



ANNO DECIMO QUARTO

# GEORGII V REGIS.

A.D. 1923.

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No. 1600.

An Act to consolidate and amend the Law relating to Buildings in the City of Adelaide and other Municipalities and Districts, and for other purposes.

[Assented to, December 6th, 1923.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I.  
INTRODUCTORY.

PART I.

1. This Act may be cited as the "Building Act, 1923."

Short title.

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

Arrangement of Act.

PART I.—Introductory:

PART II.—Builders to furnish Plans and to comply with certain Requirements:

PART III.—Preventing Obstruction of Streets by Building:

PART IV.—Special and Temporary Buildings and Wooden Structures:

PART V.—Rights of Building and Adjoining Owners:

PART VI.—Dangerous and Neglected Structures:

PART VII.—Surveyors:

PART VIII.—Building Referees:

PART

## PART I.

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PART IX.—By-Laws and Regulations:

PART X.—Legal Proceedings:

PART XI.—Miscellaneous:

PART XII.—Provisions applying only in the City of Adelaide.

## Application of Act.

**3.** (1) This Act shall apply to all places within—

(a) the Municipality of the City of Adelaide;

(b) every Municipality and every District to which the Governor before the passing of this Act has, by proclamation made under the Building Act, 1881, or the District Councils Act, 1914, or any Act thereby repealed, directed the Building Act, 1881, to apply, or declared that the provisions of that Act and any amendments thereof shall apply; and

(c) every Municipality and every District within which the Governor, after receipt of a petition from the Council of such Municipality or District declares, by proclamation, that this Act shall apply.

(2) Notwithstanding anything in subsection (1) hereof the Governor may, by any proclamation thereunder, if so prayed by such petition as aforesaid, declare—

(a) that this Act shall apply within such portion of a Municipality or District as is specified in the proclamation; or

(b) that such portions of this Act as are so specified shall apply within the Municipality or District or the specified portion thereof,

and in such case this Act shall apply only to the extent so declared.

## Commencement of Act.

**4.** This Act shall come into force—

(a) within the Municipality of the City of Adelaide, and the Municipalities and Districts referred to in subsection (b) of subsection (1) of section 3, on the first day of July, nineteen hundred and twenty-four; and

(b) within any other Municipality or District or portion of a Municipality or District, on the day fixed in that behalf by the proclamation whereby it is declared that this Act shall apply therein.

## Interpretation.

**5.** In this Act, unless inconsistent with the context or subject matter, or some other meaning is clearly intended—

“Adjoining occupier” means the occupier, or one of the occupiers, of land, buildings, storeys, or rooms adjoining those of the building owner: “Adjoining

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- “Adjoining owner” means the owner or one of the owners, of land, buildings, storeys, or rooms adjoining those of the building owner:
- “Area” applied to a building means the superficies of a horizontal section thereof made at the point of its greatest surface inclusive of the external walls and of such portions of the party walls as belong to the building:
- “Base,” as applied to a wall, means the underside of the course immediately above the footings (if any), or, in the case of a wall carried on a bressummer, above such bressummer:
- “Basement storey” means any storey of a building which is under the ground storey:
- “Builder” means the master builder or other person employed to build or to execute any work on a building or structure, or if there is no master builder or other person so employed, or if such master builder or other person is unknown or cannot be found, then the owner of the building or other person for whom or by whose order such work is to be done or has been done:
- “Building of the warehouse class” means a warehouse, factory, shop, workshop, manufactory, brewery, distillery, livery stable, or garage, and any other building which is used or constructed or adapted to be used for any like purpose:
- “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:
- “By-law” means a by-law made under this Act by the particular Council:
- “Clerk” means the Town Clerk of the particular Municipality or the District Clerk of the particular District:
- “Commencement of this Act” means, with respect to any particular Municipality or District or portion of a Municipality or District, the day on which this Act comes into force therein:
- “Council” means the Council of the particular Municipality or District:
- “Cross wall” means any internal wall not being less than two-thirds of the thickness of the external or party walls, built in connection with external or party walls, and bonding them together:
- “Cubical extent” applied to the measurement of a building means the space contained within the external surfaces of its walls and the upper surface of the floor of its lowest storey and the topmost ceiling, or the level of the top of the roof plate when there is no ceiling: “District”

No. 1182 of 1914.

“District” means a district as defined by the District Councils Act, 1914:

“Divisional wall” means any wall (other than an external or party wall) subdividing any floor of a building and carrying any load in addition to its own weight:

“Domestic building” includes a dwelling-house, shop and dwelling-house (where the shop does not exceed fifty per cent. of the ground floor area), office, hotel, lodging-house, refuge, shelter, or club, also a stable, workshop, or garage in connection with domestic buildings, and any other building not being a public building or a building of the warehouse class:

“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:

“Fire resisting,” used with reference to materials, means any of the materials which, by the Seventh Schedule, it is provided shall be deemed to be fire-resisting materials for the purposes of this Act:

“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:

“Footing” means the offset below the base of a wall, pier, column, or the like, to distribute the load on the foundations:

“Foundation” applied to a wall means the solid ground or artificially formed support:

“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 a building to which there is the principal entrance from the outside on or near the level of the ground, and where there are two such storeys, then the higher of the two, but no storey of which the upper surface of the floor is more than six feet below the level of the adjoining pavement shall be deemed to be the ground storey:

“Height,” in relation to any building, means the measurement taken from the level of the footway (if any) immediately in front of the centre of the face of the building, or, where there is no such footway, from the level of the ground to the level of the top of the parapet or eaves:

“Height,”

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“Height,” in relation to storeys, means—

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

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

“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:

“Municipality” means a municipality as defined by the Municipal Corporations Act, 1923: No. 1558 of 1923.

“New building” includes—

(a) any building erected after the commencement of this Act;

(b) 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; and

(c) 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:

“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 any partition wall separating vertically, or any partition floor or arch separating horizontally, storeys or rooms in separate occupations approached by distinct staircases or separate entrances from without, or separating a shop from the remaining portion of a building, or separating

a building from a public way leading to premises in other occupation. An external fire escape stairs shall not be deemed a separate entrance when doors opening on to such stairs are capable of being opened from the inside only :

“ Party wall ” means a wall built to be used as a separation of two or more buildings, or a wall forming part of a building built upon the dividing line between adjoining premises for their common use :

“ Public building ” means a building or any part thereof either permanently or occasionally used for the assemblage of persons in large numbers or used, or constructed or adapted to be used, as a public theatre, public hall, public concert room, public ball-room, public lecture-room, public library, or public exhibition-room, or as a public place of assembly, or used, or constructed or adapted to be used, for any like purpose :

“ Reinforced concrete ” means a concrete in which steel is embodied in such a manner that the two act in unison in resisting stresses :

“ 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 :

“ 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 :

“ Square ” applied to the measurement of any area means the space of one hundred square 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 and includes any highway, road, bridge, lane, footway, square, court, alley, or passage, whether a thoroughfare or not, used by the public or to which the public are permitted to have access, and a part of any such highway road, bridge, lane, footway, square, court, alley, or passage :

“ Street alignment ” means the line of demarcation between any street or way or part thereof and any land abutting thereon :

“ Surveyor ” means any building surveyor appointed by the Council and includes any deputy surveyor appointed by the Council :

“ This

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“This Act” includes regulations under this Act, and also includes any by-laws made under this Act which are in force in the particular locality:

“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 horizontal sections thereof made at the level of each floor inclusive of the external walls and of such portions of the party walls as belong to the building:

“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. (1) The Acts mentioned in the First Schedule to this Act shall, to the extent stated in such Schedule, be repealed with respect to any particular Municipality or District, or portion of a Municipality or District, upon this Act coming into force in such Municipality, District, or portion: Provided that in any case where only portions of this Act so come into force, such repeal shall extend only to such portions of the said Acts as deal with the matters dealt with in the portions so coming into force.

Repeal of enactments.

(2) All by-laws and regulations not inconsistent with this Act, and all orders, consents, conditions, and notices duly made, given, imposed, or issued under any enactment so repealed shall, so far as applicable for the purpose of this Act, be of the same validity and effect as if they had been made, given, imposed, or issued under this Act; and all such by-laws and regulations shall remain in force until the same are revoked, altered, or varied by by-laws or regulations duly made under the provisions of this Act: Provided that any such by-laws or regulations shall be deemed to be revoked by any by-laws or regulations inconsistent therewith duly made under the provisions of this Act.

By-laws under repealed Acts to remain in force.

(3) Officers appointed under any enactment so repealed shall continue in office in like manner as if this Act had not been passed subject, however, to the same powers of dismissal as if they had been appointed under this Act.

Saving of existing officers.

(4) Where in any Act or document any enactment so repealed or any provision thereof, is mentioned or referred to, such Act or document shall, with any necessary modifications, and so far only as the circumstances of the case permit, be read as if this Act or the corresponding provision of this Act were therein mentioned or referred to instead of such repealed Act or such provision thereof.

References in Acts or documents to repealed Acts to be read as referring to this Act.

7. Sections 287, 288, 289, 290, 295, 296, 297, 298, 299, and paragraph xii. of section 504 of the Municipal Corporations Act, 1923, shall not apply in any Municipality to which this Act applies.

Certain provisions of Municipal Corporations Act not to apply.

PART

## PART II.

## PART II.

BUILDERS TO FURNISH PLANS, AND TO COMPLY  
WITH CERTAIN REQUIREMENTS.Builders to furnish  
plans.

8. (1) Every person who intends to erect, construct, or alter any building shall, before commencing such erection, construction, or alteration, give to the Council notice in writing of such intention, which shall be delivered or sent to the surveyor at his office, and shall at the same time deliver or send to the surveyor at his office complete plans and working drawings of the erection, construction, or alteration of such building, which shall be drawn to a scale of not less than one inch to every eight feet, and shall show the position, elevation, form, and dimensions of the building, and the several parts thereof, or of any alteration therein, and of every water closet, and all other appurtenances, and in the case of an iron or steel skeleton frame building, all the calculations of the stresses.

(2) Such person shall at the same time deliver or send to the surveyor at his office—

- (a) a plan of the land upon which such building is proposed to be erected or constructed or, in the case of a building already erected, of the land upon which the same is erected ; and
- (b) a plan of the lands intended to be used in connection therewith ; and
- (c) where any plan of subdivision has been prepared relating to any such land or lands, a true copy of such plan of subdivision.

(3) Such person shall at the same time deliver or send to the surveyor at his office a statement in writing signed by him setting out the purpose or purposes for which such building and lands are intended to be used, and such building when erected or altered (as the case may be) and such lands shall not, without the written consent of the Council first had and received and subject to any conditions or provisions imposed by the Council when granting such consent being fully complied with, be used for any other purpose whatsoever.

(4) Such person shall at the same time deliver or send to the surveyor at his office a specification in writing for the erection, construction, or alteration of such building, and of the materials which it is intended to use in such erection, construction, or alteration, and of the intended mode of drainage.

(5) Such person shall at the same time deliver or send to the surveyor at his office a block plan of the site of such building, which shall be drawn to a scale of not less than one inch to every forty feet, and shall show the position of the buildings and appurtenances



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appurtenances on the land immediately adjoining, the width and level of the street or way in front and of the street or way (if any) at the rear of such building, and the level of the lowest floor of such building and of any yard or open space belonging thereto.

(6) A complete copy of such plans, working drawings, and specifications shall be filed with the surveyor for permanent record in all cases required by him.

(7) No person shall commence to erect, construct, or alter any building, or shall erect, construct, or alter any building, until the plans and specifications have been approved in writing by the surveyor.

(8) No person shall, without the written consent of the surveyor, erect, construct, or alter any building the plans and specifications of which have been approved by the surveyor except in accordance with the plans and specifications as so approved.

9. (1) The Council shall consider each application and the plans, drawings and specifications accompanying it, and may, subject to the provisions of this Act, approve or approve subject to conditions or disapprove the same: Provided that—

*Duty of Council with regard to plans.*

- i. the application, plans, drawings and specifications may at any time be modified in such manner or respects as the Council may approve; and
- ii. the Council shall not approve unless it is satisfied that a building erected in accordance with the application, plans, drawings and specifications, or any modifications thereof which it approves, would be in accordance with the provisions of this Act.

(2) The Council shall give notice to the applicant of its approval or approval subject to conditions or disapproval within thirty days after service of the application.

(3) In the case of an approval subject to conditions or of a disapproval, the reasons therefor shall be indicated in the notice.

10. (1) No person shall erect, construct, or alter any portico, awning, verandah, or balcony over any street or way, or any showcase on the outside of any building abutting on any street or way, unless complete plans thereof have first been submitted to the surveyor and approved of by him.

*Plans of street verandahs and showcases to be furnished.*

(2) No person shall, without the written consent of the surveyor, erect, construct, or alter any portico, awning, verandah, or balcony, or any showcase, the plans of which have been approved by the surveyor, except in accordance with the plans as so approved.

11. Every person who erects any building for use as a dwelling-house, or alters any building for use as a dwelling-house, shall provide therein a bathroom in which there shall be a bath not less than five feet in length.

*Bathroom to be provided in dwelling-houses.*

12. No

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Stable not to be erected near dwelling-house.

**12.** No person shall, without the consent of the Council, erect or construct any stable, or alter or convert any building for the purpose of the same being used as a stable, unless the same is distant at least twenty-five feet from every dwelling-house.

Builders to comply with requirements of Act.

**13.** Every person who erects, constructs, or alters any building shall, in carrying out such erection, construction, or alteration, comply with the requirements of this Act.

Persons demolishing or removing buildings to give notice.

**14.** Every person who intends to demolish or remove any building or any substantial part thereof shall give the Council notice in writing of such intention, which shall be delivered or sent to the surveyor at his office, and shall afford the surveyor free access to such work for the purpose of inspection.

Requirements to be complied with by persons demolishing or removing buildings.

**15.** Every person demolishing or removing any building or any part thereof shall comply with following requirements:—

- (1) He shall demolish or remove storey after storey :
- (2) He shall not place any material upon the floor or floors of such building, in such manner or in such quantity as to endanger the safety of the building :
- (3) He shall lower all material to the ground immediately upon displacement, unless otherwise permitted by the surveyor :
- (4) He shall not demolish or remove or pull down any external wall or any part thereof abutting on any street between the hours of eight o'clock in the morning and six o'clock in the evening, unless permitted so to do by the surveyor :
- (5) He shall, for the purpose of preventing or lessening the diffusion of dust, play water by means of a hose or other reasonable means upon all displaced material.

Buildings not to be altered so as not to conform to Act.

London Building Act, 1894, s. 207.

**16.** It shall not be lawful, without the consent in writing of the Council given on the recommendation of the surveyor, 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.

When remainder of party or external wall to be taken down.

*Ibid.*, s. 208.

**17.** 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.

Additions to and alterations of buildings.

*Ibid.*, s. 209.

**18.** 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.

**19.** (1) Until

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19. (1) Until the approval of the surveyor has been obtained, no person shall—

Rules as to conversion of buildings.

*Ibid.*, s. 211, altered.

- (a) convert into or use as a dwelling-house any building or part of a building not originally constructed for human habitation ;
- (b) convert into one dwelling-house two or more dwelling-houses constructed originally as separate dwelling-houses ;
- (c) convert into or use as two or more dwelling-houses any building constructed originally as one dwelling-house ;
- (d) 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 ;
- (e) 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 ;
- (f) 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 ;
- (g) convert a dwelling-house or any part of a dwelling-house into a shop ; or
- (h) convert a balcony into a verandah, or a verandah into a balcony.

(2) Any person converting a building of one class into a building of another class, or using a building of one class as a building of another class, shall comply with all conditions prescribed for such other class, unless otherwise sanctioned by the surveyor.

## PART III.

## PART III.

## PREVENTING OBSTRUCTION OF STREETS BY BUILDING.

20. (1) No person shall—

- (a) 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:

Preventing obstructions in streets.

*Ibid.*, s. 199.

- (b) erect

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Cf. Municipal C.  
Act 1890, s. 207.

- (b) 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 surveyor 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 surveyor, 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:
- (c) 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 surveyor and the Council has granted its licence in writing for such erection:
- (d) 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:
- (e) erect any awning, portico, or verandah over the street or way in front of his building, unless the same is constructed in accordance with the conditions set out in the Fourth Schedule, and the work is done to the satisfaction of the surveyor, nor until a plan of such awning, portico, or verandah has been submitted to and approved by the surveyor and the Council has granted its licence in writing for such erection.
- (2) If anything is done contrary to the provisions of subsection (1) 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 or such longer period as the Council may allow, 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

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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.

