shall be posted in buildings of this class stating the weight that each superficial foot of floor will safely sustain, such notices to be kept intact by the building owner.
- (h) For moving loads, other than crowds, 25 per cent. shall be added to the net or calculated weight or weights to allow for impact and vibration.

4. In computing the weights to be carried by various parts of buildings or structures, the following shall be deemed the weight of the respective materials employed:— Weight of materials

	Lbs. per cubic foot.
Brickwork	120
Cement and stone concrete	150
Coke breeze or cinder concrete	90
Masonry sandstone marble	170
Structural steel	490
Cast iron	450
Ironbark timber	64
Lath and plaster	7

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5. Safe loads which may be imposed upon different classes of materials, but shall not be exceeded:—

		Tons per super foot.	
Compression direct.	Portland cement concrete	12	
	Brickwork (best quality hard-pressed bricks) in cement mortar	12	
	Brickwork (hard-pressed bricks) in lime or composite mortar... ..	9	
	Good brickwork (other than hard-pressed bricks) in cement mortar	9	
	Good brickwork (other than hard-pressed bricks) in lime or composite mortar	6	
	Ashlar masonry in cement mortar	15	
	Ashlar masonry in lime mortar	8	
	Granite masonry with dressed beds	30	
		Lbs. per sq. inch.	
		Cast steel	22,000
	Rolled steel	16,000	
	Wrought iron	11,000	
	Cast iron in short lengths	16,000	
	Steel pins and rivets (bearing)	20,000	
	Wrought iron pins and rivets (bearing)	15,000	
	Iron bark timber	2000	
	Oregon pine	700	
Tension direct.	Rolled steel	16,000	
	Cast steel	16,000	
	Wrought iron	12,000	
	Cast iron	4000	
In shear.	Rolled steel in girders, &c.	10,000	
	Rolled steel in web plates	9000	
	Steel shop rivets and pins	10,000	
	Steel field rivets and pins	8000	
	Wrought iron rivets and pins	6000	
	Cast iron generally	3000	

(A) Dead load.

6. The weight of concrete inclusive of the metal for reinforcement, is to be taken as 150 lb. per cubic foot, unless a different weight is definitely determined.

(B) Determination of external forces.

7. In the case of floors, in addition to the weight of the structural portions, the weight of the flooring material is also to be ascertained from accepted data.

8. In members subjected to bending, the moments and re-actions are to be calculated by the formula for freely-supported or continuous beams, according to the mode of support and distribution of load.

9. For freely-supported decking, the free opening, and for continuous decking the distance between centres of supports, is to be taken as the span

10. For decking which is continuous over several spans the bending moment in the middle of a panel is to be taken as four-fifths of that which would exist in a freely-supported panel, unless the true moments and reactions are ascertained by calculation or experiment; decking to be reinforced to take full negative bending moments.

11. No floor slabs shall be less than 3 inches in thickness. The same rule holds good for beams, T-beams and detached girders, with the exception, however, that no end moment is to be taken into account unless special structural arrangements for fixing the ends securely have been made.

12. Floor and roof slabs shall contain not less than one-eighth of one per cent. of sectional area of the slabs in the form of distributing bars. The distributing bars must be secured to main bars at every second intersection.

13. For T-beams, the floor slab is not to be taken into account for a width of more than one-third of the span of the beam or the distance between two adjacent beams, whichever may be the lesser. The fire protection covering of floor slabs shall not be included in computing the compression stresses of T-beams.

14. For columns, the possibility of eccentric loading is to be taken into account.

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15. The modulus of elasticity of steel is to be taken as fifteen times that of concrete unless a different ratio is ascertained, viz.:—Steel, 30,000,000 lb. per square inch; concrete, 2,000,000 lb. per square inch.

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16. The stresses in the cross section of members subjected to bending are to be calculated on the assumption that the extension is proportioned to the distance from the neutral axis, and that the reinforcing metal takes the whole of the tensile stresses.

(C) Determination of internal forces.

17. Shearing stresses are to be ascertained, unless the form and construction of the members are such that they are at once seen to be insignificant. When no means of taking them up are provided in the arrangement of the members, they must be taken up by suitably-shaped steel reinforcement.

18. Unless steel for reinforcement be of such form that displacement relatively to the concrete is prevented, the adhesive stresses must be calculated.

19. Calculations of the flexure of columns are to be made whenever the height exceeds eighteen times the least diameter. Transverse connections, so arranged as to maintain the steel rods in their relative positions, are to be fixed at a distance from each other not exceeding twenty times the diameter of the rods. In calculating strength of columns, not more than two per cent. of the sectional area shall be considered as steel reinforcement.

20. Euler's or Gordon's or other approved standard formula is to be used in calculating the strength of long columns.

21. In members subjected to bending the compressive stress in the concrete shall be taken as 500 lb. per square inch, tensile stress nil; the tensile and compressive stresses in steel shall not exceed 16,000 lb. per square inch; and the shearing stress shall not exceed 10,000 lb. per square inch. When the concrete is of the proportions of one part cement and not more than five parts of approved aggregate, the compressive strength may be taken as 600 lb. per square inch.

(D) Permissible stresses.

22. In columns the concrete is not to be stressed beyond 400 lb. per square inch. This may be increased to 500 lb. per square inch when the concrete is composed of one part cement and not more than five parts of approved aggregate. In calculating the steel reinforcement for flexure, a factor of safety of five is to be allowed.

23. The shearing stress in the concrete is not to exceed 65 lb. per square inch. When a greater resistance to shearing is shown, the working stress is not to exceed one-fifth of the ultimate strength.

24. The adhesive stress is not to exceed the permissible shearing stress.

(6)

RULES AS TO PUBLIC BUILDINGS OTHER THAN THEATRES.

1. All stairs for the use of the public shall be supported to the approval of the surveyor, and the stairs or stair hall shall be enclosed by walls of brick not less than 9 inches thick or of reinforced concrete not less than 4½ inches thick.

Stairs to be enclosed.

2. No stairway, internal corridor, or passage-way for the use of the public shall be less than 3 feet 6 inches wide in the clear; when the doors open on to corridors, the corridors shall be increased to such widths as will allow them to be 3 feet 6 inches wide in the clear when the doors are open.

Ingress or egress space.

3. When permanent fixed seating is not provided, the egress space required shall be computed from the available floor area after deductions for fixtures, as hereunder:—

Floor Area in square feet.	No. of Exits.	Aggregate Widths.
0-400	1	From 0-250 square feet, the width of exit shall be 3 feet 6 inches, and an increase of width of 6 inches for every additional 50 square feet of floor area shall be made up to 400 square feet.
400-1500	2	
1500-2300	3	The aggregate widths of exits from 400-900 square feet shall be 7 feet, and an increase of 5 inches shall be made for every additional 100 square feet of floor area in excess of 900 square feet.
2300-3500	4	
3500-4000	5	

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4. When floor area exceeds 4000 square feet, the number of exits and aggregate widths thereof shall be subject to the approval of the surveyor.