**21.** (1) No person shall 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.

Doors and gates not to open outward on to street.

(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 external face of the wall wherein or whereon the same is hung or constructed.

**22.** No person shall erect or construct or place any sign-board on any building, or cause any sign-board to be placed on any building, except subject to the conditions contained in the Fifth Schedule.

Sign-boards.

**23.** No person shall erect or construct or place or cause to be placed any sky-sign upon any building, without the approval of the Council. A flagstaff, pole, vane, weathercock, cresting, or balustrade shall not be deemed to be a sky-sign for the purposes of this section.

Sky-signs.

**24.** (1) No person shall attach any lamp or cause or permit any lamp to be attached to the outside wall of any building abutting on any street or way or to any portico, awning, or verandah erected over any street or way, unless the design and means of attachment of such lamp have been approved of by the Council.

Hanging lamps.

(2) Lamps shall be fixed not less than nine feet to the underside thereof above the level of the pavement.

**25.** No person shall erect or construct or place or cause or permit to be placed on the outside of any building abutting on any street or way any mirror or showcase, except subject to the conditions contained in the Sixth Schedule.

Showcases.

**26.** No person shall hang, pile, or place goods on any shop front or on the outside wall of any building abutting on any street or way, or on any portico, awning, or verandah erected over any street or way, so as to overhang or obstruct such street or way, without the approval in writing of the Council.

Piling goods on shop fronts.

**27.** No person shall, for the purpose of providing any cellar or basement or underground room in connection with any building or proposed

Obligations of persons making excavations alongside streets.

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proposed building, make any excavation within ten feet of the street alignment unless—

- (a) he has, before commencing such excavation, given at least seven days' notice in writing of his intencion to the surveyor; and
- (b) he has taken such precautions, by shoring and otherwise, as the surveyor thinks proper to prevent the subsidence into such excavation of any portion of any street or way adjoining the same.

## PART IV.

## PART IV.

## SPECIAL AND TEMPORARY BUILDINGS AND WOODEN STRUCTURES.

Application to Council for buildings to which rules of Act are inapplicable.  
Cf. S.A. Act, s. 53.

**28.** (1) Where any person is desirous of erecting any building or structure to which the general provisions of the Second and Third Schedules 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.

(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.

Cf. *ibid.*, s. 57.

(3) All expenses incurred in and about the obtaining of the approval of the Council shall be paid by such person as aforesaid to the Council and in default of payment may be recovered in a summary manner.

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

**29.** (1) Where an application is made to the Council by any person stating his desire to erect in any place any building or structure of a temporary character to which the general provisions of the Second and Third Schedules 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 may 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

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(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 Special 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.

**30.** (1) No person shall set up in any place any wooden building or 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 street alignment of any street or way, and not exceeding in any part ten feet in height, except in accordance with the conditions set out in the Third Schedule, and such other 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.

Wooden structures to comply with certain conditions.

Cf. *ibid.*, s. 84.

(2) Subsection (1) hereof shall not apply 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.

(3) Notwithstanding the provisions hereinbefore contained, wooden dwelling-houses erected prior to the passing of this Act may have additions made thereto if such additions are erected with external walls of brick, stone, or concrete, and in accordance with all other requirements of this Act.

**31.** (1) Where any hoarding (not being such a structure as mentioned in subsection (2) of section 30), whether erected before or after the commencement of this Act, and of whatever materials it is constructed, stands within twelve feet of the street alignment of any street or 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 hoarding 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 (3) of section 30, and all the provisions of the last-mentioned 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.

**32.** This

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

**32.** 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.

## PART V.

## PART V.

## RIGHTS OF BUILDING AND ADJOINING OWNERS.

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

**33.** 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:—

Cf. *ibid.*, s. 87 (part).

- (1) 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:
- (2) 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:
- (3) 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:
- (4) 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:

New.

- (5) In any case where a party wall is built in pursuance of the provisions of this Part of this Act, the owner of any land so built upon shall grant 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, if the land is under the provisions of the Real Property Act, 1886, or shall cause such easement to be registered in the General Registry Office, if the land is not under such provisions, and the building owner shall bear the expenses of and incidental thereto.

No. 380 of 1886.

Rights of building  
owner.

Cf. *ibid.*, s. 88.

Cf. S.A. Act, s. 70.

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

- (1) A right to make good, underpin, or repair any party wall which is defective or out of repair:
- (2) A right to pull down and rebuild any party wall which is so far defective or out of repair as to make it necessary or desirable to pull it down:

(3) A



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- (3) 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 :
- (4) A right to raise and underpin any party wall permitted by this Act to be raised or underpinned, 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 wall :
- (5) A right to pull down any party wall 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 :
- (6) A right to cut into any party wall upon condition of making good all damage occasioned to the adjoining premises by such operation :
- (7) A right to cut away any footing or any chimney breasts, jambs, or flues projecting, or other projections, from any party wall in order to erect an external wall against such party wall or external wall, or for any other purpose, upon condition of making good all damage occasioned to the adjoining premises by such operation :
- (8) 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 :
- (9) A right to perform any other necessary works incident to the connection of a party wall with the premises adjoining thereto :

But the above rights, numbered (1) to (9) 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 in the said State at the time such building was erected :

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

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Rights of adjoining  
owner.

L.B. Act, s. 89.

Cf. S.A. Act, s. 72.

**35.** (1) Where a building owner proposes to exercise any of the foregoing rights with respect to party walls, the adjoining owner may by notice require the building owner to build on any such party wall 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.

Cf. S.A. Act, s. 73.

**36.** (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 is dangerous (in which case the provisions of Part VI. of this Act shall apply), exercise any of his rights under this Part of this Act in relation to any party wall, or party fence wall, unless at least six weeks before doing so he has served on the adjoining owner a party wall 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 in such manner or at such a time as to cause unnecessary inconvenience to the adjoining owner or to the adjoining occupier.

(4) A party wall 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.

(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 35.

(6) The last-mentioned 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

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(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.

**37.** 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 for decision to the referees referred to in Part VIII. of this Act, with power, by their award, to determine the right to do and the time and manner of doing any work, and generally any other matter arising out of or incidental to such difference; but any time appointed for doing any work shall not, unless otherwise agreed, commence until after the expiration of the period by this Part of this Act prescribed for the notice in the particular case.

Settlement of  
difference between  
building and  
adjoining owners.

**38.** 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.

Cf. S. A. Act, s. 74.

**39.** 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 last-mentioned 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.

Cf. S. A. Act, s. 71.

- (1) 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 underpin or otherwise strengthen the foundations of the said last-mentioned 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:
- (2) If the adjoining owner within fourteen days after being served with such notice, gives a counter notice in writing that

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 :

- (3) 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 :
- (4) 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.

Cf. S.A. Act, s. 75.

**40.** (1) An adjoining owner may, if he thinks fit, by notice in 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 the Local Court of Full Jurisdiction nearest to the site of the proposed work, 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 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 (1) hereof.

(3) 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 requisition, and the building owner may proceed as if no party wall requisition had been served on him by the adjoining owner.

Rules as to expense in respect of party walls.

L.B. Act, s. 95.

Cf. S.A. Act, s. 76.

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

- (a) if any party wall 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 :
- (b) if any party wall 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

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building owner and adjoining owner in due proportion, regard being had to the use that each owner may make of the structure:

(c) if any timber or other party wall 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 wall is built instead thereof, the expense of such pulling down and of building such party wall, and also of building any additional party walls 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 wall and to the thickness required for support of the respective buildings parted thereby.

(2) As to expenses to be borne by the building owner—

(a) if any party wall, 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 wall 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:

(b) if any party wall 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:

(c) if any party wall 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:

(d) 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:

(e) if

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(e) if any party fence wall is raised for a building, the expense of raising such wall shall be borne by the building owner:

(f) 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 of any party way (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 wall 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 wall 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.

S.A. Act, s. 77.

**42.** 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 adjoining 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 labor at the time.

Adjoining owner may object to account.

L.B. Act, s. 97.

S.A. Act, s. 78.

**43.** (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.

Building owner may recover if no objection made.

L.B. Act, s. 98.

S.A. Act, s. 79.

(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.

**44.** Where

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**44.** Where the adjoining owner is liable to contribute to the expenses of building any party wall, 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.

S.A. Act, s. 80.

**45.** 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.

S.A. Act, s. 81.

**46.** 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 VI.

## DANGEROUS AND NEGLECTED STRUCTURES.

*Dangerous Structures.*

## PART VI.

**47.** 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 erected before the commencement of this Act.

Meaning of "structure."

Ibid., s. 102.

**48.** (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).

(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.

Cf. S.A. Act, s. 59.

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

Surveyor to give certificate.

L.B. Act, s. 105.

Cf. S.A. Act, s. 60.

(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 the Council 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.

Notice to be given to owners in respect of certificate.

L.B. Act, s. 106.

Cf. S.A. Act, s. 61.

**50.** If

## PART VI.

*Building Act.—1923.*

Proceedings to enforce compliance with notice.

L.B. Act, s. 107.

Cf. S.A. Act, s. 62

**50.** 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 Special 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 condition 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 for determination to the referees provided for in Part VIII. of this Act.

Court may make order notwithstanding arbitration.

L.B. Act, s. 108.

**51.** Notwithstanding any such notice requiring arbitration as aforesaid, any Special 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.

Cf. S.A. Act, ss. 62, 67.

**52.** (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.

(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, in manner prescribed by section 97, 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.

Provisions respecting sale of dangerous structures.

L.B. Act, s. 110.

**53.** 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.

**54.** If



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## PART VI.

54. 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.

55. 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, and if they have no other abode he may require that they be received into the Destitute Asylum, or other place established for the reception of the destitute poor in the place in which the structure is situate.

Power to remove inmates from dangerous structures.  
Ibid., s. 114.  
Cf. S.A. Act, s. 68.

*Neglected Structures.*

56. (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 neighborhood, a Special 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 buildings.  
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.

(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.

*Supplemental*

## PART VI.

*Building Act.—1923.**Supplemental as to Dangerous and Neglected Structures.*

Further provision for enforcing repayment of expenses incurred by Council.

Ibid., s. 116.

**57.** (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 Special 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 Clerk of the Local Court nearest to the said structure, 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.

## PART VII.

## PART VII.

## SURVEYORS.

Power for Council to appoint surveyors.

Ibid., s. 136.

Cf. S.A. Act, ss. 36 and 58.

**58.** (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.

(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.

L.B. Act, s. 144.

(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,

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## PART VII.

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.

**59.** 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.  
Cf. S.A. Act, s. 35.

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

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

- (a) 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:
- (b) On a vacancy occurring in the office of surveyor, inspecting officer, or clerk, they may appoint another qualified person in his place:
- (c) 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.

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

Surveyor to have an office.

**62.** 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.  
Cf. L.B. Act, s. 148.  
Cf. S.A. Act, s. 42.

**63.** Where, by reason of any emergency, any act or work is required to be done immediately or before notice can be given as required by this Act, 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.  
Cf. S.A. Act, s. 43.

**64.** In any of the following cases, that is to say—

- (a) 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.  
Cf. *ibid.*, s. 151.  
Cf. S.A. Act, ss. 44, 45.

(b) where

(b) where the surveyor, on surveying or inspecting any building or work in respect of which notice has not been served as required by 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 may 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 work 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.

Altered.

**65.** (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 section 64 may, at any time during the erection of such building or structure, or within three months 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.

Cf. *ibid.*, s. 153.

Cf. S.A. Act, s. 46.]

**66.** (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 Special Magistrate or two Justices, on complaint by the surveyor, 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 surveyor may, 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 surveyor 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.

**67.** Nothing

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**67.** Nothing in section 64, 65, or 66 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.

Rights of owner preserved.  
L.B. Act, s. 152 (4).

**68.** A register shall be made up and kept in the surveyor's office of all plans submitted for the approval of the surveyor, and of all building notices received by the surveyor. Such register shall set out the description, locality, and contract price 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 direct.

Register to be kept.

## PART VIII.

## PART VIII.

## BUILDING REFEREES.

**69.** (1) For the purposes of this Act two persons shall be appointed as referees. One of such referees shall be appointed by the Council and the other by the Minister.

Appointment of referees.  
Cf. Victoria, 2847,  
1916, s. 3.

(2) Every person so appointed—

(a) shall be an architect, civil engineer, or surveyor of known ability; and

(b) shall not be a member or officer of the Council.

(3) Subject to this Act, the Council or the Minister (as the case may be) may remove any referee appointed under this section and appoint another qualified person in his place.

**70.** (1) A referee shall not act as such with respect to any building of which he is the owner, architect, or builder, or in which he is in any manner, whether directly or indirectly, interested.

Referee not to act when interested.  
Ibid., s. 4.

(2) In the event of any referee being so disqualified, the Council or the Minister (as the case may be) shall appoint another qualified person to act in such matter instead of such referee.

**71.** The referees—

Duties of referees.  
Ibid., s. 5.

(a) shall perform the several duties respectively imposed upon them, whether expressly by this Act or at the instance of any builder or owner who requires any matter to be referred to them as provided in this Act;

(b) subject to this Act, shall determine any matters arising for their determination; and

(c) subject to and for the purposes of this Act, shall have and may exercise the powers of arbitrators under the Arbitration Act, 1891.

**72.** If

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Jurisdiction of referees defined.  
Ibid., s. 6.

**72.** If any doubt, difference, or dissatisfaction in respect of any matter as to which provision is made by or under this Act arises between any parties concerned, or between any party and the surveyor, as to—

- (a) any act done or to be done in pursuance of this Act;
- (b) the effect of the provisions of this Act in any case;
- (c) the mode in which the provisions and directions of this Act are or ought to be carried into effect;
- (d) whether the requirements implied in terms of qualification applied to sites, to soils, to materials, or to workmanship or otherwise, and denoting good, sound, fire-proof, fit, proper, or sufficient, are fulfilled in certain cases;
- (e) the expenses to be borne by the respective owners of premises parted by the same party walls or the proportions thereof;
- (f) the proportions of the expense to be borne by the occupier or by the owner of premises in respect of any works executed; or
- (g) any other matter whatever,

any party concerned may require the referees on appeal to determine such matter, upon a requisition by notice in writing to the clerk setting forth, either generally or otherwise, the matters in respect of which the determination of the referees is required.

Differences of opinion.  
Ibid., s 7.

**73.** (1) The determination of the referees shall be final and conclusive; but where the referees differ in opinion as to any matter, the same shall be referred by them to the final arbitrament and decision of an umpire, who shall be some qualified person appointed by the referees.

(2) For the purposes of this Act such umpire shall have and may exercise all or any of the powers of the referees, or either of them, and the provisions of this Act with regard to referees shall, so far as applicable and with such alterations, modifications, and substitutions as are necessary, extend and apply to any such umpire.

(3) No member or officer of the Council shall be appointed an umpire.

Referee acting singly.  
Ibid., s. 8.

**74.** (1) When any matter is by this Act required, directed, or permitted to be done by the referees, the same may be done by either of them with the assent of all the parties thereto unless express provision to the contrary is made; and if done by either of them with such assent it shall be as valid and effectual as if done by both of them.

(2) Subject to such restrictions and regulations as are made in that behalf by the Council, the referees may appoint one of their  
number

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## PART VIII.

number under their hands and the seal of the clerk to make any inquiry or any survey which appears to them either necessary or expedient in order to enable them to determine any matters in reference.

**75.** (1) Where in the case of any particular building proposed to be altered or erected the owner or builder or architect thereof lodges with the surveyor an objection in writing to the effect that with respect to that building any of the provisions of this Act, are inapplicable or will needlessly affect with injury the course and operation of business or will defeat the objects of this Act, and that by the adoption of a modification of such provisions such objects will be attained either better or as effectually, the objection shall be considered by the surveyor and the referees.

Power to modify building regulations in special cases.

*Ibid.*, s. 9.

(2) If the surveyor and referees are of the opinion that the objection is well founded they may direct with respect to such building such modification of any such provisions to be made as will give effect to the purposes of this Act.

**76.** The power and authority of the referees shall not be revocable by any party to any matter without the consent of all the parties thereto; and although any party does not attend upon the hearing of any matter, the referees may proceed with the same and make their award.