5. When permanent fixed seating is provided, the egress space required may be based on the actual seating accommodation provided, *i.e.*, number of seats where divided, and allowing 17 lineal inches for each person where seating is continuous. For every 100 persons accommodated on this basis, egress space to the amount of 5 feet will be required, and for every additional 100 or part of 100 an additional egress space of 20 inches, or proportionate part thereof, must be provided, subject to the number of exits being supplied as required by above table under this part of this by-law.

6. When standing room is provided, the total widths of the respective exits as required above shall be increased at the rate of 5 inches for every 100 square feet of floor area so occupied.

7. In all cases where the auditorium is divided into separate parts or divisions, whether by means of balconies or platforms, or by barriers or barricades or in any other manner whatsoever, then for the purpose of determining the number and extent of exits to be provided, each such part or division shall be treated as a separate unit and the calculation or determination shall be made on the aforesaid basis.

8. In every public building the entrances and exits herein required to be provided shall be so situated as to communicate directly with a street, or with an open space or corridor free from any obstruction and communicating directly with a street, or in the case of an auditorium or part thereof above or below the ground level communicating in the stipulated manner with a staircase leading to a street or open space or corridor as aforesaid.

9. When a platform or stage is more than 3 feet above level of the auditorium, or contains 400 or more superficial feet of floor, separate means of exit from the said platform or stage must be provided.

Doors.

10. Doors to be constructed in two leaves, fitted with approved fastenings. All doors shall open outwards; doors abutting on a street must be recessed so as not to encroach on the public way. No door shall be hung so as to open immediately on to a flight of steps, or to obstruct when open any passage, stairway, or landing. Provided that, with the approval of the surveyor, external doorways may be fitted with collapsible or removable iron grilles in lieu of swinging doors, but in such case every such grille shall be made and fitted in all respects to the surveyor's satisfaction.

Internal approaches to doorways.

11. No aisle or gangway between seating shall be less than 2 feet 6 inches wide. The aggregate width of aisles and gangways in any auditorium or part or division thereof shall be equal to the egress space required by this by-law in respect of such auditorium or part or division thereof. No lobby, corridor, or passage shall be less in width than width of any doorway opening thereon, provided that if the same lobby, corridor, or passage has two or more doorways opening thereon then the width shall be determined by the surveyor with due regard to the number and extent of such doorways, and the decision of the surveyor shall be final and binding on all parties.

Stairs and landings.

12. All stairways shall be constructed of fire-resisting materials throughout. All stairs must be in straight flights and with half space or quarter space landings, at intervals of not more than fifteen or less than three risers, and have an approved handrail, at a height of about 3 feet above centre of treads. Every stairway must have a clear headway of not less than 7 feet.

13. A central handrail shall be provided when width of stairway exceeds 7 feet; newel posts at head must be 6 feet in height. The steps of each flight must be of uniform dimensions throughout, with treads not less than 10½ inches or more than 12 inches wide, exclusive of nosing, and risers not more than 7 or less than 5 inches high.

14. Slopes or descending grades, not exceeding 1 in 10, may with proper handrails be substituted for steps.

Ventilation.

15. All parts of such buildings shall be properly and efficiently ventilated in a manner to be approved by the surveyor.

Fire extinguishing appliances.

16. Water-supply service and fire-fighting appliances, as the surveyor shall deem requisite and necessary, shall be provided.

Sanitary accommodation.

17. Adequate sanitary accommodation shall be provided as the Council may prescribe.

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(7)

SPECIAL RULES AS TO THEATRES.

1. Every building hereafter erected or altered to be used as a theatre or public place of amusement (except only unroofed, open-air places of amusement without balconies or without one tier of seats over another tier of seats), involving the use of a stage, with movable or shifting scenery, curtains, and machinery shall be constructed of fire-resisting material throughout, except the flooring boards.

Fire-resisting construction.

Provided that every roofed building used for the purpose of a cinematograph exhibition involving the use of a stage or not, and with or without movable or shifting scenery, and with or without curtains and machinery, shall be constructed of fire-resisting material throughout except the flooring boards.

2. In case of alterations to existing theatre buildings the Council, by resolution, may permit modifications of the provisions when the strict compliance with the same would be impracticable.

3. Every building shall have at least one frontage on a street, and in such front there shall be suitable means of entrance and exit for the audience. No such building shall be erected fronting any street which is less than 50 feet in width unless with the consent of the Council.

Site.

4. In addition to the aforesaid entrances and exits on the street, there shall be reserved for service, as a means of exit for the audience in case of emergency—

- I. An open court or space on the side not bordering on the street where such building is located on a corner section:
- II. An open court or space on both sides of such building where there is but one frontage on a street: and
- III. An open court or space on at least one side where there is a street at front and back but not at sides.

5. The width of each such open court shall be not less than 10 feet where the seating accommodation is all on the ground floor and the building is not provided with balconies, and for buildings containing balconies or galleries, not less than 12 feet where the seating capacity is not over 1000 people, and where above 1000 people, 15 feet in width. Such open court or courts shall begin on a line with or near the proscenium wall, or if there is no proscenium wall at the end of the auditorium, and shall extend the length of the auditorium proper, to or near the wall separating the same from the entrance lobby or vestibule.

6. A separate and distinct corridor shall continue to the street from each court through such superstructures as may be built on the street side of the auditorium, with walls of brick or reinforced concrete, and ceiling and floors shall be of fire-resisting construction.

Corridors shall be the full width of courts and be free from projections. Courts and corridors shall not be used for storage or purposes other than exits and entrances.

7. No such premises shall have more than three tiers, balconies, or galleries, above the level of the ground floor.

Number of tiers.

8. Where any tier or balcony extends over the ground floor or over any other tier then the height between the floor and ceiling of any tier shall not be at any part less than 8 feet, and the height between the floor of any part of the highest gallery, and of the ceiling of the same, shall not be less than 9 feet.

Height of tiers.

9. Notwithstanding anything contained in these by-laws as to entrances and exits generally, the following provisions shall apply in the case of theatres.

Number of entrances and exits.

10. At least two distinct and separate exits shall be provided to every tier or floor of such premises.

11. If any tier or floor shall be divided into two parts by a permanent barrier, two separate exits shall be provided for each of such parts.

12. Such exits shall be placed as far apart as practicable, so as to afford a ready means of egress from each tier, floor, or part, and shall lead directly into a street or open space.

13. Two such exits shall be provided for the stage.

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Ordinary exits.

14. The dressing-rooms shall have two independent exits leading directly into the street or open space.

15. In any case of disagreement as to the position of any entrance, exit, or passage, the decision of the surveyor shall be final and binding on all parties.

16. Egress space shall be computed on the maximum seating accommodation provided. The minimum width of every doorway, when the door is opened to its fullest extent, shall, at its narrowest part, be not less than 5 feet, and the minimum height thereof not less than 7 feet.

17. For the ground floor there shall be two such exits for 400 or for a smaller number of persons; and for every additional 100 or part of 100 persons, additional egress space of 15 inches or proportion thereof shall be provided.

18. For the first floor or tier two such exits for 400 or for a smaller number of persons, and for every additional 100 or part of 100 hundred persons, additional egress space of 18 inches, or proportion thereof, shall be provided.

19. For the second floor or tier two such exits for 400 or for a smaller number of persons, and for every additional 100 or part of 100 persons, additional egress space of 21 inches, or proportion thereof, shall be provided.

20. For the third floor or tier two such exits for 400, or for a smaller number of persons, and for every additional 100 or part of 100 persons, additional egress space of 24 inches, or proportion thereof, shall be provided.

Provided that should the surveyor consider it necessary he may insist that such extra space shall be furnished in the form of any additional doorway or additional doorways.

21. For a stage floor, the area of which is 3000 square feet or less, two exits, each 5 feet wide, shall be provided; and for a larger stage floor, additional egress space at the rate of 12 inches per 1000 square feet of floor area shall be provided.

22. All doorways used by the public shall be at least 5 feet wide and 7 feet high in the clear, and the doors shall be hung in two leaves; doorways to dressing-rooms shall be not less than 2 feet 10 inches by 6 feet 8 inches.

23. All doors used for entrances, all doors adjoining public streets, and all gates shall be made to open both ways, and shall when opened inwards, be locked back flush with the wall into a recess made for that purpose, and in such a manner as to require a key to release them, and when opening outwards the said gates and doors shall be recessed sufficiently to prevent obstruction to the public way. Provided that with the approval of the surveyor, external doorways may be fitted with collapsible or removable iron grilles in lieu of swinging doors, but in such case every grille shall be made and fitted in all respects to the surveyor's satisfaction.

24. All internal doors shall be hung to open outwards in such a manner as not to obstruct, when open, any doorway, gangway, corridor, passage, staircase, or landing.

25. All barriers and check-takers' gates shall be made to open outwards in such a manner as will cause no obstruction, and be fitted with such special fastenings as shall be approved by the surveyor.

26. All ticket and check-takers' boxes shall be fixed in a recess flush with the wall, or in such other manner as will cause no obstruction of any kind to public exits.

27. No door shall open immediately upon a flight of steps; but a landing at least as long and as broad as the width of the doorway shall be provided between such flight of steps and such doorway.

28. All exit, stage, and dressing-room doors and gates shall be secured with approved fastenings.

29. All corners of doorway-jambes, passages, and stairways shall be rounded to the approval of the surveyor.

30. Every lobby, corridor, or passage shall be formed of fire-resisting materials, and shall not be less than 8 feet in height, and shall, at its narrowest part, be not less in width than the width of any doorway to or from which it leads, provided that if the same lobby, corridor, or passage leads to or from two or more doorways, then the width shall be determined by the surveyor with due regard to the number and extent of such doorways.

Doorways, doors,
fastenings, &c.Corridors, passages,
stairways, and
vestibules.

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31. When vestibules are provided the clear width of the opening, or the total widths of the openings of the vestibule leading to the street, shall be at least one-third greater than the united widths of the escape doors leading thereto. No vestibule shall be less than eight feet in height. A.D. 1918.

32. There shall be at least two separate and independent stairways, with approved direct exterior outlets provided for each tier or floor and divisions thereof, and the said stairways shall be as far apart as practicable on opposite sides or ends of the said tiers or floors or divisions. Every stairway, when intended for the use of not more than 200 persons, shall be of a width of not less than 5 feet; and when any such stairway is intended to accommodate a larger number of the audience than 200 persons, the width of such stairway shall be governed by the amount of egress space required for such tier or floor.

In case of disagreement, the decision of the surveyor, as to the position of any stairway, shall be final and binding on all parties.

33. Stairs for the use of the audience shall be constructed of fire-resisting materials. Treads of stairs shall be not less than $10\frac{1}{2}$ inches, or more than 14 inches in width, and with risers of not more than 7 inches, or less than 5 inches in height, and shall be without winders, and shall be in flights of not more than fifteen or less than three steps each. The projection of nosing, if any, over riser will not be reckoned in computing the width of the tread. Stairs shall have a clear headway of not less than 7 feet 6 inches. Stairs.

34. The several flights of stairs shall be enclosed on all sides by brick or stone walls not less than 9 inches thick, or reinforced concrete not less than $4\frac{1}{2}$ inches thick, the walls being carried up from the level of the footings.

35. All landings shall be of fire-resisting material.

36. All stairs, where constructed of combustible materials, shall be lined on the under side with approved fire-resisting materials.

37. A continuous handrail of fire-resisting material shall be fixed on both sides of all steps and landings, supported by strong metal brackets built into the walls, be rounded at all corners, and be fixed at a height above the nosing of not less than 2 feet 10 inches or more than 3 feet 2 inches.

38. The inside of such handrails shall not project beyond the face of the walls more than 4 inches.

39. All staircases 7 feet and over in width shall be provided with a centre handrail of metal, not less than 2 inches in diameter, placed at a height of about 3 feet above the centre of the treads, and supported on wrought metal or brass standards, of sufficient strength, placed not nearer than 4 feet, nor more than 6 feet apart, and securely bolted to the treads, or risers of stairs, or both, and at the head of each flight of stairs on each landing the posts or standards shall be at least 6 feet in height, to which the rail shall be secured.

40. Slopes or descending grades, not exceeding 1 in 10, may, with proper handrails, be substituted for steps.

41. Threshold steps above the level of the adjoining floor shall not be provided.

42. Two exterior emergency escape stairs must be provided as far apart as practicable for every theatre accommodating on all the floors above the ground level more than 1000 persons, and one for theatres accommodating on those floors fewer than 1000 persons, as follows:—For each of the tiers, a doorway not less than 3 feet 6 inches wide, opening on to a balcony at least 10 feet long, and connected by a stairway from upper to next lower tier, not less than 3 feet 6 inches wide, and increasing 18 inches in width at each successive tier, both stairs and balconies to be constructed of approved fire-resisting materials supported on outer side from ground level and to have strong handrails and treads not less than 9 inches, and risers not more than $8\frac{1}{2}$ inches. The above doors and emergency staircases shall be in addition to the ordinary exits and staircases previously described. Exterior escape stairways.