Powers not revocable save by consent of parties.

*Ibid.*, s. 10.

**77.** The referees shall—

- (a) keep proper minutes of all their proceedings; and
- (b) lodge the same or true copies thereof certified under their hands with the clerk.

Referees to keep minutes, &c.

*Ibid.*, s. 11.

**78.** (1) Every award of the referees shall be given in writing and shall be signed by the referees and lodged with the clerk and shall be filed by him in the office of the Council.

Awards.

*Ibid.*, s. 12.

(2) Every such award—

- (a) may by leave of the Supreme Court or a Judge thereof be enforced in the same manner as a judgment or order of the said Court to the like effect; and
- (b) shall, together with the costs, charges, and expenses of the reference, be binding and conclusive against the parties thereto and all persons whomsoever.

(3) Any person, on payment to the clerk of a fee of Two Shillings and Sixpence, may inspect any such award and take a copy thereof or make any extracts therefrom.

(4) In any proceedings in any Court or before any Judge or Justice a copy of an award of the referees signed by the referees or sealed with the seal of the Council shall be *prima facie* evidence of the matters therein contained.

**79.** (1) Every

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Fees payable to referees.  
Ibid., s. 13.

**79.** (1) Every referee shall receive for his own use and benefit a fee of Two Guineas for his time and trouble in determining any reference, objection, or appeal made under this Act, whether in conjunction with the surveyor or not.

(2) Such fee shall be paid in the first instance by the party making, lodging, or demanding the reference, objection, or appeal before the same is entered upon, considered, or decided.

Declaration of referees.  
Ibid., s. 14.

**80.** Before any referee acts in pursuance of his appointment he shall make the following declaration, to be administered by a Judge of the Supreme Court or a Special Magistrate:—

I, A.B., do solemnly and sincerely declare that I will diligently, faithfully, and impartially execute the duties of a referee under the Building Act, 1923.

Duties of clerk of the Council as to referees.  
Ibid., s. 15.

**81.** The clerk shall—

- (a) keep a register of all matters referred to the referees or which come under their cognisance in pursuance of this Act;
- (b) keep and preserve all documents connected with the duties of the referees; and
- (c) receive all notices provided for pursuant to this Act requiring any act to be done by the referees and file and number the same in the order in which they are received.

## PART IX.

## PART IX.

## BY-LAWS AND REGULATIONS.

## DIVISION I.

## DIVISION I.—BY-LAWS.

Power to Council to make by-laws.  
Cf. L.B. Act, s. 164.

**82.** (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:—

- (a) The prohibition or regulation of lamps, signs, signboards, advertisements, or (and) other structures or things overhanging or near the public street or way:
- (b) The prohibition or regulation of the erection, repair, and removal of porticoes, verandahs, balconies, awnings, and similar structures over the public street or way, and the materials, height, and construction of the same:
- (c) Compelling the owner or occupier of any building to which a balcony, portico, or verandah over the public street or way

is



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DIVISION I.

is attached to keep the same 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 :

- (d) The regulation of the use of the roofs of such porticoes, verandahs, or balconies for viewing processions or sights in the public streets or ways :
- (e) The prohibition or regulation of the use 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 :
- (f) 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 :
- (g) 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 :
- (h) The fixing of the building line for any class or classes of buildings with reference to the street alignment :
- (i) 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 :
- (j) 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.

(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.

Penalties.

(3) Any by-laws may be made to apply only to particular parts of the Municipality or District.

Application may be limited.

(4) The Council may provide by any by-law that, in any case in which the Council think it expedient, they may dispense with the observance of any by-law on such terms and conditions (if any) as they think proper.

Power to dispense with observance.

(5) All by-laws made by the Council shall be subject to the confirmation of the Governor.

To be confirmed by Governor.

(6) The production of the *Government Gazette* purporting to contain a copy of any by-law shall be conclusive evidence of the contents and the due making of such by-law, and shall be *prima facie* evidence of the validity thereof.

Evidence of by-laws.

DIVISION

## PART IX.

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DIVISION II.  
 Governor may make  
 regulations.

## DIVISION II.—REGULATIONS.

**83.** (1) The Governor may make regulations prescribing all matters and things which may be necessary or convenient for giving effect to the provisions and objects of this Act, and in particular (without derogating from his general power) he may make regulations with respect to any or all of the following matters, that is to say:—

- (a) The forms of notices, applications, and other documents to be used for the purposes of this Act, and other like matters of procedure:
- (b) For regulating the plans and levels of sites for new buildings:
- (c) Foundations and sites of buildings and other erections:
- (d) 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:
- (e) The protection of ironwork and other metal work used in the construction of buildings from the action of fire:
- (f) Woodwork in external walls:
- (g) The description and quality of the substances of which plastering may be made:
- (h) 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:
- (i) The procedure and forms for obtaining the approval of the Council or the surveyor of plans and other matters.

(2) The Governor may also make regulations revoking, altering, or adding to any of the provisions contained in the Second, Third, Fourth, Fifth, Sixth, or Seventh Schedules, and the said Schedules shall be read as so amended.

(3) Any regulation made under this section may be limited to any specified Municipality or District or to any specified part thereof or to any specified class of buildings therein.

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## PART X.

## PART X.

## LEGAL PROCEEDINGS.

**84.** Every person shall, for every wilful act or default contrary to any provision of this Act, be guilty of an offence and be liable to a penalty not exceeding Fifty Pounds and, where the offence is of a continuing nature, to a further penalty not exceeding Two Pounds for each day while such offence is continued after written notice in that behalf by the surveyor.

Penalty for non-compliance with requirements of Act.

**85.** (1) Notwithstanding the imposition or recovery of any penalty under this Act, if any building, wall, or other thing after the commencement of this Act is erected, constructed, or altered, or is used, kept, continued, or suffered to remain, wholly or partially contrary to any of the provisions of this Act, the surveyor may, by notice in writing under his hand, require the owner (or the occupier, if the owner is unknown or cannot be found) within a time to be limited in the notice to put the building, wall, or other thing in a state and condition conformable to this Act or else to pull down and remove the same.

Remedy in addition to penalty.

(2) If such owner or occupier does not, within the time limited by the said notice, make the building, wall, or other thing conformable to the provisions of this Act, or if no owner or occupier can be found on whom to serve such notice, the surveyor shall report the matter to the Council, and the Council may thereupon cause all or so much of the building, wall, or other thing as in its opinion is not conformable to the provisions of this Act to be taken down, rebuilt, or re-erected in such manner as may be requisite, and all the expenses of so doing shall be paid by the owner and may be recovered in any Court of competent jurisdiction.

(3) If any building, wall, or other thing as aforesaid, or any part of the same, is taken down, rebuilt, or re-erected as aforesaid, the Council may sell the materials thereof or so much of the same as has been taken down and apply the proceeds of such sale in payment of the expenses incurred in respect of such building, wall, or other thing, and the Council shall restore any overplus arising from such sale to the owner of the building, wall, or other thing on demand.

**86.** (1) All offences, penalties, fees, costs, and expenses against or 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 Special Magistrate or two or more Justices in manner provided by the Justices Act, 1921, or any other Act for the time being in force regulating summary proceedings before Justices.

Summary proceeding for offences, &c., and recovery of penalties.

(2) All convictions and orders made by any such Magistrate or Justices in such proceedings may be enforced as provided by the said Act or any other Act.

**87.** All

## PART X.

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Application of penalties.

**87.** All fines and penalties imposed or inflicted for any offence against this Act shall be paid to the Council of the Municipality or District within which the offence was committed for the use of the Municipality or District.

Local Court and Justices may make orders.

S.A. Building Act, 1881, s. 88.

**88.** Where jurisdiction is by this Act given to a Local Court, or to a 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, and the amount of the costs awarded may exceed Ten Pounds.

Proceedings in Local Courts.

*Ibid.*, s. 89.

**89.** Proceedings in any Local Court in respect of any matter arising under this Act shall be conducted in the same manner as proceedings are conducted in any ordinary case within the jurisdiction of such Court, or as near thereto as circumstances permit; and orders made by such Court shall for all purposes be deemed to be judgments of the said Court, and may be enforced by execution or otherwise in a similar manner to that in which the judgments of such Court are ordinarily enforced; and in all cases where the judgment of such Court is to do some act other than the payment of money, any neglect to perform such act within the time limited in such judgment shall subject the person ordered to do such act to a penalty of Five Pounds for every day until such act is performed.

Appeal from Local Court.

*Ibid.*, s. 90.

**90.** In any case over which jurisdiction is by this Act given to a Local Court there shall be an appeal against any decision or order of such Court to the Supreme Court, in the same manner and upon the same terms in and upon which there is an appeal from the decision of such Court in any case within the ordinary jurisdiction of such Court, or as near thereto as circumstances permit; but no such appeal shall be allowed unless the value of the matter in difference between the parties exceeds Thirty Pounds; and the opinion of the Court before which the case is tried as to such value shall be conclusive.

Appeal from Justices to Supreme Court.

*Ibid.*, s. 93.

**91.** In every case in which jurisdiction is by this Act given to a Special Magistrate or a Justice or Justices there shall be an appeal from any conviction, order of dismissal, or other order made by him or them to the Supreme Court.

Council not to be proceeded against until after notice.

*Ibid.*, s. 95, altered.

**92.** No writ or process shall be sued out against the Council or the surveyor or other officer for anything done or intended to be done under the provisions of this Act until after the expiration of one month next after notice in writing has been delivered to the clerk on behalf of the Council, or to the surveyor or other officer, or left at his office or usual place of abode, stating the cause of action and the name and

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## PART X.

and place of abode of the intended plaintiff, or of his attorney or agent, in the cause; and every such action shall be brought or commenced within six months next after the accrual of the cause of action, and not afterwards.

**93.** (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.

L. B. 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 Special 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, after the expiry of fourteen days from the date of such order, 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 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.

**94.** 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 surplus proceeds into Treasury.

Cf. *ibid.*, s. 172.

**95.** Where

## PART X.

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Payment of expenses  
by owners.

Ibid., s. 173.

**95.** 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:—

- (1) 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:
- (2) If there are successive owners, each of them shall be liable to contribute to such expenses in proportion to his interest:
- (3) Any difference arising as to the amount of contribution shall be decided by arbitration:
- (4) 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:
- (5) 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.

*Notices.*

Notices to be  
writing.

**96.** (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 their clerk, or by the officer by whom the same are given or served.

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

Service of notices.

Ibid., s. 188.

Cf. S. A. Act, s. 87.

**97.** (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

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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.

(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.

**98.** Every notice served in pursuance of this Act shall be deemed in any question relative to any building, structure, or work to be *prima 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.  
L. B. Act, s. 147.  
Cf. S.A. Act, s. 40.

## PART XI.

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## MISCELLANEOUS.

**99.** 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.

Expenses, how borne.

**100.** (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 Eighth Schedule, or such other fees as are prescribed by the Council by by-law in that behalf.

Fees.

Ibid., s. 154.

Cf. S.A. Act, ss. 48  
and 65.

(2) The

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When fees are to be paid.

Cf. L.B. Act, s. 157.

Cf. S.A. Act, s. 50.

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

- (a) When plans are submitted for approval, after notice from the surveyor that the plans have been checked and are ready for approval:
- (b) If no plans are submitted, then at the time when such plans should have been submitted:
- (c) As to any fees not ascertainable when the plans are submitted, 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, or by action in any Court of competent jurisdiction, 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.

Power for Council to annex conditions.

L.B. Act, 1894, s. 190.

**101.** (1) 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 they think 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.

(2) 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 not exceeding Fifty Pounds.

Power of entry to owner, &c., to execute work.

Ibid., s. 192.

**102.** 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 first-mentioned 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.

**103.** 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



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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.

**104.** (1) 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 or the surveyor until its or his written approval of such plans and documents (whether conditional or unconditional) has been given and the fees are paid, or until such plans and documents have been disapproved, when they shall be returned to the person who so delivered them.

Plans and documents to be returned by Council.

*Ibid.*, s. 194, altered.

(2) In any case where approval (whether conditional or unconditional) has been given, a complete copy of every plan, working drawing, and specification of which approval has been given shall, if so required by him, be filed with the surveyor as a permanent record within fourteen days after the commencement of the work to which the same refers.

**105.** The approval by the Council of any matter or thing for which such approval is required by this Act shall be signified in writing, signed by the mayor or chairman, and the clerk.

Mode of giving approval of Council.

*Ibid.*, s. 195.

**106.** 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 Special Magistrate whose duty, for the time being, it is to preside over the Local Court nearest to the site of the subject matter 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.

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

*Ibid.*, s. 196.

**107.** (1) It shall not be lawful for any person to erect or place a pile, stack, or store of cut or uncut timber, lathwood, firewood, casks, or barrels, whether on or above the ground, within a less distance from a street or public way, or from a building or fence, than ten feet, unless separated therefrom by a sufficient fire-resisting wall to the satisfaction of the surveyor.

Storing of wood or timber.

*Ibid.*, s. 197.

(2) It shall not be lawful for any person to pile, stack, or store cut or uncut timber, lathwood, firewood, casks, or barrels in any yard or ground, or in any part of any premises, in which there is any furnace, except in the following cases:—

(a) Where the furnace is enclosed in a building or chamber constructed of fire-resisting material; or

(b) Where there is a distance of not less than ten feet between the furnace and the pile, stack, or store of timber, lathwood, firewood, casks, or barrels.

(3) No

(3) No pile, stack, or store of timber, lathwood, firewood, casks, or barrels shall exceed twenty feet in height from the level of the ground.

(4) It shall not be lawful to form in any pile, stack, or store of timber, lathwood, firewood, casks, or barrels any room, or chamber, or space (other than a passage) to be used for any purpose whatsoever.

(5) Timber yards existing at the time of the commencement of this Act shall be made to comply with the provisions of this section within two years from the commencement of this Act.

(6) Nothing in this section shall apply to the storage of fuel to be used solely for his own domestic purposes by the owner or occupier of any storage space.

Water-closets to be properly enclosed.

**108.** (1) Every water-closet in any yard (except the yard attached to a private dwelling-house) or on any flat roof, whether built before or after the commencement of this Act, shall have a door, and be properly enclosed, screened, and fenced from view.

(2) If any water-closet does not comply with the requirements of this section, the owner thereof shall be guilty of an offence against this Act.

Adjoining owner may cover over space between external walls.

**109.** Where there are two external walls in close juxtaposition, belonging to separate owners, the owner of either one of such walls may roof over the space between such walls by flashing, so as to prevent rainwater or any other thing falling down between such walls.

Removal of roof not to affect proceedings. *Ibid.*, s. 198.

**110.** Proceedings with respect to a building shall not be affected by the removal or falling in of the roof or covering of such building.

This Act not to excuse from compliance with other Acts.

**111.** (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 (1) hereof and any provision of this Act, the first-mentioned provision shall prevail, but only to such extent as is necessary to overcome such conflict.

*Exemptions from the Act and Modifications thereof.*

Buildings exempt from Act. Cf. S.A. Act, s. 7.

**112.** All buildings and structures the property of His Majesty the King shall be exempt from the operation of this Act.

**113.** Any

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**113.** 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.

Termination of exemption or privilege.  
L.B. Act, s. 206.

**114.** A building, structure, or work erected or constructed before the commencement of this Act, to which no objection was 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.

Application of Act to buildings erected before commencement of Act.  
Ibid., s. 210.

**115.** 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.

Buildings in progress.  
Ibid., s. 212.

## PART XII.

## PART XII.

## PROVISIONS APPLYING ONLY IN THE CITY OF ADELAIDE.

**116.** The provisions of this Part shall apply within the Municipality of the City of Adelaide only.

To apply to Adelaide only.

**117.** (1) After the commencement of this Act, no building, which is not a public building or a domestic building, shall (unless with the consent of the Council) be erected on or within thirty feet of the alignment of—

Buildings not to abut on street in "residential area."  
New.

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

(hereinafter called "the residential area") in the City of Adelaide.

(2) No

(2) No shop or workshop shall be deemed to be a domestic building within the meaning of this section.

(3) The enacting of this section shall not be deemed to derogate from the powers of the Council to make by-laws under paragraphs (e) to (i) inclusive of section 82.

Maintenance of architectural standard in "residential area."

**118.** The Council may refuse to approve of the plans of any building proposed to be erected within the residential area 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.

Balcony and verandah licences—compulsory removal.

**119.** (1) No licence 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 subsection (1) 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.

Penalty for not removing building.

**120.** (1) Every person who fails to remove any building, balcony, or verandah, as required by section 119 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 and the costs of action shall be recoverable from the owner of such land by action in any Court of competent jurisdiction in the name of the Corporation of the City of Adelaide.

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

TOM BRIDGES, Governor.

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## SCHEDULES.

## THE FIRST SCHEDULE.

Sec. 6.

Short Title of Act.	Extent of Repeal.
The Building Act, 1881 (No. 208 of 1881)....	The whole.
The Building Act Amendment Act, 1882 (No. 266 of 1882)	The whole.
The Building Act Amendment Act, 1883 (No. 283 of 1883-4)	The whole.

## THE SECOND SCHEDULE.

## PART I.

## SITES, HEIGHTS, AND LOADS OF BUILDINGS.

1. Every person who erects, constructs, or alters a building shall comply with the following requirements as to the site, height, and load of such building :— Cf. Melbourne Building Regulations.
- (1) In cases required by the surveyor, the ground surface of the site shall be properly asphalted, or covered with a layer of good cement concrete at least 4in. thick, or other approved damp resisting covering. All basements and cellars shall be so asphalted or covered. Site
- (2) The subsoil of the site of every new building shall be effectually drained to the satisfaction of the surveyor in cases required by him. Drainage.
- (3) (a) In streets and ways 30ft. and under in width, no building shall be erected or altered to exceed in height four times the width of the street or way to which it fronts, but such height shall not exceed a maximum of 75ft. for ordinary construction, or 90ft. for steel frame or reinforced concrete construction. Limitation of height.
- (b) In streets over 30ft. in width the height of buildings may be increased 6in for every foot of width by which the said street exceeds 30ft. in width, but no building shall exceed a maximum height of 110ft. for ordinary construction, or 132ft. for steel frame or reinforced concrete construction.
- (c) The

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- (c) The height of any dwelling-house at any part shall not exceed the horizontal measurement from that part of the building to the street alignment on the opposite side of the street or way to which it fronts.
- (4) The heights of buildings shall be measured from the level of the footway immediately in front of the centre of the face of the building to the level of the top of the parapet or eaves.
- (5) The height of any building fronting or abutting on streets or ways of different widths shall, unless the Council otherwise allows, be governed by the width of the wider street or way to a depth of not more than 160ft. from the wider street or way.
- (6) The width of streets and ways shall be determined by measuring at right angles to the said streets and ways from street alignment to street alignment.
- (7) All buildings which exceed in height three-fourths of the maximum height for ordinary construction allowed by these regulations shall have a roof of fire-resisting construction. Such roof shall be flat or of a pitch not exceeding one in six.
- (8) All buildings over the maximum height permitted for buildings of ordinary construction shall be provided with a rising main not less than 3in. in diameter up to the roof level, such main to have a 2½in. outlet with fire hose cock on each floor and on the roof, and to be in a position approved by the surveyor, and shall be provided with back pressure and stop valves and also screwed cap connections to which a fire brigade pump can be attached.
- (9) The following buildings shall be exempt from the operation of these regulations relating to the height of buildings, namely—Churches, chapels, ornamental towers, turrets, domes, or architectural decorations.
- (10) In the event of the destruction by fire of any building erected prior to the commencement of this Act which exceeds the maximum height permitted by this Act, such building may be erected to its original height, and with its original provision for light, subject to its construction being in all other respects in accordance with this Act.
- (11) If any building is demolished, destroyed, or taken down for more than one-half of its cubical extent, such building shall not be reconstructed, re-erected, or repaired except in accordance with the provisions of this Act.

**Loads.**

2. (1) Every building, together with the walls and floors thereof, shall be capable of safely sustaining and of independently sustaining the whole dead load and the whole live load superimposed or bearing thereon. The dead load consists of the actual weight of walls, floors, roofs, partitions, and all permanent construction comprised in such building. The live load consists of all loads other than the dead load.

(2) For the purpose of calculating the loads on pillars, floor systems, and foundations in buildings, the live load on floors shall be estimated as not less than the following dead load :—

- (a) In domestic buildings not hereinafter specified, asylum wards, common lodging-house bedrooms, hospital wards, hotel bedrooms, workhouse wards, and other similar buildings, 50lbs. per square foot.
- (b) In counting houses, 100lbs. per square foot.
- (c) In offices, and other similar buildings, 60lbs. per square foot.
- (d) In art galleries, churches, chapels, classrooms in school buildings, not being dwelling-houses so used, lecture rooms, meeting rooms, music halls, public assembly rooms, public concert rooms, public library reading rooms, retail shops, theatres, workshops, and other similar buildings, 100lbs. per square foot.

(e) In

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- (e) In ball rooms, drill rooms, and other similar buildings, and for similar floors subject to vibration, 150lbs. per square foot.
- (f) In book stores and libraries and museums, 200lbs per square foot.
- (g) For every floor in a building of the warehouse class, except such floors as are intended to be used for any of the purposes aforesaid, not less than 150lbs. per square foot.
- (h) In hardware, machinery, and paper stores and printeries, 300lbs. per square foot.

The live load on pitched roofs shall be estimated at 20lbs. per superficial foot measured on the surface of such roof. The live load on flat roofs shall be estimated at 120lbs. per superficial foot.

(3) For the purpose of determining the extreme load to be carried on pillars and foundations in buildings of more than two storeys in height a reduction of the live loads shall be allowed as follows:—

- (a) For the roof and top storey the live load shall be calculated in full.
- (b) For the next succeeding lower storey a reduction of 5 per centum from the live load hereinbefore fixed shall be allowed.
- (c) For the next succeeding lower storey a reduction of 10 per centum shall be allowed.
- (d) For each succeeding lower storey a reduction of 5 per centum more than for the storey immediately above shall be allowed.

(4) In the case of buildings subject to heavy shocks, the live load shall be calculated in such manner as the surveyor determines.

(5) In buildings of the warehouse class notices shall be kept posted on each floor stating the weight per superficial foot such floor has been designed to safely carry.

PART II.  
MATERIALS.

Every person who erects, constructs, or alters any building shall comply with the following requirements as to materials:—

1. Materials of good quality shall be used.
2. Bricks shall be good, hard, and well burned. Bricks.
3. Old bricks shall be thoroughly cleaned and be free from salt damp before use in any building.
4. Bricks shall be thoroughly soaked with water before use in any building.
5. Sand, lime, or cement bricks shall not be used in the construction, erection, or alteration of any building without the written sanction of the surveyor.
6. Sand used for mortar in any building shall be clean sharp grit sand, free from vegetable, saline, or extraneous matter.
7. Lime mortar shall be made of one part lime and not more than three parts of sand measured dry. All lime used for mortar shall be thoroughly and freshly burnt, of good quality, and, unless ground, properly slacked before it is mixed with the sand. Lime mortar.

Cement mortar gauged one part of cement to five parts of sand may be substituted for lime mortar.

(8) Cement

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- Portland cement. 8. Cement shall comply with all requirements prescribed by the British Engineering Standard Committee's specification and all amendments thereof.
- Cement mortar. 9. Cement mortar shall be made of cement and sand in the proportion of one part of cement and not more than three parts of sand and shall be used before initial setting has commenced. The cement and sand shall be measured and thoroughly mixed before adding water.
- Concrete. 10. Concrete shall be made of cement, sharp clean sand, approved gravel, and broken stone, clinker, broken well-burnt brick, or terra cotta.
- (a) Concrete for foundations and solid walls shall be composed of one part cement, not more than three parts sand, and five parts broken stone, well-burnt brick or approved clinker of gauge dimensions not exceeding 2in.: Provided that concrete for foundations of buildings not exceeding two storeys in height may be composed of one part hydraulic lime, not more than two parts sand, and not more than four parts broken stone, well-burnt brick or approved clinker of gauge dimensions not exceeding 2in.
- (b) Concrete for hollow blocks, floors, backing of ashlar and reinforced concrete shall be composed of one part cement, two parts sand, and four parts broken stone or other aggregate approved by the surveyor of gauge dimensions not exceeding  $\frac{3}{4}$ in.
- (c) Concrete for fireproofing shall be composed of broken stone, brick or clinker (except in combination with steel), or terra cotta, mixed in the proportion of one part of cement, two parts of sand, and four parts of broken brick, clinker, or terra cotta of gauge dimensions not exceeding  $\frac{3}{4}$ in. The brick and terra cotta shall be thoroughly wetted before using.
- Timber. 11. 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.
- Wrought iron. 12. All wrought iron shall be uniform and fibrous. It shall have an ultimate tensile resistance of not less than 42,000lbs. per square inch, and an elongation of 18 per centum in 8in. when tested in small test pieces.
- Steel. 13. 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.
14. All structural steel used in beams and columns, and in other large members shall have an ultimate tensile resistance of from 56,000lbs. to 70,000lbs. per square inch, an elastic limit of not less than one-half of its ultimate strength, and a percentage of elongation in 8in. equal to 22 per centum. Such steel shall also bend cold 180° 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 1 per centum of phosphorus when made by the acid process, nor more than five-hundredth of 1 per centum when made by the basic process, or such structural steel shall comply with the specification for the time being of the British Engineering Standard Committee.
15. Rivet steel shall have an ultimate resistance of from 48,000lbs. to 58,000lbs. per square inch, an elastic limit not less than one-half of its ultimate strength, and a percentage of elongation in 8in. 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 1 per centum of phosphorus.
- Test bars. 16. Test bars of wrought iron and steel shall have a sectional area of not less than one-half of 1 sq. in.
- Cast steel. 17. All steel castings shall be solid, free from flaws, and be annealed.
- Cast iron. 18. 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 1in. square, cast in sand moulds, in a span of 12in., shall bear a central load of 2,000lbs.



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19. The cost of all tests of materials required under this regulation shall be borne by the builder. Tests of materials.

20. Where the unit stress for any material is not prescribed in this regulation the relation of minimum allowable unit stress to ultimate strength shall be as one to four for metals (except cast iron) subjected 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 varying the factors of safety here given. The factor for cast iron columns shall be eight. Factor of safety.

21. The safe bearing load for brickwork and masonry shall be taken at 5 tons per square foot when lime mortar is used, and at 13 tons per square foot when cement mortar is used. The safe bearing load for ashlar masonry shall be taken at 8 tons per square foot when lime mortar is used, and 15 tons per square foot when cement mortar is used; and in case of granite or basalt, 22 tons per square foot. Safe loads for brick and masonry work.

22. The safe bearing load for concrete in foundations and solid walls when cement is used shall be taken at 12 tons per square foot. The bearing load for concrete shall be taken as 16 tons per square foot, when the proportions are one part of cement, two parts of sand, and four parts of broken stone, well-burnt brick or clinker of gauge dimensions not exceeding 2in.

23. The Council shall permit the use of any new materials or methods of construction which may be approved by the surveyor as being equal or superior to those provided for in this Part. New materials and methods of construction.

## PART III.

## WALLS OF BRICK, STONE, OR CONCRETE (ORDINARY CONSTRUCTION).

Every person who erects, constructs, or alters any building shall comply with the following requirements as to the walls of such building:—

1. Every building, except in cases herein specified, shall be enclosed with walls constructed of brick, stone, or other hard and incombustible substances, and the footings shall rest on the solid ground, or upon concrete, or upon other solid sub-structure. Walls to be brick, etc.

2. Every wall constructed of brick, stone, or other similar substances shall be properly bonded and solidly put together with mortar, and no part of such wall shall overhang any part underneath it to a greater extent than 9in. Every projection shall be well and solidly corbelled out, and the inside of the wall carrying such corbelling shall be carried up vertically in continuation of the lower face thereof. All return walls shall be properly bonded together. Walls to be bonded.

3. The thickness of any wall, if built of brick, stone, or other hard and incombustible substances, not laid in horizontal beds or courses, shall be one-third greater than the thickness required by Regulations 25 to 35 inclusive of this Part of these Regulations, unless the surveyor, in writing, otherwise allows. Thickness of walls not laid in horizontal courses.

4. Ashlar facing shall not be less than 4in. thick, and securely anchored or bonded to the backing of concrete or brick, as the case may be; the thickness prescribed for walls shall be inclusive of facing if the facing is constructed to bond in not less than half brick thicknesses. Facing to walls.

5. Notwithstanding the preceding provisions of this Part of these Regulations, any such person as aforesaid may erect or construct the walls of buildings and the basements of buildings as hollow walls, if such walls are constructed in accordance with the following rules:— Hollow walls.

(a) The inner and outer parts of the wall shall be separated by a cavity which shall throughout be of a width not exceeding 4½in.

(b) The inner and outer parts of the wall shall be securely tied together with suitable bonding ties of adequate strength, formed of galvanized iron, glazed stoneware, or other approved material. Such ties shall be placed at distances apart not exceeding 2ft. 3in. horizontally and 13½in. vertically.

(c) The thickness of each part of the wall shall throughout be not less than 4½in. (d) No

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- (d) No hollow wall 13½ in. or less in thickness shall be greater in superficial extent than three squares in any one storey, unless strengthened by a partition wall, fireplace, or projecting pier, to the satisfaction of the surveyor.
- (e) 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.
- (f) Nothing herein contained shall prevent a cavity of not more than 1 in. across being filled in with materials impervious to moisture, in which case the bonding ties may be omitted if no portion of the wall is less than 9 in. thick.

**Hollow concrete blocks.**

6. (1) Hollow concrete blocks may be used for the construction of walls of buildings of one storey if the thickness for walls required by this Part of these Regulations does not exceed 9 in. : Provided that the construction of hollow concrete blocks and the use of blocks requiring to be built up of special sections shall be subject to the approval of the surveyor.

(2) Concrete blocks shall not be used green, and, unless special permission is obtained, no block shall be used within 14 days from date of construction. The blocks shall be bedded and jointed in cement mortar.

(3) Joists and beams shall not be let into hollow concrete walls.

**Length of walls.**

7. Walls are deemed to be divided into distinct lengths by return walls, and the length of every wall is measured from the face of one return wall to the face of another, such return walls being external, party, cross, or divisional walls, of the thickness required under this Part of these Regulations, and bonded into the walls so deemed to be divided.

**Cross walls.**

8. 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 building, but shall never be less than 9 in., and no wall subdividing shall be deemed to be a cross-wall unless it is carried up to the plate level 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. If a cross-wall is carried on a girder across the ground floor storey, and is supported by piers to the satisfaction of the surveyor, it shall be deemed to be a cross-wall in accordance with the provisions of this Part of these Regulations.

9. Wherever a cross-wall becomes in any part an external wall, the external portion of 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 building.

**Footings of walls.**

10. Every wall (other than a wall carried on a girder), and every pier, stanchion, or column shall have footings, unless constructed on solid rock, or on concrete to the satisfaction of the surveyor.

**Width of footings.**

11. The width of the bottom of the footing of every wall shall be not less than one and one-half times the thickness of the wall at the ground floor level. 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 one-half of the thickness of the wall at its base. Concrete may be substituted for such footings, subject to the sectional area and depth of such concrete being not less than the sectional area and depth required for footings in regular offsets. If concrete is substituted the minimum thickness shall be 9 in.

**Projection of footings.**

12. Footings shall not extend more than 12 in. beyond the building line. In the case, however, of such footings as are 10 ft. or more in depth, they may extend 27 in. beyond the building line.

**Brick or stone piers.**

13. No isolated brick or stone pier shall exceed in height eight times the least dimension of such pier if built of lime mortar, and twelve times if built of cement mortar.

14. The

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14. The underpinning of walls and chimneys shall be built with brick or stone, bedded in cement, to the full thickness and length of the old wall or work, or to an additional thickness if the increased height of the wall so requires, and shall rest on the solid ground or solid substructure as a foundation. Underpinning.

15. A wall shall not be thickened without the sanction in writing of the surveyor.

16. Every external wall built within 4ft. of ground in other occupation, or within 4ft. of any adjoining building or within 2ft. of a street or way, shall be carried up so as to form a parapet 1ft. 3in. at the least above the highest part of the adjoining gutter, except in buildings of the warehouse class, in which case the height shall be 2ft., and the thickness of the parapet so carried up shall be at least 9in. throughout. The parapet may be omitted in the case of spires, turrets, and other architectural features covered with specially approved roof coverings. When roofs of fire-resisting construction are provided to buildings of the warehouse class, the parapet may be reduced to 12in. in height if a proper metal guard railing not less than 2ft. 6in. in height is provided and fixed on parapet. Height and thickness of parapets to external walls.