43. Gangways shall be formed near or at each side of the auditorium, and between the doors at the side or rear of the seating in every part of such premises, so that no seat shall have more than seven seats intervening between it and an aisle or gangway. Gangways.

44. Each gangway shall be as wide as the door to which it leads; but when two or more gangways lead to the same doorway the aggregate amount of gangway space need not exceed the doorway space.

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45. Each aisle or gangway may from its widest end at the doorway be gradually diminished in width to its narrowest end, provided that no aisle or gangway in its narrowest part shall be less than 32 inches wide.
- Platforms in galleries. 46. All platforms in galleries formed to receive the seats shall be not more than 21 inches in height of risers, nor less than 30 inches in width of platforms.
- Proscenium wall. 47. The wall separating the auditorium from the stage shall extend at least 4 feet above the stage roof, or the auditorium roof, if the latter be the higher. Above the proscenium opening there shall be a brick arch in cement mortar, or reinforced concrete or steel or iron girder, covered with fire-resisting materials. The moulded frame around the proscenium opening shall be formed entirely of fire-resisting materials. If metal be used, said metal shall be filled in solid with non-combustible material, and securely anchored to the wall with iron. The proscenium opening shall be provided with an approved fire-resisting curtain of asbestos or other fire-resisting material, sliding at each end within iron grooves to a depth of not less than 6 inches on each side of the opening. Said fire-resisting curtain shall be raised at the commencement of each performance, and lowered at the close of the said performance, and be operated by approved machinery for that purpose. The proscenium curtains shall be placed at least 3 feet distant from the footlights at the nearest point. No doorway or opening through the proscenium wall from the auditorium shall be allowed above the level of the first floor, and all openings shall have wrought-iron or tin-clad doors on one face of the wall, and the doors shall be hung so as to be opened from either side at all times.
- Gallery fronts and ceilings. 48. The fronts of each gallery shall be formed of fire-resisting materials, except the capping, which may be made of wood. The ceiling under each gallery shall be entirely covered with fire-resisting materials. The ceilings of the auditorium shall also be covered with fire-resisting materials. All lathing, wherever used, shall be of metal.
- Fly galleries. 49. The fly galleries entire, including pin rails, shall be constructed of iron or steel, and the floors of said galleries shall be composed of iron or steel beams filled with fire-resisting materials, or reinforced concrete, and no wood boards or sleepers shall be used as coverings over beams, but the said floor shall be entirely fire-resisting. The rigging loft shall be fire-resisting. All stage scenery, curtains, and decorations made of combustible materials shall be painted or saturated with some approved non-combustible material, or otherwise rendered safe against fire, and the finishing coats of paint applied to all woodwork shall be of such kind as to resist fire.
- Dressing-rooms. 50. Dressing-rooms shall be constructed as a separate block of buildings, or be divided from the auditorium and stage by brick walls not less than 9 inches thick, or reinforced concrete not less than 4 inches thick. Any openings in such walls shall be provided with wrought-iron or iron-cased or tin-clad wooden doors.
51. All dressing-rooms shall be built of fire-resisting materials, and all doors from the same shall lead into a passage, such passage to have at least two independent exits of fire-resisting construction, each exit to be not less than 3 feet 4 inches wide, and to lead into a street or other open place.
52. All dressing-rooms shall be properly lighted and ventilated to the satisfaction of the surveyor, and shall be separated from each other by fire-resisting partitions.
53. No dressing-room shall be decorated except by materials completely adhering to the surface of the wall or ceiling; and all fittings shall be, as far as practicable, of fire-resisting materials.
54. No dressing-room shall be situated more than one storey below the street level, or more than two storeys above such level.
- Workshops, &c. 55. All workshops, storerooms, or property rooms in connection with such premises shall be completely separated from such premises and from each other, by brick walls not less than 9 inches thick, or reinforced concrete walls not less than 4 inches thick.
56. All openings in such walls shall be closed either with self-closing or self-tastening wrought-iron doors, or with steel-clad or tin-clad wooden doors, also self-closing.

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57. All such doors, if consisting of a single leaf, shall be made so as when closed to overlap the door-frame at least 3 inches; and if made in two leaves, such leaves shall also be made so as when closed to overlap each other at least 3 inches.

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58. All floors and ceilings of such rooms shall be of fire-resisting construction.

59. All such rooms shall be ventilated from and to the outer air, and shall have independent exits of fire-resisting materials leading to a street or open space.

60. Every steam boiler which may be required for heating or other purposes shall be of approved type, and every engine, dynamo, &c., in connection therewith shall be located in an approved fire-resisting chamber.

Steam boilers
and heating
appliances.

61. All doorways in said walls shall have fire-resisting doors. No floor register for heating shall be permitted. No coil or radiator shall be placed in any aisle or passage used as an exit, but all said coils and radiators shall be placed in recesses formed in the walls, or partitioned to receive same. All supply, return, or exhaust pipes shall be properly encased and protected where passing through floors or near woodwork.

62. All skylights and the sloping sides of lantern-lights, unless glazed with approved wire-glass, shall be securely protected by galvanised iron wire guards, securely fixed on the inside of such skylights or lantern-lights.

Skylights.

63. All windows shall be arranged to open, and none of the windows in outside walls shall have fixed sashes, iron grilles, or bars.

Windows.

64. Every portion of the building devoted to the uses or the accommodation of the public, also all outlets leading to the streets, shall be well and properly lighted during every performance, and the same shall remain lighted until the entire audience has left the premises. All of the said lights in the halls, corridors, lobbies, and any other part of the said buildings used by the audience, except the auditorium, must be controlled by a separate shut-off located in an approved position, and controlled only in that particular place. Gas mains supplying the building shall have independent connections for the workshops, fly-galleries, and stage, and provision shall be made at the outside of the building for shutting off the whole or any one of such gas connections.

Lighting.

65. All lights in passages and corridors in said building shall be protected with proper wire network. All ducts or shafts used for conducting heated air from the main chandelier, or from any other light or lights, shall be constructed of metal and made double, with an air space between them.

66. Gas meters shall be placed in properly ventilated chambers of fire-resisting construction.

67. There shall be provided over the stage and in direct and open connection with same, three metal flues each not less than 30 inches in diameter, extending 10 feet above the roof, securely stayed and fitted with approved cowls or other approved means of ventilation.

Ventilation of
stage.

68. The auditorium shall be properly and efficiently ventilated in a manner to be approved by the surveyor. Provided that, if in the opinion of the surveyor any auditorium requires artificial ventilation, there shall be installed a mechanical system of ventilation, so contrived as to provide a minimum of 40 cubic feet of fresh air per minute for each person, and for each light other than electric light 160 cubic feet.

Ventilation of
auditorium.

69.—I. There shall be provided in approved positions on each side of stage, auditorium, galleries, and roof, pipes of approved size connected to water-mains in street with a sufficient number of outlets, 2½ inches in diameter, with standard fire brigade fire hose-cocks fixed on same. At each hose-cock an approved length of 2½-inch fire hose, with male and female couplings securely bound on to each length, shall be provided and fitted with approved director and nozzle. Fire cocks to be at no greater distance apart in any chamber than 80 feet. All hose couplings shall be interchangeable.

Fire protection.

A stand-pipe with outlet and fire hose-cock and hose as above shall be provided in the property room and workshops.

II. A separate and distinct system of automatic sprinklers, with fusible plugs, approved by the surveyor, supplied with water from a gravity tank, in an approved position, and not connected in any manner with stand-pipes, shall be placed on each side of the proscenium opening

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Sanitary
accommodation.

and on the ceiling or roof over the stage, at such intervals as will protect every square foot of stage surface when said sprinklers are in operation. Automatic sprinklers shall also be placed in the dressing-rooms, under the stage, and in the carpenter's shop, paint rooms, store rooms, and property rooms.

70. Adequate sanitary accommodation shall be provided, as may be prescribed by the Council.

(8)

HIGH BUILDINGS, FACTORIES, AND SHOPS.

Stairways.

1. Every building other than a private residence, which shall be more than three storeys in height, and every wooden building, other than a private residence, of two or more storeys in height, and every building intended for use as a factory, shall be provided with an external fire-escape stairway in addition to the ordinary stairway or stairways. Provided that if in the opinion of the surveyor, any building, by reason of its size, requires more than one such external fire-escape stairway, such additional stairway or stairways shall be provided and fixed to his approval. The number of stairways required for shops will depend on the area of the floor from which they descend. All stairways shall be as far apart as practicable, leading to separate exits. A second staircase shall not be necessary in any factory building of not more than three storeys in height, in which not more than 150 persons are employed on the floors above the ground floor, if the one stairway provided is fire isolated by brick walls not less than 9 inches thick, or a wall of reinforced concrete not less than 4 inches thick.

2. All stairs shall be constructed of fire-resisting materials and be in straight flights, and have half-space or quarter-space landings at intervals of not more than sixteen or less than two risers, and have proper balusters and a continuous handrail at about 3 feet above the centre of treads and landings. Every stair shall have a clear headway of not less than 6 feet 6 inches in height. The steps shall be of uniform dimensions throughout, and have treads not less than 10 inches wide, exclusive of nosing, and risers not more than 7 inches high. The lining of the underside of stairs and landings, if any, shall be of fire-resisting materials.

3. All walls and partitions enclosing any staircase shall be constructed of fire-resisting materials.

Escape stairs.

4. External escape stairs may, with the special consent of the Council, be erected in lanes from the level of the First floor upwards, provided such stairs be constructed of metal or fire-resisting materials. From the level of the First floor downwards the stair shall be continued as an internal stair, and where necessary fire isolated. All escape stairs shall be provided with handrailing, and shall be constructed and supported to the satisfaction of the surveyor.

5. All windows abutting on an external escape stair shall be constructed with metal frames and sashes, and be glazed with wire-rolled plateglass.

Gangways.

6. Gangways may, with the special consent of the Council, be erected over lanes to connect buildings in the one occupation, provided they be constructed of fire-resisting materials to the satisfaction of the surveyor.

Egress space.

7. The egress space of each stairway from the two topmost storeys of every high building shall be not less than 2 feet 8 inches, and for the remaining storeys not less than 3 feet 4 inches in width.

8. The exits from factories in which not more than 25 persons are employed shall be not less than 2 feet 8 inches in width; if more than 25 persons but not exceeding 100 are employed, the exits shall be not less than 3 feet 4 inches in width. If a greater number than 100 persons are employed, the width of exits shall be increased 20 inches for every additional 100 persons or proportion thereof.

The number and width of stairways and exits from shops shall be in accordance with the following tables:—

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(A) Exits and Stairways required for Retail Shops used for the Sale of Drapery, Millinery, and Fancy Goods, or any other Class of Goods combined with Drapery, Millinery, and Fancy Goods:—

Area of each Floor in Square Feet.	Number and Width of Stairs and Exits.	Total Width of Stairs and Exits.
Up to 600	ft. in. 1 2 8	ft. in. 2 8
More than 600 and not more than 1000	{ 2 2 8 or 1 2 8 if fire isolated	{ 5 4 2 8
" 1000 " " 2000	2 3 4 One stair to be fire isolated ...	{ 6 8
" 2000 " " 4000	{ 1 5 0 1 3 4 " " " ...	{ 8 4
" 4000 " " 6000	2 5 0 " " " ...	{ 10 0
" 6000 " " 8000	{ 2 5 0 One 5ft. stair to be fire isolated 1 3 4 " " " ...	{ 13 4
" 8000 " " 10,000	3 5 0 " " " ...	{ 15 0
" 10,000 " " 12,000	{ 2 5 0 " " " ... 2 3 4 " " " ...	{ 16 8
" 12,000 " " 14,000	{ 3 5 0 " " " ... 1 3 4 " " " ...	{ 18 4
" 14,000 " " 16,000	4 5 0 " " " ...	{ 20 0
" 16,000 " " 18,000	{ 4 5 0 Two stairs to be fire isolated ... 1 3 4 " " " ...	{ 23 4
" 18,000 " " 20,000	5 5 0 Two 5ft. stairs to be fire isolated	{ 25 0
" 20,000 " " 22,500	{ 4 5 0 " " " ... 2 3 4 " " " ...	{ 26 8
" 22,500 " " 25,000	6 5 0 " " " ...	{ 30 0

(B) Exits and Stairways required for Retail Shops other than those used for the Sale of Drapery, Millinery, or Fancy Goods:—