17. Every parapet wall shall be carried up of the thickness aforesaid above any dormer, lantern-light, skylight, or other erection of combustible materials fixed upon the roof or flat of any building within 4ft. from such parapet-wall, and shall extend at the least 12in. higher and wider on each side than such erection.

18. No parapet shall exceed in height six times its least thickness if built with lime mortar, and eight times if built with cement mortar.

19. Every party wall shall be carried up in thickness in a building of the warehouse class equal to the thickness of such wall in the topmost storey, but in no case need it be more than 14in. thick, and in any other building to a thickness of 9in., above the roof, flat, or gutter, so as to give a height in a building of the warehouse class of at least 3ft. and in any other building of at least 15in., measured at right angles to the slope of the roof. The parapet walls separating not more than three semi-detached buildings of the domestic class may be carried up to the under side of the roof covering of fire-resisting material, the latter being solidly bedded on same. Height of party walls above roof.

20. Every party wall shall be carried up of the thickness aforesaid above any dormer, lantern-light, skylight, or other erection of combustible materials fixed upon the roof or flat of any building within 4ft. from such party wall, and shall extend at the least 12in. 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 5ft. therefrom.

21. In an external or party wall a chase shall not be made wider than 14in., or more than 4½in. deep from the face of the wall, or so as to leave less than 9in. in thickness at the back or opposite side thereof, and a chase shall not be made within a distance of 7ft. from any other chase on the same side of the wall or within 13in. from an external wall. No chase shall be made in a wall of less thickness than 13in. Rules as to chases in party wall.

22. Walls of basements shall, in cases required by the surveyor, be increased in thickness and strength as required by the surveyor so as to act as retaining walls. Walls of basements

23. Subject to the approval in writing of the surveyor, additional storeys constructed wholly of reinforced concrete, and with a flat roof, or pitched roof not exceeding one in six, may be added to a building if the surveyor is satisfied that the existing walls and foundations will carry the additional load, or that suitable provision has been made to carry the additional load, and the additional height will not exceed the maximum height permitted for such building. The walls of additional storeys may be framed with sloping sides constructed in accordance with Part VIII. of these Regulations. Additional storeys in certain cases.

24. External and party walls of buildings of the domestic class shall be of not less thickness than the thicknesses specified in Tables A and B for the lengths of wall and the number of storeys therein respectively set out. Buildings of the domestic class.

TABLE

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TABLE A.

Length of Wall.	Number of Storeys	Thickness of Walls. (In inches.)									
		<i>Walls Built with Lime Mortar.</i>									
Not exceeding 36ft.	1	9									
	2	9	9								
	3	13½	13½	9							
	4	18	13½	13½	9						
Not exceeding 50ft.	1	13½									
	2	13½	13½								
	3	18	13½	13½							
	4	18	18	13½	13½						
	5	18	18	18	13½	13½					
	6	22½	18	18	18	13½	13½				
	7	22½	22½	18	18	18	13½	13½			
	8	22½	22½	22½	18	18	18	13½	13½		
	9	27	22½	22½	22½	18	18	18	13½	13½	
	10	27	27	22½	22½	22½	18	18	18	13½	13½
<i>Walls Built with Cement Mortar.</i>											
Not exceeding 36ft.	1	9									
	2	9	9								
	3	13½	9	9							
	4	13½	13½	9	9						
Not exceeding 50ft.	1	9									
	2	13½	9								
	3	13½	13½	9							
	4	18	13½	13½	9						
	5	18	18	13½	13½	9					
	6	18	18	18	13½	13½	9				
	7	22½	18	18	18	13½	13½	9			
	8	22½	22½	18	18	18	13½	13½	9		
	9	22½	22½	22½	18	18	18	13½	13½	9	
	10	27	22½	22½	22½	18	18	18	13½	13½	9

TABLE B.

Length of Wall.	Number of Storeys.	Thickness of Walls (In inches.)									
		<i>Walls Built with Lime Mortar.</i>									
Exceeding 50ft.	1	13½									
	2	13½	13½								
	3	18	13½	13½							
	4	18	18	13½	13½						
	5	22½	18	18	13½	13½					
	6	22½	22½	18	18	13½	13½				
	7	22½	22½	22½	18	18	13½	13½			
	8	27	22½	22½	22½	18	18	13½	13½		
	9	27	27	22½	22½	22½	18	18	13½	13½	
	10	27	27	22½	22½	22½	18	18	18	13½	13½
<i>Walls Built with Cement Mortar.</i>											
Exceeding 50ft.	1	9									
	2	13½	9								
	3	13½	13½	9							
	4	18	13½	13½	9						
	5	18	18	18	13½	13½					
	6	22½	18	18	18	13½	13½				
	7	22½	22½	18	18	18	13½	13½			
	8	22½	22½	22½	18	18	18	13½	13½		
	9	27	22½	22½	22½	18	18	18	13½	13½	
	10	27	27	22½	22½	22½	18	18	18	13½	13½

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25. If any storey exceeds in height eighteen times the thickness prescribed for the walls of such storey, the thickness of each external and party walls throughout such storey shall be increased to one-eighteenth part of the height of the storey, and the thickness of each external and party wall below that storey shall be increased to that thickness, but any such additional thickness may be confined to piers properly distributed, of which the collective widths amount to one-fourth part of the length of the wall. No increase in thickness of brick walls shall be less than 4½in.

Condition in respect of storeys exceeding certain height.

26. The height of any storey may be 20 times the thickness of the walls prescribed for such storey if built with cement mortar.

Brick or stone walls built with cement mortar.

27. The thickness of walls under 20ft. in length may be two-thirds of the thickness required for external or party walls, as stated in Table A, but shall in no case be less than 9in.

Walls under 20ft. in length.

28. The internal divisional walls, if of brick, stone, or concrete, or the like material, shall, if built in cement mortar (3 to 1) be of the thickness of not less than 4½in. inches in the topmost two storeys, not less than 9in. thickness in the three storeys next below the topmost two storeys, not less than 13½in. thickness in the three storeys next below the topmost five storeys, and so on, the thickness of such internal divisional walls being increased by not less than 4½in. for each three storeys down to and including any basement, storey, or cellar. If not built in cement mortar, such walls shall be of a thickness of not less than 4½in. in the topmost two storeys, not less than 9in. thickness in the two storeys next below the topmost two storeys, not less than 13½in. thickness in the two storeys next below the topmost four storeys, and so on, the thickness of such internal divisional walls being increased by not less than 4½in. for each two storeys down to and including any basement storey or cellar.

Internal divisional walls.

29. (1) Where an increase in thickness is shown in Table B, as compared with Table A, such increase may be in the form of piers equally spaced, of which the collective widths amount to one-fifth part of the length of the wall.

Walls over 50ft. in length.

(2) Walls over 50ft. in length may be constructed of the thicknesses stated in Table A for walls not exceeding 50ft. if the building is constructed with alternate floors and roof of fire-resisting construction. The roof shall be flat, except in the case of spans not exceeding 33ft., when it may have a slope of not more than one part vertical to six parts horizontal.

(3) Fire-resisting floors shall not be necessary in the case of two-storey buildings.

30. The external and party walls of buildings of the warehouse class shall be made of not less thickness than the thicknesses specified in Tables C and D for the lengths of wall and the number of storeys therein respectively set out.

Buildings of the warehouse class.

TABLE C.  
Thickness of Walls.  
(In inches.)

*Walls Built with Lime Mortar.*

Length of Wall.	Number of Storeys.	Thickness of Walls (In inches.)									
Not exceeding 75ft.	1	13½									
	2	18	13½								
	3	18	18	13½							
	4	22½	18	18	13½						
	5	22½	22½	18	18	13½					
	6	22½	22½	22½	18	18	13½				
	7	27	22½	22½	22½	18	18	13½			
	8	27	27	22½	22½	22½	18	18	13½		
	9	27	27	27	22½	22½	22½	18	18	13½	
	10	27	27	27	27	22½	22½	22½	18	18	13½

*Walls Built with Cement Mortar.*

Not exceeding 75ft.	1	13½									
	2	13½	13½								
	3	18	13½	13½							
	4	18	18	13½	13½						
	5	22½	18	18	13½	13½					
	6	22½	22½	18	18	13½	13½				
	7	22½	22½	22½	18	18	13½	13½			
	8	27	22½	22½	22½	18	18	13½	13½		
	9	27	27	22½	22½	22½	18	18	13½	13½	
	10	27	27	27	22½	22½	22½	18	18	13½	13½

TABLE

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TABLE D.

Length of Wall.	Number of Storeys.	Thickness of Walls. (In inches.)									
		<i>Walls Built with Lime Mortar.</i>									
Exceeding 75ft.	1	18									
	2	18	18								
	3	22½	18	18							
	4	22½	22½	18	18						
	5	22½	22½	22½	18	18					
	6	27	22½	22½	22½	18	18				
	7	27	27	22½	22½	22½	18	18			
	8	27	27	27	22½	22½	22½	18	18		
	9	31½	27	27	27	22½	22½	22½	18	18	
	10	31½	31½	27	27	27	22½	22½	22½	18	18
<i>Walls Built with Cement Mortar.</i>											
Exceeding 75ft.	1	13½									
	2	18	13½								
	3	18	18	13½							
	4	22½	18	18	13½						
	5	22½	22½	18	18	13½					
	6	22½	22½	22½	18	18	13½				
	7	27	22½	22½	22½	18	18	13½			
	8	27	27	22½	22½	22½	18	18	13½		
	9	27	27	27	22½	22½	22½	18	18	13½	
	10	27	27	27	27	22½	22½	22½	18	18	13½

Single storey buildings.

31. Walls in buildings of the warehouse class under 50ft. in length may be constructed 9in. thick, if they are strengthened by piers projecting 4½in., equally spaced, of which the collective widths amount to one-fifth part the length of the wall. The height shall not exceed 12ft. when built with lime mortar, or 13ft. 6in. when built with cement mortar.

Walls under 30ft. in length.

32. The thickness of walls under 30ft. in length may be two-thirds of the thickness required for external or party walls, as stated in Table C, but shall in no case be less than 9in.

Internal divisional walls.

33. The thickness of internal divisional walls in buildings of the warehouse class shall be 4½in. thicker than provided for buildings of the domestic class.

Walls over 50ft. in length.

34. (1) Where an increase in thickness is shown in Table D, as compared with Table C, such increase may be in the form of piers equally spaced, of which the collective widths amount to one-fifth part of the length of the wall.

(2) Walls over 75ft. in length may be constructed of the thicknesses stated in Table C for walls not exceeding 75ft., if the building is constructed with alternate floors and roof of fire-resisting construction. The roof shall be flat, except in the case of spans not exceeding 33ft., when it may have a slope of not more than one part vertical to six parts horizontal.

(3) Fire-resisting floors shall not be necessary in the case of two-storey buildings.

Conditions in respect of storeys exceeding a certain height.

35. If in any storey of a building of the warehouse class the thickness of the wall as determined by the provisions of this Part of these regulations is less than one-sixteenth part of the height of such storey, the thickness of the wall 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 be increased to that thickness, but any such additional thickness may be confined to piers properly distributed, of which the collective widths amount to one-fifth part of the length of the wall. No increase in thickness of brick walls shall be less than 4½in.

Brick or stone walls built with cement mortar.

36. The thickness of the walls of any storey built in cement mortar shall be not less than one-eighteenth of the height of such storey.

Buildings of public building class.

37. (1) Public 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.

(2) If they correspond in form and structure, either in whole or in part, with buildings of the warehouse class, they shall be governed to such extent by the provisions relating to such class.

PART

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## PART IV.

## DETAILS OF CONSTRUCTION.

Every person who erects, constructs, or alters any building shall comply with the following requirements as to the details of construction :—

1. All excavations for buildings shall be properly guarded and protected, and shall, where necessary, be sheet-piled so as to prevent the adjoining earth from caving in. Excavations.

2. (1) In cases in which the sustaining power of the soil has not been tested, the bearing capacity per square foot shall be limited to— Bearing capacity of soil.

	Tons.
Firm clay .....	3
Hard clay .....	4
Firm dry sand .....	3
Compact sand .....	4
Sound shale rock .....	10
Hard rock.....	20

(2) In no case shall the actual sustaining power of the soil be exceeded if the same has been tested, and the surveyor shall determine the bearing capacity of soil not capable of sustaining three tons per square foot.

3. Every building shall have foundations of solid ground, or artificial foundations of brick, stone, concrete, reinforced concrete, steel or iron grillage encased in concrete, or piles. Foundations.

4. Sites under buildings shall be elevated where necessary by approved filling so as to be and remain at a higher level than the adjoining surface.

5. Should pile foundations be used, borings of the soil shall first be made to determine the position of a suitable underlying stratum of hard material, and the piles shall be driven to reach such stratum when practicable, and if not practicable then in accordance with the following formula :— Pile foundation.

$$S = \frac{H \times Q^2 \times q}{(Q + q)^2 \times e} \div F$$

*S* = Safe sustaining power of pile in tons

*H* = Fall of monkey in feet.

*Q* = Weight of monkey in tons.

*q* = Weight of pile in tons.

*e* = Penetration under last blow, in feet.

*F* = Factor of safety (2 to 6, according to nature of soil, as approved by surveyor).

6. The heads of all piles are to be protected against splitting when they are being driven, and after having been driven the piles are to be sawn off to a uniform level, and covered with a grillage of hardwood timber, concrete, concrete and steel or iron, or stone. The iron or steel shall be thoroughly encased in concrete to prevent rust.

7. Except by special permission of the Council, no building shall be erected or altered to contain more than one basement storey. Basement storeys.

8. The walls of every new building shall have a proper damp course of sheet lead, asphalt, or slates laid in cement, or of other durable material impervious to moisture, beneath the level of the lowest floor, and at a height of not less than 3in. above the surface of the ground adjoining such walls. A stepped vertical damp course shall not exceed 2ft. 3in. in height. Damp course.

9. Where any part of a storey of a new building, not being a cellarette, is intended to be below the level of the surface of the ground immediately adjoining the exterior of such storey, and so that the ground shall be in contact with the exterior

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exterior of the walls thereof, such storey, or such part thereof as will be so in contact, shall be enclosed with walls impervious to moisture, or with hollow walls having an intervening cavity between such walls of a width of not less than 2in. and not more than 4½in. and extending from the base of such walls to a height of 6in. above the surface of the ground immediately adjoining the exterior of such storey. A proper damp course of sheet lead, asphalt, or slates laid in cement, or of other durable material impervious to moisture, shall be inserted in every such hollow wall at the base of such wall, and likewise at the level of the top of the cavity.

**Projections.**

10. (1) Every coping, cornice, string-course fascia, window-dressing, portico, balconette, balustrade, and architectural projection or decoration on or over the property of an adjoining owner or the street alignment, and bridge connecting buildings, shall be of brick, tile, stone, artificial stone, slate, cement, or other fire-resisting material other than wood.

(2) No projection shall extend beyond the street alignment at any height less than 9ft. from the level of the public footway.

(3) Every porch, gangway, outside landing, and outside steps, projecting beyond the street alignment, shall be of fire-resisting materials: Provided that no such porch, gangway, outside landing, or outside steps shall project beyond the street alignment unless by the written permission of the Council.

(4) Verandahs and balconies (except in dwelling-houses) within 3ft. of any adjoining building shall be separated therefrom by a brick wall at least 9in. thick, or a reinforced concrete wall not less than 4in. thick, projecting at least 4in. beyond the woodwork thereof, unless such verandahs or balconies are constructed throughout of fire-resisting materials.

(5) Eaves, soffits, and barge boards to any overhanging roof, if within 3ft. of any adjoining building or land in other occupation or within 1ft. of a street or way, shall be of fire-resisting materials, unless separated by brickwork at least 9in. thick, or reinforced concrete 4in. thick, and projecting 4in. beyond the woodwork.

11. Every cornice, balconette, or other projection shall be tailed into the wall of the building, and weighted or tied down. No cornice or balcony shall, without permission of the Council, exceed 4ft. in projection over the public way in streets over 33ft. in width, or more than 2ft. in streets of 30ft. or less in width.