Area of each Floor in Square Feet.	Number and Width of Stairs and Exits.	Total Width of Stairs and Exits.
Up to 600	ft. in. 1 2 8	ft. in. 2 8
More than 600 and not more than 1000	{ 2 2 8 or 1 2 8 if fire isolated	{ 5 4 2 8
" 1000 " " 2000	{ 1 2 8 1 3 4	{ 6 0
" 2000 " " 4000	2 3 4	{ 6 8
" 4000 " " 6000	{ 1 5 0 1 3 4	{ 8 4
" 6000 " " 8000	2 5 0	{ 10 0
" 8000 " " 10,000	2 5 0 One 5ft. stair to be fire isolated 1 3 4 " " " ...	{ 13 4
" 10,000 " " 2,000	3 5 0 " " " ...	{ 15 0
" 12,000 " " 14,000	{ 2 5 0 " " " ... 2 3 4 " " " ...	{ 16 8
" 14,000 " " 16,000	{ 3 5 0 " " " ... 1 3 4 " " " ...	{ 18 4
" 16,000 " " 18,000	4 5 0 " " " ...	{ 20 0
" 18,000 " " 20,000	{ 4 5 0 Two stairs to be fire isolated ... 1 3 4 " " " ...	{ 23 4
" 20,000 " " 22,500	5 5 0 " " " ...	{ 25 0
" 22,500 " " 25,000	{ 2 3 4 Two 5ft. stairs to be fire isolated 4 5 0 " " " ...	{ 26 8

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The total width of stairs in the Tables A and B from the third to the sixth floors may be reduced to the total width required for the next lower area, and from the sixth floor upwards may be again reduced to the next succeeding lower area; provided that no stairs shall be reduced to a less width than 3 feet 4 inches, except for floor areas 1000 square feet or less. If it be impracticable to provide the number of stairs required in the Tables A or B, the total width required by such tables may be provided in such manner as may be approved by the surveyor.

Doors.

9. Doors to fire-enclosed staircases shall be fire-resisting doors; all doors shall not be less than 6 feet 6 inches in height, and open on to landings. Doors shall be fitted with approved fastenings, and open outwards; doors abutting on a street must be recessed, so as not to encroach on the public way, or may open inwards provided they be locked back in such a manner as to require a key to release them. No door to be hung, so as to open immediately on to a flight of steps or to obstruct, when open, any passage, stairway, or landing.

Internal approaches to doorways.

10. No aisle may be less than 2 feet 8 inches wide. The aggregate width of aisles or gangways shall be equal to egress space required. No corridor or passage-way may be less in width than the egress space required for doors opening thereon, and shall be not less than 8 feet in height. Corridors and passage ways passing under a staircase may be not less than 7 feet in height under same. All passage-ways and means of egress shall be lighted and ventilated to the approval of the surveyor.

Provision for fire extinction.

11. An approved water-supply service for the purpose of fire extinction shall be provided in:—

- i. Every building over three stories in height:
 - ii. Every building proposed to be used as a factory:
 - iii. Every building over 20 squares in area proposed to be used as a shop
- All fittings shall be of a standard approved by the surveyor.

(9)

DIVISION I.—FRAME CONSTRUCTION.

1. The provisions of this Division, in addition to the other provisions of this Act which apply to buildings of the class to which the particular building belongs, shall apply to every building of iron or steel frame construction: Provided that, with regard to any matter specifically dealt with by this Division, the provisions of this Division, so far as it deals therewith, shall apply in lieu of the general provisions of this Act dealing with such matter.

Meaning of "pillar."

2. In this Division the term "pillar" means a column or stanchion, or an assemblage of columns or stanchions riveted or bolted together.

Drawings and calculations to be furnished.

3.—(1) Any person who intends to erect an iron or steel frame building shall, in addition to any other requirements of this Act, deposit with the surveyor, to be retained in his office for future reference, a complete set of the drawings of such building, showing the details of construction of all its parts, together with a detailed copy of all the calculations of the stresses and particulars of materials.

(2) Should such drawings or calculations be, in the opinion of the surveyor, not in sufficient detail, he may require such further particulars as may be necessary; provided, however, that permission to erect any framed structure does not in any manner imply the acceptance of the work or relieve the architect or engineer who designed the structure from full responsibility for the actual construction.

Wind pressure.

4.—(1) The building shall be designed so as to resist a wind pressure in any horizontal direction of at least 25 lb. avoirdupois to the square foot.

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(2) Calculations for wind pressure need not be shown if the height of the building does not exceed four times the least width thereof.

5. The skeleton framing in any wall shall be capable of safely sustaining, independently of any masonry or brickwork, the whole weight bearing upon such wall, including the weight of such wall, and the due proportion of any floors and roofs, together with the line load on such floors and roofs. All parts of the steel frame shall be riveted, except where rivets cannot be driven, in which case fitted bolts may be used in reamed holes.

6. Girders to support the enclosing walls shall be fixed at, or within 4 feet of, the floor line of each storey.

7. All pillars supporting iron or steel girders that carry walls or fire-resisting floors or roofs shall be of iron or steel.

8. When a pillar consists of an assemblage of columns or stanchions, such columns or stanchions shall be properly riveted or bolted together.

9.—(1) In any steel or wrought-iron pillar, the metal shall not, in any part, be of less thickness than $\frac{1}{4}$ -inch; nor shall any such pillar have an unsupported length of more than 40 times its least lateral dimension, nor more than 160 times its least radius of gyration.

(2) Each end of every such pillar shall be a true surface at right angles to the axis thereof.

(3) All joints in every such pillar shall be close butted with cover plates properly riveted, and, except where unavoidable, no joint shall be made except at or near the level of a girder.

(4) The foot of every such pillar shall have a proper baseplate riveted thereto, with sufficient gusset pieces to properly distribute the load on the foundations.

(5) Where any such pillar is built up hollow, the cavity shall be filled up with cement concrete.

10.—(1) In any cast-iron pillar, the metal shall not, in any part, be of less thickness than $\frac{3}{8}$ -inch, nor less than one-twelfth of the least lateral dimensions. Nor shall any such pillar have an unsupported length of more than 20 times its least lateral dimension, nor more than 80 times its least radius of gyration.

(2) The cap and the base of every such pillar shall be in one piece with the column, or shall be connected thereto with a properly turned and faced joint sufficiently fixed.

(3) Every such pillar shall be turned or faced, top and bottom, to a true face at right angles to the axis when in contact with metal.

(4) All joints in every such pillar shall be at or near the level of a floor, and shall be fixed and made with not less than four bolts, each bolt being at least $\frac{3}{4}$ -inch in diameter.

(5) The foot of every such pillar shall have such area as is necessary to properly distribute the load on the foundations.

11.—(1) Every pillar shall be protected, at all places, with a layer of concrete, brick, terra cotta, or metal laths and plaster.