12. No shop front shall exceed two storeys in height above the level of the pavement of the public footpath in front of the shop. No part of the woodwork of any shop front shall be fixed nearer than 4in. to the centre of the party wall, where the adjoining premises are separated by a party wall, or nearer than 4in. to the boundary line of the wall of the adjoining premises where the adjoining premises have a separate wall, unless a pier or corbel of stone, brick, or other incombustible material, 4in. wide at the least, is placed as high as such woodwork, and projecting throughout an inch at the least in front thereof between such woodwork and the centre of the party wall or the separate wall, as the case may be. Wood encased with metal not less than 26 gauge may be fixed up to the boundary line.

13. If the street is of a width of 30ft. or over, the cornice over the shop front may project not more than 12in. If the street is of less width than 30ft., the cornice may project not more than 8in.

**Cat-heads.**

14. Cat-heads or hoists shall not project over any street or lane, without the consent in writing of the Council.

**Bay windows.**

15. Bay windows to dwelling-houses may be erected, subject to the following conditions:—

(1) Such bay windows, if of timber construction, shall have a firebreak for every two storeys in height above the level of the ground.

(2) No part of such windows shall be nearer than 4ft. to any adjoining building or land in other occupation, unless separated therefrom by a party wall or an external wall projecting 4in. beyond the face of such windows.

(3) Such windows, taken together, shall not exceed in width three-fifths of the frontage of the building.

16. Projecting



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16. Projecting oriel windows or turrets may be constructed, subject to the following conditions :— Oriel windows

- (1) No oriel window shall project beyond the street alignment unless constructed of concrete or other fire-resisting materials approved by the surveyor.
- (2) No part of any such projection shall extend more than 3ft. beyond the street alignment in streets over 30ft. in width, or more than 2ft. in streets 30ft. or less in width. No oriel windows or turrets shall project beyond the street alignment in streets less than 20ft. in width.
- (3) No part of any such projection shall be less than 10ft. above the level of the footway of the street.
- (4) No part of any such projection, where it overhangs the public way, shall be within a distance of 3ft. of the nearest party or external wall.
- (5) No part of such window constructed with wood framing shall be nearer than 4ft. to any adjoining building or land in other occupation or to any adjoining street or way.
- (6) The total width of any such projections, taken together, shall not on any floor exceed three-fifths of the length of the wall of the building on the level of that floor.

17. Recesses and openings may be made in external walls, subject to the following conditions :— Recesses and openings.

- (1) The backs of such recesses shall not be of less thickness than 9in.
- (2) The area of such recesses in any storey shall not exceed one-half of the whole area of the wall in the storey in which they are made, if segmental arch or lintel construction is used, and three-fifths if semi-arch or continuous lintel construction is used.
- (3) The aggregate widths of such recesses in any storey shall not, taken together, exceed three-quarters of the whole length of the wall of the storey in which they are made, if segmental arch or lintel construction is used, and four-fifths if semi-arch or continuous lintel construction is used.
- (4) The area of openings in any storey shall not exceed one-half of the whole area of the wall in the storey in which they are made, if segmental arch construction is used, and three-fifths if approved semi-arch or lintel construction is used. Piers between openings in any wall shall not be less than one-third of the area of such wall on plan in case of segmental arch or lintel construction, or one-fourth in case of continuous lintel or semi-arch construction. These limits shall not apply to any shop front or show window constructed to the approval of the surveyor.
- (5) The surveyor may allow the omission of arches and lintels when the recesses are not more than 4½in. in depth and the thickness of the recessed portion of the wall is equal to the thickness required for the next upper storey ; and he may also allow wider recesses and openings, subject to the sectional area on plan being maintained.
- (6) The combined area of recesses and openings in the external wall of any storey shall not in any case exceed the area permitted for recesses or openings in that wall.

18. Recesses may be made in party walls subject to the following conditions :—

- (1) The backs of such recesses shall not be of less thickness than 13in.
- (2) Over every recess so formed an arch of at least two rings of brickwork of the full depth of the recess shall be turned on every storey, except in the case of recesses formed for lifts. In cases in which a recess does not exceed 5in. in depth, corbelling in brick or stone may be substituted for the arching.
- (3) The area of such recesses shall not, taken together, exceed one-half of the whole area of the wall of the storey in which they are made.
- (4) Such recesses shall not come nearer than 13½in. to the inner face of the external walls.

19. All

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Timber in external walls.

19. All wood frames fixed in any external wall abutting on a street or way (except the woodwork of shop fronts when encased with metal not less than number 26 Birmingham wire gauge in thickness), shall be set back  $4\frac{1}{2}$ in. at the least from the external face of such wall. All woodwork in hollow walls which may be intended to form the head of a door frame, lintel, or other similar structure, and which may be inserted in the wall so as to project into or across the intervening cavity, shall be covered throughout on the upper side thereof with a layer of sheet lead or other suitable material, impervious to moisture. No wood plate shall be built into any wall.

Timber in party walls.

20. The ends of any wooden beam or joists bearing on any party wall shall be at least  $1\frac{1}{2}$ in. distant from the centre line of the party wall, and not less than  $4\frac{1}{2}$ in. laterally from beams or joists on the opposite side of the wall. Where the beams or joists are not within  $4\frac{1}{2}$ in. of the centre of the party wall no lateral separation shall be necessary.

21. 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 templet tailed into the wall at least the amount of the projection of such corbel or templet.

22. All wood floors, other than those carried on dwarf walls, shall be bridged with cross bridging, and the distance between bridgings and bridging and walls shall not exceed 10ft. Solid bridging not less than  $1\frac{1}{2}$ in. thick shall be placed between joists over all girders.

Trimmer joists

23. Every trimmer joist receiving or carrying more than four common joists, and every trimming joist receiving or carrying such trimmer joist, at a distance greater than 3ft. from its bearing on the wall, shall be increased  $1\frac{1}{2}$ in. in thickness in the case of buildings of the warehouse class, and 1in. in the case of buildings of the domestic building class.

24. Every trimmer joist over 6ft. in length in buildings of the warehouse class, or 7ft. in length in buildings of the domestic building class, shall be hung in stirrup irons of thickness sufficient to carry the same.

Flooring.

25. Joists shall be covered with flooring boards not less than  $\frac{3}{4}$ in. thick in buildings of the domestic class, and in buildings of the warehouse class with softwood flooring boards  $1\frac{1}{2}$ in. thick, or hardwood flooring boards  $\frac{3}{4}$ in. thick.

Stairs.

26. No stairs shall be constructed with a rise of more than 8in., or a tread of less than 8in. clear of nosings, except in the case of winders. Stairs shall have a clear headway of at least 6ft. 6in. Stairs and wells shall be protected with balustrades.

27. Every staircase shall be effectively ventilated and lighted.

Structural steel or iron work.

28. Every girder shall have a bearing in the direction of its length of 4in. at least at each end upon a wall, and every girder shall have such iron columns, stanchions, piers of brick, concrete, or stone, or corbels as may be necessary to ensure the stability of the superstructure. All girders and columns or stanchions supporting a wall, floor, or roof of fire-resisting construction shall be of metal approved by the surveyor, and shall be protected from fire as prescribed for buildings of "Steel Frame Construction."

29. At each end of every girder a space shall be left equal to one-quarter of an inch for every 10ft., and also for any fractional part of 10ft., of the length of such girder, to allow for expansion.

30. Every girder bearing upon a wall shall be borne by a templet or corbel of stone, concrete, or iron, tailed through at least half the thickness of the wall and of the full breadth of the girder.

Arches and lintels.

31. Openings for doors and windows in all brick or stone buildings shall have good and sufficient external arches of stone, brick, or terra cotta, well-built and keyed, and with good and sufficient abutments; or the openings shall have lintels of stone, iron, steel, or reinforced concrete of sufficient strength, which shall have a bearing at each end of not less than 4in. on the wall. On the inside of all openings in which lintels are less than the thickness of the wall to be supported there shall be timber lintels, with ends cut to camber of arch, which shall rest at each end not more than 3in. on any wall, and shall have a suitable internal arch turned over the timber lintels. In the alternative, the inside lintels may be of cast-iron, wrought iron

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iron, or steel, and in such case templates shall not be required at the ends where the lintel rests on the walls if the opening is not more than 8ft. in width. Tie rods shall be used where necessary to secure stability.

32. Every floor of fire-resisting construction shall be formed of brick, stone, or other incombustible materials. Fire-resisting floors.

33. (1) If an arch of brick or stone is used, it shall—

- (a) where its span does not exceed 6ft., be of a thickness of 4½ in. at least :
- (b) where its span exceeds 6ft., but does not exceed 10ft., be of a thickness of 9in. :
- (c) where its span exceeds 10ft., be of such thickness as may be approved by the surveyor.

(2) The centre of every such arch shall be higher than the springing at the rate of lin. at least for every foot, and also for any fractional part of a foot, of span.

34. If an arch or floor of other incombustible materials is used, it shall be constructed in such manner as may be approved by the surveyor.

35. Nothing herein contained shall prevent the use of wood flooring boards to cover floors of fire-resisting construction if any space occupied by battens or sleepers to which such boards may be secured is ventilated to the approval of the surveyor. Use of floor boards.

36. (1) Every room, except rooms wholly or partly in the roof, shall be in every part at least 9ft. in height from the floor to the ceiling. Minimum height of rooms.

(2) Every room, wholly or partly in the roof of any building, shall be at least 8ft. 6in. in height vertically from the floor to the ceiling or roof for not less than one half the area of such room.

37. Every room other than a storeroom, constructed over or adjoining a stable, shall be separated from such stable by a floor or walls rendered impervious to foul air. Rooms over or adjoining stables.

38. (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. Cornices and barge boards to dormers not exceeding 12in. in depth, and the doors, door frames, windows, and window frames of such dormers, turrets, lantern-lights, skylights, or other erections, may be of wood, except in case of skylights or lantern-lights which are placed in courts, or erected on roofs of fire-resisting construction. Construction of roofs.

(2) Concrete roofs of fire-resisting construction shall, unless otherwise permitted by the surveyor, be covered with mineral asphalte not less than half an inch in thickness, or with approved three-ply bituminous roofing materials applied to the concrete with bitumen.

(3) Flat wood boarded roofs shall be covered with two layers of approved felt and a surface covering of three-ply bituminous roofing material all cemented together and applied to the boarding with bitumen.

39. The plane of the surface of the roof of a building of the warehouse class shall not incline from the external or party walls upwards at a greater angle than 45° with the horizon. This shall not apply to towers, turrets, spires, or the more perpendicular side of saw-tooth roofs.

40. The plane of the surface of the roof of any other building shall not incline from the external or party walls upwards at a greater angle than 75° with the horizon. This shall not apply to towers, turrets, spiral pavilion roofs, or the more perpendicular side of saw-tooth roofs.

41. Bulkheads or other structures on flat roofs over stair or lift wells may be erected with walls of studding covered with corrugated galvanized iron, fibrous or asbestic cement, or other approved substances.

42. Not more than one storey shall be constructed in the roof of any building. Any storey constructed in the roof of any domestic building more than three storeys in height shall be constructed of fire-resisting materials throughout. Storeys in roofs.

43. Tanks containing more than 500galls. of water or other fluid placed on the roof or above the roof of any building shall be supported on iron, steel, or reinforced concrete. Tanks.

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concrete beams, and the beams shall rest at both their ends on brick walls or on iron, steel, or reinforced concrete girders, or on iron or steel columns, or on piers of brickwork, masonry, or reinforced concrete. Underneath such water-tanks, or on the side near the bottom thereof, unless the same are used in connection with sprinkler installations, there shall be a short pipe or outlet, not less than 3in. in diameter, fitted with a suitable valve having a lever or wheel-handle attached thereto, so that contents of the tank can readily be discharged in case of necessity. The valve of the tank shall be easily accessible. Covers on top of water-tanks placed on roofs, if of wood, shall be covered with metal.

Water closet.

44. A room containing water-closets or urinals shall be so constructed that at least one wall shall be an external wall, and shall be separated from any living, work, or sleeping room by a partition, not less than 2½in. thick, of impervious material. Such room shall be provided with a window, having a minimum area of 2 sq. ft. for each closet therein, opening directly into the external air. There shall also be provided an air brick in the external wall, or an air shaft through the roof.

45. All water-closets built in any yard or on a flat roof shall be built with brick walls not less than 4½in. thick, or reinforced concrete walls 4in. thick, with roof coverings as provided for other buildings.

Plumbing and drainage.

46. All stormwater led through or under a building shall be carried in cast-iron pipes with lead joints properly caulked, or in stoneware pipes caulked with cement mortar, and surrounded with concrete not less than 3in. thick, or in reinforced concrete pipes properly caulked with lead or cement.

Rainwater pipes and gutters.

47. The roof, flat, or gutter of every building, and every balcony, verandah, or other similar projection, or projecting window, whether constructed before the commencement of this Act or not, 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, or causing dampness in any part of any wall or foundation. All such gutters and pipes shall be maintained in good order and condition.

Gas piping.

48. Gas-piping shall be of best quality of wrought iron or other metal, approved by the surveyor, and pipe fittings may be wrought iron, malleable cast-iron, or other metal approved by the surveyor.

49. All pipes shall be supported and stayed with pipe hooks, straps, and screws.

50. No composition or lead pipes shall be used in any building except for connections which are exposed to view.

#### PART V.

##### CHIMNEYS, ETC.

Chimneys and flues other than furnace chimney shafts and flues.

Every person who erects, constructs, or alters any building shall comply with the following requirements as to chimneys, flues, fireplaces, and heating appliances :—

1. 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 on iron girders with direct bearings upon party, external, or cross walls, or on corbels of brick, stone, or other incombustible material, if the work so corbelled out does not project from the wall more than the thickness of the wall measured immediately below the corbel. Chimneys may be corbelled out 14in. from walls 9in. in thickness, on corbels of stone or other incombustible material not less than 10in. in depth and of the full width of the jambs.

2. Chimneys and flues shall not be inclined at a less angle than 45° to the horizon, and every angle shall be properly rounded : Provided that in the case of chimneys and flues having soot doors, approved by the surveyor, of not less than 40 sq. in., the surveyor may sanction in writing any other angle.

3. All soot doors shall be distant at least 15in. from any woodwork.

4. An arch of brick, stone, or concrete of sufficient strength shall be built over the opening of every chimney to support the breast thereof. Every camber arch shall have the abutments tied in by an iron bar or bars of sufficient strength, turned up or down at the ends and built into the jamb for at least 4½in. on each side.

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5. A flue used for the purpose of any trade or business, or for the range or cooking apparatus of any hotel, tavern, or eating-house, shall be surrounded with brickwork at least 9in. thick, or by reinforced concrete 6in. thick, from the floor of the storey on which any oven, furnace, steam boiler or other fire is situated to 12in. above the roof.

6. A flue shall not be used in connection with a steam boiler or hot-air engine unless the flue is at least 20ft. in height, measured from the level of the floor on which such engine is placed.

7. The inside of every flue, and also the outside where passing through any floor or roof, or space enclosed by the roof, or behind or against any woodwork, shall be rendered or pargetted, or lined with fire-resisting piping or stoneware.

8. The jambs of every fireplace opening shall be at least 9in. on each side of the opening thereof.

9. The breast of every chimney shall be of incombustible material, at least 4in. in thickness, and the brickwork surrounding every smoke flue shall be at least 4½in. in thickness: Provided that where a ventilating flue is carried up with a smoke flue, they may be separated by a properly constructed iron wythe of cast-iron of not less than 1in. in thickness.

10. The back of every fireplace opening made in party or internal walls from the hearth up to a height of 12in. above the lintel or arch shall be brickwork at least 9in. thick, or reinforced concrete 6in. thick. No flue shall be within 2in. of the centre line of any party wall.

11. The thickness of the upper side of every flue, when its course makes with the horizon an angle of less than 45°, shall be at least 9in.

12. Every chimney, smoke flue, or chimney shaft shall be carried up in brick or stonework, at least 4in. thick throughout, to a height of not less than 3ft. above the roof, flat, or gutter adjoining thereto, measured at the highest point in the line of junction with such roof, flat, or gutter.

13. The highest six courses of every chimney stack or shaft shall be built in cement mortar.

14. The brickwork or stonework 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 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 is otherwise rendered secure.

15. 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 6in. longer on each side than the width of such opening, and at the least 12in. wide in front of the breast thereof.