(2) If concrete is used for such encasing, the concrete shall be of such thickness as to fill all outer spaces of the pillar, and to extend at least 3 inches outside the extreme metal of the pillar. The concrete shall be composed of one part of Portland cement, two parts of sand, and four parts of stone, brick, terra cotta, or clinker, broken to not more than $\frac{3}{4}$ -inch gauge. A mesh of metal laths, or of other metal reinforcement, shall be placed in this concrete, not less than 1 inch from the outer surface thereof.

(3) If terra cotta is used for such encasing, the terra cotta shall be not less than 4 inches thick. A space of 1 inch shall be left between the metal of the pillar and the inside of the terra cotta, which space shall be filled with concrete grouted in. The terra cotta shall be set in cement mortar, and the block shall be fastened with metal ties of approved pattern.

(4) If brick is used for such encasing, the bricks shall be at least $4\frac{1}{2}$ inches thick, outside of the metal of the pillar, and shall be set in cement mortar. The main re-entrant portions of the pillar shall also be filled with brick or cement.

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Strength of skeleton framing

Girders to support enclosing walls.

Pillars supporting girders.

Pillars consisting of assemblage of columns.

Rules as to steel and wrought iron pillars.

Rules as to cast iron pillars.

Protection of pillars.

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- (5) If metal laths and plaster are used for such encasing, the laths shall be of double form; and the laths shall be strapped around the metal of the pillar and be plastered with cement mortar. A second sheathing of lath shall be placed outside of the first, separated therefrom by an air space of at least 3 inches. The outer sheathing of lath shall be rigidly supported by the pillar and shall be covered with cement mortar.
- Further protection of pillars in buildings of the Warehouse Class.
12. In buildings of the Warehouse Class, the base of every pillar shall, in addition to any other requirements of this Act, be further protected against chafing, by wood or other lagging, to the satisfaction of the surveyor.
- Protection of beams and girders.
13. Every beam and every girder shall be protected as mentioned in this Act, except that the covering shall be at least 2 inches in its extreme parts. Soffits of beams and girders shall have, when protected by concrete, metal embedded in the concrete bent round flanges of the beams.
- Certain girders to be of wrought iron or steel.
14. All girders that carry walls or floors or roofs shall be of wrought iron or mild steel.
- Floors and staircases.
- 15.—(1) All staircases (together with their enclosing walls) shall be constructed throughout of fire-resisting materials, and shall be carried upon supports of fire-resisting material.
- (2) All iron or steel carrying loads used in the construction of any floor or staircase landing shall be protected from the action of fire by being encased to the satisfaction of the surveyor in concrete, brickwork, terra cotta, metal lathing and plaster, or cement, without any wood blockings.
- Connections at floor and ceilings.
16. Connections shall be made at all floors and ceilings, and to the satisfaction of the surveyor.
- Rules as to enclosing walls.
- 17.—(1) No enclosing wall of the building shall be less than 9 inches in thickness for the topmost two storeys of its height, nor less than 13½ inches in thickness for the remainder of its height below such topmost two storeys, provided that window backs may in all cases be reduced to 9 inches in thickness.
- (2) All brickwork or concrete in any enclosing wall shall be executed in cement; and shall be bedded close up to the iron or steel without any cavity between, and all joints shall be made full and solid. Provided that—
- i. Nothing in this section shall prevent the use of stone as an external facing for a building; provided, nevertheless, that all work faced with stone shall be at least 4 inches thicker than required by Sub-section (1) hereof, unless bonded in to the satisfaction of the surveyor:
 - ii. Reinforced concrete may be used as provided for by Division II. of this Part.
- Working stresses:
- 18.—(1) In a pillar the actual working stress shall not exceed that indicated in Part I. of the Fourth Schedule.
- (2) The actual working stress of iron or steel (except in the case of pillars), in tons per square inch of sectional area, shall not exceed those indicated in Part II. of the Fourth Schedule.
- Metal work to be cleaned and painted.
19. All structural metal shall be cleaned of all scale, dust, and rust, and, except where in contact with concrete, shall be thoroughly coated with one coat of boiled oil or paint, or other material approved by the surveyor before erection, and after erection shall receive at least one additional coat.
- Further general requirements.
20. In addition to the foregoing provisions, all skeleton frame buildings shall, with regard to the metal used and the framing, bracing walls, chimneys, partitions, floors, roofs, staircases, and foundations, be constructed in such manner as is approved by the surveyor.
- Powers of surveyor for testing purposes.
21. The surveyor may, for the purpose of the due supervision of the building, and at the expense of the building owner, cause any pillar to be drilled at any point to ascertain its thickness, and cause to be made any other tests which he considers desirable.

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DIVISION II.—BUILDING WITH REINFORCED CONCRETE.

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22. The provisions of this Division, in addition to the other provisions of this Act which apply to buildings of the class to which the particular building belongs, shall apply to all building with reinforced concrete: Provided that, with regard to any matter specifically dealt with by this Division, the provisions of this Division, so far as it deals therewith, shall apply in lieu of the general provisions of this Act dealing with such matter.

Application of this Division.

23. All reinforced concrete work shall be built in accordance with detailed working drawings approved by the surveyor.

Reinforced concrete work to be in accordance with approved drawings.

24. Any building built with reinforced concrete shall be designed as a framed structure.

To be designed as a framed structure.

25.—(1) Any person who intends to erect a building, in whole or in part, of reinforced concrete shall, in addition to any other requirements of this Act, deposit with the surveyor, to be retained in his office for future reference, a complete set of the drawings of such building, showing the details of construction of all its parts, together with a detailed copy of all the calculations of the stresses (subject, however, to Subsection (2) of Section 18 of this schedule), and particulars of the materials to be used in the preparation of the concrete, including the nature of such materials, and the proportions in which they are to be mixed.

Drawings and calculations to be furnished.

(2) Should such drawings or calculations be, in the opinion of the surveyor, not in sufficient detail, he may require such further particulars as may be necessary: provided, however, that permission to erect any reinforced concrete structure does not in any manner imply the acceptance of the work or relieve the architect or engineer who designed the structure from full responsibility for the actual construction.

26.—(1) All building with reinforced concrete shall be designed so as to resist a wind pressure, in any horizontal direction, of at least 25 pounds avoirdupois to the square foot.

Wind pressure.

(2) Calculations for wind pressure need not be shown when the height of the building does not exceed four times the least width thereof.

27.—(1) A reinforced concrete external wall shall not be less than 6 inches in thickness. If the area of the wall surface included between any two adjacent wall columns and floor girders exceeds 300 square feet, and is less than 400 square feet, the thickness of the wall shall not be less than 8 inches. For any area over 400 square feet the thickness shall be increased as required by the surveyor.

Rules as to walls above ground.