16. On every floor except the lowest floor such slab shall be laid wholly on stone or iron bearers or upon brick trimmers or other incombustible materials, but on the lowest floor it may be bedded on concrete covering the site or on solid materials placed on such concrete.

17. 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 6in. at least beneath the upper surface of such hearth or slab.

18. A flue shall not be built in or against any party structure or existing wall unless it is surrounded with good sound brickwork or other fire resisting material at least 4½in. in thickness, properly bonded.

19. A chimney breast or shaft built with or in any party wall shall not be cut away, unless the surveyor certifies that it can be done without injuriously affecting the stability of any building.

20. 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 :—

- (1) Letting in or removing or altering flues, pipes, or funnels for the conveyance of smoke, hot air, or steam.
- (2) Forming

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Furnace chimney shafts.

Close fires and pipes for conveying vapor, &c.

- (2) Forming openings for soot doors, each opening to be fitted with a close iron door and frames.
- (3) Making openings for the insertion of ventilating valves, subject to the restriction that an opening shall not be made nearer than 12in. to any timber or combustible substance.
21. Timber or woodwork shall not be placed—
- (a) under any chimney opening within 6in. from the upper surface of the hearth of such chimney opening; or
- (b) within 2in. from the face of the brickwork or stonework about any chimney or flue, unless the face of such brickwork or stonework is rendered.
22. Wooden plugs shall not be driven nearer than 3in. to the inside of any flue or chimney opening, nor shall any iron holdfast or other iron fastening be driven nearer than 2in. thereto.
23. No iron or steel joist or other ironwork shall be placed in any flue, except in so far as the same may be required for ensuring stability, or allowed by or under any other provision contained herein.
24. Every brick or masonry chimney shaft for the furnace of a steam engine, brewery, distillery, or manufactory shall be constructed in conformity with the following provisions:—
- (1) Every shaft shall be carried up throughout in masonry, or brickwork and mortar of the best quality, and if detached shall be built with a batter from the base to the top of the shaft at the rate of at least 1½in. in 10ft. of height.
- (2) The thickness of brickwork at the top of the shaft, and for 25ft. below the top, if the external dimension does not exceed 5ft., shall be at least 9in. For chimneys of greater dimensions the thickness shall be at least 14in. and every chimney shall be increased at least one-half brick for every additional 25ft. measured downwards.
- (3) Every cap, cornice, pedestal, plinth, string course, or other variation from plain brickwork shall be provided as additional to the thickness of brickwork hereinbefore required. The footing of the shaft shall be on concrete or other sufficient foundation.
- (4) The footings inside and outside the shaft 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.
- (5) The width of the base of the shaft, if rectangular, shall be at least one-tenth of the proposed height of the shaft, or if the same is round or of any other shape, then one-twelfth of the height.
- (6) The height of the shaft shall be measured from the top of the footings.
- (7) Chimney shafts in other material than brick or masonry, such as steel, steel and concrete, or reinforced concrete, or other types of construction, shall not be built without the sanction in writing of the surveyor.
25. 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 18in. in front of the furnace and 9in. elsewhere, be formed of materials of an incombustible and non-conducting nature not less than 6in. thick, or 3in. thick when covered by ½in. steel or iron plate. A fender 2in. in height shall be formed round the front of the furnace, except where the floor is of fire-resisting material.
26. A pipe for conveying smoke or other products of combustion shall not discharge into a street or way, or be fixed against any building on the face adjoining any street or way, unless sanctioned in writing by the surveyor.
27. A pipe for conveying smoke or other products of combustion shall not be fixed nearer than 9in. to any combustible materials.
28. 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 6in. to any combustible materials.

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

30. The restrictions imposed with respect to the distance at which pipes for conveying hot water or steam may be placed from any combustible materials, and the lagging thereto, shall not apply in the case of pipes for conveying hot water or steam at low pressure.

31. Steam shall be deemed to be at low pressure when its pressure is not greater than 15lbs. per square inch above that of the atmosphere, and hot water shall be deemed to be at low pressure when its temperature does not exceed 250° Fahrenheit.

32. The floor or roof over any room or enclosed space in which a furnace is or has been fixed, and any floor within 18in. from the crown of an oven, shall be constructed of fire-resisting materials. Floors above  
furnaces and ovens

33. The expression "furnace" includes any closed fireplace or firebox, or fire-chamber used for the purpose of generating steam pressure exceeding 15lbs. to the square inch above that of the atmosphere, or hot air or hot water the temperature of which exceeds 250° Fahrenheit, or for smelting or for manufacturing purposes. Furnace.

34. Every stove, other than a self-setting range or a gas-cooking stove, shall, unless the surveyor is satisfied that it is impracticable to do so and certifies in writing accordingly, be set solid in brickwork or concrete, and so as to leave no cavities at the back or sides of such stove or chimney-piece. Setting of stoves.

## PART VI.

## LIGHT AND VENTILATION.

Every person who erects, constructs, or alters any building shall comply with the following requirements as to light and ventilation:—

1. Any building, the floor of which is immediately above the ground, having a wooden floor other than a floor constructed of solid wood bedded on concrete, shall have a sufficient space, not being in any case less than 3in. between the ground and the undersides of the bearers or floor joists, to admit of ventilation by means of openings properly protected by air-bricks or gratings: Provided that the surveyor may sanction in writing a less space in cases in which the floor is asphalted, cemented, or covered with a damp-resisting covering. Ventilation under  
floors.

2. Every room shall be provided with outlet ventilators of which the total area in square inches shall be not less than the capacity of the room in cubic feet divided by 40. Ventilation of rooms.

3. Unless otherwise permitted by the Council, a ventilating shaft shall not be fixed against any building on the face adjoining any street or way.

4. No dwelling-house shall be hereafter built unless the house will have a clear frontage to a street or way which is not less than 30ft. in width, or if the street or way is less than that width, unless there will be a space of at least 30 feet between the front of the building and the street alignment on the opposite side of the street or way, and no building of any class shall be built so as to deprive and leave without such clear frontage or space (as the case may be) any dwelling-house which has been previously built having such clear frontage or space, unless it is a house built within an area of land which is afterwards subdivided into allotments fronting to a street or way, and having a depth therefrom of not less than 99ft. Frontage of  
dwelling-house  
buildings.

5. (1) No dwelling-house shall be erected upon an allotment of land of less area than 3,960 sq. ft. Space in connection  
with dwelling-house  
buildings.

(2) No dwelling-house together with its appurtenances shall occupy more than two-thirds of such allotment, and the minimum of unoccupied area shall not be less than

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than 500 superficial feet: Provided that the Council may grant approval to the erection of a dwelling-house occupying more than two-thirds of an allotment in replacement of an existing dwelling-house which occupies more than two-thirds of that allotment.

(3) It shall not be necessary to provide an open space for any hotel which abuts on a street or way if the height of such hotel does not exceed the maximum height permitted for buildings fronting such street or way.

(4) Where situated on a site considered by the Council to be an established shopping locality, the Council may permit a building which is to be a shop and dwelling combined to occupy not more than four-fifths of the allotment, subject to the unbuilt-upon area being not less than 500 sq. ft.

(5) In a sewered district, and in a case where the dwelling-house portion is wholly above the ground floor, the open space required by this regulation may be provided in the form of a flat roof over the shop portion of the building.

(6) The roofs of commercial buildings may be taken into account as yard spaces for dwellings on the same allotment if such roofs are flat and adapted for the common use of the tenants.

(7) Caretakers' quarters may be provided with an open space or area not less than two squares in area at the level of such quarters by means of a flat roof in such manner as may be approved by the surveyor.

(8) The foregoing provisions shall not apply to houses abutting in the rear on a public park, or on an open space of more than 66ft. in depth which is dedicated to the public or the maintenance of which as an open space is permanently secured to the satisfaction of the Council.

6. (1) Except by permission of the Council, the height of any wall of a building abutting on a light court shall not exceed three and one-half times the width of such court if it is enclosed or may be enclosed on every side, or four times the width if it is open at one end or both ends. In the case of a dwelling-house the height of the walls shall not exceed two and one-half times the width of a light court if it is enclosed or may be enclosed on every side, or three times the width if it is open at one end or both sides. In all cases the length of the light court shall not be less than one and a half times the width.

(2) The width shall be measured from the window to the opposite wall or boundary of such court. A lane or alley abutting on a court may be included in the measurement, but in the case of recessed windows the recess shall be omitted.

(3) The height shall be measured from the sill of the lowest window to the eaves or top of the parapet.

(4) The height of the walls may be increased to six times the width of courts open at the end, and to five and one-quarter times the width of the enclosed courts when double courts are provided for the purpose of lighting rooms from opposite sides, but in the case of a dwelling-house the height of the walls shall never exceed four and one-half times the width of courts open at the end, or three and one-half times the width of enclosed courts.

(5) Buildings which exceed the above limits of height shall have the upper storeys off-setted in the same ratios as the lower storeys.

Rooms in base-  
ments, &c.

7. Rooms in basements which are used as dining rooms, billiard rooms, restaurants, tea-rooms, hairdressing saloons, or retail shops shall be ventilated with mechanical ventilation if, in the opinion of the surveyor, satisfactory direct ventilation cannot be obtained.

Light

8. (1) Every room, unless exempted by the Council, 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 and free from any obstruction to the light equal to at least one-fifteenth of the floor area of the room, and so constructed that a portion equal to at least one-thirtieth of such floor area can be opened, and the opening in each case shall extend to at least 7ft. above the floor level, but every habitable room shall have at least a window of 9 sq. ft. superficies as aforesaid, of which one-half can be opened: Provided that a room having no external wall, or a room constructed wholly or partially in the roof, may be lighted through the  
roof



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roof by a dormer window, with a total superficies clear of the sash frames and free from any obstruction to the light equal to at least one-twelfth of the floor area of the room, and shall be so constructed that a portion of such window, equal to at least one-twenty-fifth of such floor area, can be opened, and the opening in each case shall extend to at least 5ft. above the floor level, or such room (except in a dwelling-house) may be lighted by a lantern light or skylight, of which a portion equal to at least one-twenty-fifth of the floor area can be opened. All windows above the level of the second storey, which open, shall be capable of being cleaned from inside

(2) Rooms exempted from the above provisions shall be lighted and effectively cross ventilated by mechanical means capable of entirely changing the air content of the room at least four times per hour.

9. Pavement lights and gratings to areas extending under the footway shall be enclosed by solid masonry or brickwork, surmounted by a proper stone or concrete kerb, and be covered with an approved horizontal iron grating, or be fitted with floor lights not over 4in. square or less than  $\frac{3}{4}$ in. thick, set in metal frames, level with the surface of the footway, and secured to the kerbing by being run thereto with lead, zinc, or other material approved by the surveyor, and must be maintained in good order and condition to the satisfaction of the surveyor. Prisms set in reinforced concrete may be used, subject to the approval of the surveyor. No such light or area shall extend from the building line under the footway, in streets or ways over 30ft. in width, more than 1ft. 6in., or in streets or ways 30ft. or less in width, more than 1ft., or be more than 4ft. in length, unless supported by iron or steel joists. **Pavement lights and area gratings.**

## PART VII.

## PREVENTION OF FIRES.

Every person who erects, constructs, or alters any building shall comply with the following requirements for the prevention of fire:—

1. Every building intended to be used as a public building shall have all walls, partitions, floors, and staircases constructed of fire-resisting materials. All spaces used for storage must have floors of fire-resisting construction above them. The floors of buildings not exceeding two storeys in height, or, in the case of a theatre, three storeys, may be of timber construction. Cellars and basements shall not be reckoned as a storey if the floors immediately above them are of fire-resisting construction, unless with the consent of the Council given on the recommendation of the surveyor. **Public buildings.**

2. Every building intended to be used as an hotel, lodging-house, refuge, apartment-house, club, sanatorium, or similar institution shall, if more than three storeys in height, have all walls, partitions, floors, ceilings, and staircases constructed of fire-resisting materials other than wood. If such building consists of three storeys or less, all walls and partitions shall be constructed of fire-resisting materials. Cellars and basements shall not be reckoned as a storey if the floors immediately above them are of fire-resisting construction, unless with the consent of the Council given on the recommendation of the surveyor. **Hotels, &c.**

3. (1) 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. **Number of floors, ordinary construction.**

(2) 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.

4. No building of the warehouse class shall extend to more than 350,000 cubic ft., unless divided by walls of the same thickness as cross walls, or by floors of fire-resisting construction, in such manner that no division thereof extends to more than 350,000 cubic ft, unless a sprinkler installation is provided, in which case any division thereof may be increased to 400,000 cubic ft. Staircases and lift-wells connecting two or more divisions shall be fire-isolated by brick walls not less than 9in. thick or reinforced concrete walls not less than 4 $\frac{1}{2}$ in. thick. Doors opening on to such staircases and lift-wells shall be tin clad wooden doors. Buildings of fire-resisting construction shall not be limited as regards cubical extent. **Cubical extent of buildings.**

*Building Act.—1923.***Borrowed lights.**

5. Borrowed lights may be inserted in the enclosing walls of lifts and staircases when the stairs are constructed of fire-resisting materials. Such lights shall be double glazed with wire glass or approved glass prisms, set in fixed fireproof frames. No one opening shall exceed 15 sq. ft., or contain less than three panels, each of which shall be of equal area. The total area of the openings shall not exceed 20 per centum of the area of the wall in each storey.

**Consent to larger dimensions.**

6. (1) In cases in which additional cubical extent is necessary for any building to be used for any trade or manufacture, and the Council is satisfied that proper arrangements have been or will be made and maintained for lessening, so far as reasonably practicable, danger from fire, the Council may consent to such building containing additional cubical extent.

(2) Such consent shall continue in force only while the said building is actually used for the purpose of the trade or manufacture in respect of which the consent was granted.

**Uniting buildings.**

7. (1) Buildings shall not, without the consent of the Council, be united except where they are wholly in one occupation, but doorways will be allowed in party structures opening on to staircases, landings, or passages if such doorways are protected with tin clad doors approved by the surveyor, and are hung so as not to block the egress space of the landings or passages.

(2) Buildings shall not be united if, when so united and considered as one building only, such buildings would not be in conformity with the provisions of these regulations.

8. Openings in any party wall, division wall, or in two external walls dividing buildings of the warehouse class, which if taken together would extend to more than 350,000 cubic ft., or 400,000 cubic ft. if sprinkler installation is provided, shall be constructed in accordance with the following provisions:—

(1) Openings shall not exceed 60 superficial ft. in area, and such opening or openings, taken together, shall not exceed one-half the length of the wall or walls on each floor of the building in which they occur.

(2) Openings shall have the floor, jambs, and head formed of brick, stone, or iron, and be closed by a tin-clad door, fitted to rebated frames without woodwork of any kind, or hung to slide, and any doors, sliding doors, and shutters in such openings shall be fitted with bolts or other fastenings, and be capable of being opened from either side, and shall be constructed in an efficient manner. In the alternative, such doors and shutters may, instead of being constructed as abovementioned, be constructed of fire-resisting materials approved by the surveyor.

9. 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 stonework not less than 13in. in thickness, except in the case of a wall 9in. in thickness, in which case 9in. shall be sufficient.

10. Whenever any buildings which have been united cease to be in one occupation, the owner thereof, or, if the buildings are the property of different owners, then each of such owners, shall forthwith give notice to the surveyor, and shall cause any openings made in the party or external wall to be stopped up as aforesaid.

11. 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; but buildings shall not be deemed to be united when they are connected only by an open gangway of fire-resisting construction.

**Separation of buildings.**

12. (1) Whenever any buildings are either wholly or partially used or occupied as or converted into a shop, and whenever buildings are divided or converted into

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into separate occupations, or tenements with separate staircases or entrances from without, the portion or portions of the said buildings so separately occupied shall be divided vertically and horizontally by party structures.

(2) An external service stair constructed in a similar manner to a fire escape stairs shall not be deemed a separate staircase or entrance in the case of buildings not exceeding two stories in height and occupied as flats if they have a common front entrance.

(3) If there is more than one flat on the first floor each flat must be provided with access to the service stairs in such a manner as to form a satisfactory alternative means of escape in case of fire.

13. Every party structure shall be constructed of fire-resisting materials throughout. Shop fronts may be returned along passages or lobbies of fire-resisting construction to a depth not greater than the width of such passage or lobby: Provided that any shop front may be returned to a greater depth if it is protected on the outer face thereof with approved self-coiling rolling corrugated steel shutters running in metal grooves and fitted with proper appliances on the outside thereof suitable for raising or lowering.