(2) In a reinforced concrete wall the aggregate of the sectional area of reinforcement shall be at least one-half per centum of the area of the concrete, or such other percentage thereof as is approved by the surveyor; and additional reinforcement shall be placed round all openings, and all reinforcement shall be secured at all intersections.

(3) Enclosing walls of brick may be used as herein provided for in the case of buildings of frame construction.

28. In erecting any concrete wall or other structure adjoining an existing building, a casing of thin metal or waterproof paper, or other material approved by the surveyor, shall be affixed to all such parts of the existing building as would otherwise be touched by the concrete, in such manner as to prevent the concrete from adhering to any part of such existing building.

Casing to be used to prevent concrete from adhering to an existing building.

29. When inspected by the surveyor for approval, portions of the building must be exposed in positions determined by surveyor, so that the mode of construction may be seen; and test pieces for the determination of the hardness of the concrete may be taken by the surveyor, at the expense of the building owner, from any portions of the finished work.

Inspection.

30.—(1) If the surveyor considers that loading tests are necessary, such tests shall be carried out according to the instructions of the surveyor, and at the expense of the building owner.

Loading tests.

(2) The stresses induced in all parts of a structural member by its test load shall be at least the same as if the member were subjected to the dead load plus twice the live load. The deflection under such test load shall not exceed one six-hundredth part of the span.

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(3) A period of not less than six weeks shall elapse between the date of construction and the date of the test.

(4) All reinforced concrete construction shall be performed under the personal and constant supervision of either a fully qualified engineer or architect or competent superintendent.

(5) The execution of reinforced concrete work shall be confided to workmen accustomed to this class of construction, who shall be under the control of a competent foreman. The engineer, architect, or superintendent in charge of the work shall not be permitted to act in the dual capacity of both inspector and foreman.

Protection of steel from fire.

31. The minimum covering of concrete over any portion of the reinforcing steel shall be as follows:—

I. For flat plates or slabs not less than three-quarters of an inch:

II. For beams, girders, ribs, &c., not less than $1\frac{1}{2}$ inch:

III. For columns not less than 2 inches:

IV. A reduction of one-quarter of an inch in the thickness of the above covering will be permitted if the concrete be rendered or plastered.

Chafing bands.

32. Base of columns in buildings of Warehouse Class shall be protected against chafing by wood or other lagging to the satisfaction of the surveyor.

Division III.—*General.*

Rules for statical calculation.

33. The rules for statical calculation set forth in the Fifth Schedule shall apply to all buildings of iron or steel frame construction, and to all building with reinforced concrete.

Calculation fee.

34. There shall be paid by the builder, or in his default, by the owner or occupier of the building, in respect of every building of iron or steel frame construction, and in respect of all building with reinforced concrete, at the time when the drawings are deposited with the surveyor, such calculation fee as may be prescribed, in addition to the fees required by Schedule Ten.

(10)

Fees Payable to Council.

(a) In respect of new buildings; and

(b) In respect of additions, alterations, or other work to which the provisions of this Act apply, made or done to or on any building after the roof thereof has been covered in—

For every building and for every square or fraction of a square in the total floor area, up to 50 squares	Three Shillings
For every additional square or fraction of a square	One Shilling
But in no case shall the fee be less than	Ten Shillings
And in no case shall the fee be more than	Twenty Pounds
For every furnace, chimney, shaft, condensing tower, or other similar structure erected outside building, and for every 1000 cubic feet or part thereof in content, in addition to above charges on buildings	Five Shillings

(11)

Commencing at the outfall of the Hobart Rivulet Diversion and following the course of the Hobart Rivulet Diversion to the point where it intersects the centre-line of Park-street thence along the centre-line of Park-street to a point in line with the south-eastern boundary of land in the occupation of the University of Tasmania thence along the south-eastern and north-eastern boundaries of the lastmentioned land to the centre-line of Edward-street thence along the centre-line of Edward-street to its intersection with the centre-line of Park-street thence along the centre-line of Park-street in a north-westerly direction to a point $2\frac{1}{2}$ chains beyond its intersection with the centre-line of Warwick-street thence

Hobart Building.

along a line parallel with the centre-line of Warwick-street and $2\frac{1}{2}$ chains north-west of it to a point $2\frac{1}{2}$ chains from the centre-line of Argyle-street thence along a line parallel to Argyle-street and $2\frac{1}{2}$ chains from its centre-line to a point on the centre-line of Ryde-street $2\frac{1}{2}$ chains north-east of its intersection with the centre-line of Argyle-street thence in a south-westerly direction along the centre-line of Ryde-street and along the prolongation of the same line to its intersection with the centre-line of Elphinstone-road thence by a straight line in a south-easterly direction to a point in Providence Valley Creek 2 chains upstream from its intersection with Jordan Hill-road thence along this creek in a south-westerly direction to a point $2\frac{1}{2}$ chains south-west of the centre of Mellifont-street and in line with the centre-line of Upper Queen-street thence in a south-easterly direction along a line parallel to the centre-line of Mellifont-street to a point $2\frac{1}{2}$ chains beyond the centre-line of Arthur-street thence along a line parallel to Arthur-street and $2\frac{1}{2}$ chains therefrom to the centre-line of Hill-street thence in a south-easterly direction along the centre-line of Hill-street to its point of intersection with the centre-line of Augustus-terrace produced thence along the centre-line of Augustus-terrace to its point of intersection with the centre-line of Knocklofty-terrace thence in a south-easterly direction along the centre-line of Knocklofty-terrace to its point of intersection with the centre-line of Upper Goulburn-street thence in an easterly direction along the centre-line of Upper Goulburn-street to a point $2\frac{1}{2}$ chains south-west of its point of intersection with the centre-line of Molle-street thence in a south-easterly direction along a line parallel to the centre-line of Molle-street and distant $2\frac{1}{2}$ chains therefrom to the Hobart Rivulet thence in a south-westerly direction along the Hobart Rivulet to a point in a straight line with the centre-line of Glen-street thence along the centre-lines of Glen-street D'Arcy street Reform-street and Princes-street to the point of intersection of the centre-line of Princes-street and the centre-line of Regent-street thence in a south-easterly direction along the centre-line of Regent-street and along this centre-line produced to its intersection with an unnamed rivulet along the rifle-range thence following down the course of this rivulet to a point in its course 10 chains south-westerly from Sandy Bay-road thence in a south-easterly direction along a line parallel to the centre-line of Sandy Bay-road and 10 chains from it and on the southern side thereof to a point in line with the centre-line of Beach-road thence in a north-easterly direction along the prolongation of the centre-line of Beach-road and along the centre-line of Beach-road to the River Derwent and thence by the River Derwent to the point of commencement.

A.D. 1918