14. No building containing separate sets of chambers or offices, or rooms tenanted, or constructed or adapted to be tenanted, by different persons, shall extend to more than 50 squares in area, unless separated by a cross-wall with a parapet.

15. Every building constructed or adapted to be used in part for purposes of trade or manufacture and in part as a dwelling-house, in which the portion used for the purpose of trade and manufacture exceeds 15 squares in area, shall be separated from the portion used as a dwelling-house vertically by walls or partitions and horizontally by floors, such partitions and floors to be constructed throughout of fire-resisting materials. Doorways for communicating between the two parts of such building shall be fitted with self-closing doors of fire-resisting materials hung in frames of fire-resisting materials.

16. The shaft of every lift or elevator shall be constructed and enclosed with brickwork not less than 9in. thick, reinforced concrete not less than 4in. thick, or other fire-resisting materials, as follows:—

Construction of lift shafts.

The sides of the shaft of the 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 to lift shafts of buildings over four storeys in height (including basement, if any) shall be fitted with doors protected by fire-proof glazing. Doorways to lift shafts of other buildings may be fitted with doors constructed of Californian red pine or hardwood framing and battens. Such last-mentioned doors shall not exceed 7ft. in height: Provided that 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.

17. No goods lift shall be constructed in or communicate with an enclosed staircase in any building of the warehouse class.

18. 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 glazed with thin glass protected on the outside with strong wire guards.

19. All openings in any external wall of a building of the warehouse class, or of a building of the domestic building class exceeding three storeys in height, which are distant less than 20ft. in any diagonal direction from any opening in any external wall of any other building, shall be fitted with solid iron or armoured doors, tin-clad shutters, or shutters of wire gauze: Provided that this provision shall not apply

Prevention of fire in connection with windows and openings.

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to shop fronts in an arcade building fitted with a sprinkler installation approved by the surveyor, or to windows constructed with approved frames and sashes of metal and glazed with wire-rolled glass or prisms.

20. All openings which abut on land in other occupation shall be fitted with fire-resisting glazing as for vertical party structures, or alternatively such openings shall be protected with solid iron armoured or gauze shutters. All openings in external walls abutting on enclosed light courts common to separate buildings shall be fitted with metal frames and sashes and glazed with wire-rolled glass or prisms, or protected with tin-clad or wire gauze shutters.

21. All skylights 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.

Rooms used for storage of inflammable liquids, &c.

22. Every room or other portion of a building, whether in existence before the commencement of this Act or erected thereafter, used for the storage of petroleum or any produce of petroleum, turpentine, or other similar volatile fluids, or for the storage of inflammable cinematograph films, or carbide, or other highly inflammable or dangerous material, shall have walls, floors, and ceilings of fire-resisting construction and be properly ventilated. The doors of such room or other portion of a building shall, unless opening directly to the outer air, be tin-clad or iron-cased.

Water service for fire extinction.

23. A water supply service for fire extinction, approved by the surveyor, shall be provided in

- (a) every building over three storeys in height ;
- (b) every building proposed to be used as a factory ;
- (c) every building over 20 squares in area proposed to be used as a shop ; and
- (d) every timber yard.

Stairways.

24. (1) Every building which is more than three storeys in height, and every building intended for use as a factory, shall be provided with alternative stairways approved by the surveyor, one of which may be an external fire-escape stairway. Cellars and basements shall not be reckoned as a storey for the purposes of this regulation if the floors immediately above them are of fire-resisting construction. 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 9in. thick, or by walls of reinforced concrete not less than 4in. thick.

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

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

26. The egress space of each stairway from the two topmost storeys of every building over three storeys in height above the ground level shall be not less than 2ft. 8in. in width and for the remaining storeys not less than 3ft. 4in. in width.

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

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

Stairways and exits from shops.

TABLE 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 .....	1 2ft. 8in.....	2ft. 8in.
More than 600 and not more than 1,000 {	2 2ft. 8in. or .....	5ft. 4in.
	1 2ft. 8in. if fire isolated .....	2ft. 8in.
“ 1,000 “ “ 2,000..	2 3ft. 4in. {	6ft. 8in.
“ 2,000 “ “ 4,000 {	1 5ft. 0in. {	8ft. 4in.
	1 3ft. 4in. { One stair to be fire isolated	
“ 4,000 “ “ 6,000..	2 5ft. 0in. {	10ft.
“ 6,000 “ “ 8,000 {	2 5ft. 0in. {	13ft. 4in.
	1 3ft. 4in. {	
“ 8,000 “ “ 10,000..	3 5ft. 0in. {	15ft.
“ 10,000 “ “ 12,000 {	2 5ft. 0in. {	16ft. 8in.
	2 3ft. 4in. { One 5ft. stair to be fire isolated	
“ 12,000 “ “ 14,000 {	3 5ft. 0in. {	18ft. 4in.
	1 3ft. 4in. {	
“ 14,000 “ “ 16,000..	4 5ft. 0in. {	20ft.
“ 16,000 “ “ 18,000 {	4 5ft. 0in. {	23ft. 4in.
	1 3ft. 4in. { Two stairs to be fire isolated	
“ 18,000 “ “ 20,000..	5 5ft. 0in. {	25ft.
“ 20,000 “ “ 22,500 {	4 5ft. 0in. {	26ft. 8in.
	2 3ft. 4in. { Two 5ft. stairs to be fire isolated	
“ 22,500 “ “ 25,000..	6 5ft. 0in. {	30ft.

TABLE B.

*Exits and Stairways required for Retail Shops other than those used for the sale of Drapery, Millinery, or Fancy Goods or any other class of goods combined with 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 .....	1 2ft. 8in.....	2ft. 8in.
More than 600 and not more than 1,000 {	2 2ft. 8in. or .....	5ft. 4in.
	1 2ft. 8in. if fire isolated .....	2ft. 8in.
“ 1,000 “ “ 2,000..	1 2ft. 8in.....	6ft.
“ 2,000 “ “ 4,000..	1 3ft. 4in.....	6ft. 8in.
“ 4,000 “ “ 6,000..	2 3ft. 4in.....	8ft. 4in.
“ 6,000 “ “ 8,000 {	1 5ft. 0in.....	10ft.
	1 3ft. 4in.....	
“ 8,000 “ “ 10,000..	2 5ft. 0in.....	13ft. 4in.
“ 10,000 “ “ 12,000 {	1 3ft. 4in.....	15ft.
	3 5ft. 0in.....	
“ 12,000 “ “ 14,000 {	2 5ft. 0in. {	16ft. 8in.
	2 3ft. 4in. { One 5ft. stair to be fire isolated	
“ 14,000 “ “ 16,000 {	3 5ft. 0in. {	18ft. 4in.
	1 3ft. 4in. {	
“ 16,000 “ “ 18,000..	4 5ft. 0in. {	20ft.
“ 18,000 “ “ 20,000 {	4 5ft. 0in. {	23ft. 4in.
	1 3ft. 4in. { Two stairs to be fire isolated	
“ 20,000 “ “ 22,500..	5 5ft. 0in.....	25ft.
“ 22,500 “ “ 25,000 {	2 3ft. 4in. {	26ft. 8in.
	4 5ft. 0in. { Two 5ft. stairs to be fire isolated	

The width of stairs in Tables A and B from the third to the sixth floors may be reduced to the width required for the next lower area, and from the sixth floor upwards may be again reduced to the width required for the next succeeding lower area, but no stairs shall be reduced to a less width than 3ft. 4in., except for a floor area of 1,000sq. ft. or less. If it is impracticable to provide the number of stairs required in Table A or Table B, the total width required by such tables may be provided in such manner as may be approved by the Council.

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- Doors to staircases.** 29. Doors to fire-enclosed staircases shall be fire-resisting doors, and all doors shall be not less than 6ft. 6in. in height, and open on to landings. Doors shall be fitted with approved fastenings, and open outwards; doors abutting on a street shall be recessed so as not to encroach on the public way, or may open inwards if they are locked back flush with the wall into a recess in such a manner as to require a key to release them. 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.
- Internal approaches to doorways.** 30. No aisle shall be less than 2ft. 8in. wide. The aggregate width of aisles or gangways shall be equal to the egress space required. No corridor or passage-way shall be less in width than the egress space required for doors opening thereon, and shall be not less than 8ft. in height. Corridors and passage-ways passing under a staircase shall not be less than 7ft. in height under such staircase. All passage-ways and means of egress shall be lighted and ventilated.
- Escape stairs.** 31. (1) External escape stairs may, with the consent of the Council, be erected in lanes from the level of the first floor upwards, if such stairs are constructed of metal not less than  $\frac{1}{4}$ in. in thickness, or of jarrah or other fire-resisting timber not less than 2in. thick. From the level of the first floor downwards the stair shall be continued as an internal stair, and, where necessary, fire isolated.
- (2) All windows within 5ft. of an external escape stairs shall be constructed with metal frames and sashes, and be glazed with wire rolled plateglass.
- Gangways.** 32. Gangways may, with the consent of the Council, be erected over lanes to connect buildings in the one occupation, if such gangways are constructed of fire-resisting materials.

## PART VIII.

## STEEL FRAME AND REINFORCED CONCRETE CONSTRUCTION.

*Steel Frame Construction.*

Every person who erects or constructs any building on the steel or iron frame system, or alters any building constructed on the said system, shall comply with the following requirements:—

- Wind pressure.** 1. (1) All such buildings shall be designed so as to resist a wind pressure in any horizontal direction of 25lbs. per square foot.
- (2) Calculations for wind pressure need not be supplied to the surveyor when the height of the building does not exceed four times the least width thereof.
- Skeleton framing.** 2. 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 bearing thereon, together with the live load on such floors and roofs.
3. 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.
- Pillars.** 4. (1) The pillars supporting all iron or steel girders that carry walls or fire-resisting floors or roofs shall be of iron or steel, and shall be completely enclosed and protected from the action of fire as hereinafter provided.
- (2) In this Part the term "pillar" includes all columns and stanchions, and also includes an assemblage of sections forming columns or stanchions properly riveted or bolted together.
5. Girders to support the enclosing walls shall be fixed at, or within 4ft. of, the floor line of each storey.
6. No steel or wrought iron pillar shall in any part be less than  $\frac{1}{4}$ in. thick, nor shall any such pillar have an unsupported length of more than 40 times its least lateral dimensions, or more than 160 times its least radius of gyration.
7. The ends of all such pillars shall be a true surface at right angles to the axis.
8. All joints in such pillars 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.
9. The

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9. The foot of all such pillars shall have a proper baseplate riveted thereto with sufficient gusset pieces to properly distribute the load on the foundations.

10. Where any such pillars are built up hollow, the cavities shall be filled up with cement concrete.

11. In any cast-iron pillar, the metal shall not be, in any part, of less thickness than  $\frac{3}{4}$  in., or less than one-twelfth of the least lateral dimension, and holes shall be drilled on each side of the cast-iron columns to determine the thickness of the metal. Such pillar shall not have an unsupported length of more than 20 times its least lateral dimension, or more than 80 times its least radius of gyration.

12. The caps and bases of such pillars shall be in one piece with the columns, or be connected thereto with a properly turned and faced joint, sufficiently fixed.

13. All such pillars shall be turned or faced top and bottom to a true face at right angles to the axis when in contact with metal.

14. All joints in such pillars shall be at or near the level of a floor, and shall be fixed and made with not less than four bolts at least  $\frac{3}{4}$  in. in diameter.

15. The foot of all such pillars shall have such area as may be necessary to properly distribute the load on the foundations.

16. All girders that carry walls, floors, or roofs shall be of wrought iron or mild steel. Girders.

17. All staircases shall be constructed throughout of fire-resisting materials, and be carried upon supports of fire-resisting materials. Staircases.

18. Buildings which do not exceed the limit of height allowed for non-fire-proof construction may have alternate floors constructed with timber joists. Not more than three such floors shall be so constructed. All other floors shall be of fire-resisting construction. Floors.

19. All iron or steel used in the construction of any floor or staircase landing shall be encased in concrete, brickwork, terra cotta, or metal lathing and plaster or cement, without any wood cradling. Iron or steel in floors, &c.

20. All structural metal work shall be cleaned of all scale, dust, and rust, and, except where in contact with concrete, be thoroughly coated before erection with one coat of boiled oil, paint, or other approved material, and after erection shall receive at least one additional coat. Structural metal work.

21. In pillars, the actual working stress per square inch shall not exceed that given in the following Table, and in like proportion for intermediate ratios :— Maximum stress in pillars.

Where the length divided by 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	....	5.0	....	3.7
40	....	3.0	....	5.5	....	3.9
20	....	3.5	....	6.0	....	4.0

22. 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.

23. The actual working stress of iron and steel, except in the case of pillars as hereinbefore set out, in tons per square inch of sectional area, shall not exceed that given in the following Table :— Maximum stress in other cases.

	Tension	Compression	Shearing	Bearing
Cast iron	1 $\frac{1}{4}$	6	1 $\frac{1}{2}$	8
Wrought iron	5	5	4 $\frac{1}{2}$	8
Mild steel	7 $\frac{1}{2}$	7 $\frac{1}{2}$	6	10
Cast steel	6	10	6	10

24. All

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- Method of encasing pillars. 24. All pillars shall be protected at all places with a layer of concrete, brick, or terra cotta.
- Concrete. 25. Concrete shall be of such thickness as to fill all outer spaces of the pillars, and to extend at least 3in. outside of the extreme metal of the columns. Concrete shall be composed of one part of Portland cement, two parts of sand, and four parts of broken stone, broken brick, broken terra cotta, or clinker, of not more than  $\frac{3}{4}$ in. gauge. A mesh of metal lath or other metal reinforcement shall be placed in this concrete, not less than 1in. from the outer surface thereof.
- Brick. 26. Brick shall be at least 4 $\frac{1}{2}$ in. thick outside of pillar metal, and be set in cement mortar. The main re-entrant portions of the pillar shall also be filled with brick or concrete.
- Terra cotta. 27. Terra cotta shall not be less than 4in. thick. A space of 1in. shall be left between the metal of the column 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 fastened with metal ties.
- Method of encasing beams and girders. 28. In all cases, proper connections must be made at floors and ceilings.
29. Beams and girders shall be protected as specified for pillars, except that the covering shall be at least 2in. in thickness. Soffits of beams and girders shall have, when protected by concrete, metal binding embedded in the concrete.
- Curtain and enclosure walls. 30. (1) Curtain walls may be built of stone, brick, or terracotta blocks. If the height of a curtain wall supported on the horizontal framework of a building exceeds 24ft., or the area between the adjacent vertical or horizontal framework exceeds 480ft. super., it shall be not less than 13 $\frac{1}{2}$ in. thick. Curtain walls of less dimensions may be 9in. thick.
- (2) All brickwork shall be executed in cement mortar, and shall be bedded close up to the iron or steel without any cavity between, and all joints shall be made full and solid. Nothing in this regulation shall prevent the use of stone as an external facing for buildings: Provided that all work faced with stone shall be 4in. thicker than hereinbefore provided, unless bonded in not less than half-brick thicknesses.
- (3) Enclosure walls of reinforced concrete may be used as provided for under the heading "*Reinforced Concrete Buildings.*"
- (4) In this regulation "curtain wall" means a wall built between the vertical or the vertical and horizontal framework of a building, and which does not carry any load other than its own dead weight.
- Self-supporting walls. 31. Self-supporting walls, built in between columns or piers, and not supported on steel or iron girders, shall be not less than 13 $\frac{1}{2}$ in. thick for the four upper storeys, and shall be increased 4 $\frac{1}{2}$ in. in thickness every additional four storeys downwards. Self-supporting walls shall be executed in cement mortar, and shall not be used for bearing walls.
32. Openings shall not be made in curtain walls without the approval in writing of the surveyor.
- Reinforced Concrete Buildings.*
- Designs to be submitted. 33. Every person proposing to erect a building in whole or in part in reinforced concrete shall 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 material, and a general description of the building. No person shall erect or alter, or commence to erect or alter, any such building until the plans have been approved in writing by the surveyor.
- Wind pressure. 34. (1) All buildings shall be designed so as to resist a wind pressure in any horizontal direction of 25lbs. per square foot. .
- (2) Calculations for wind pressure need not be supplied to the surveyor when the height of the building does not exceed four times the least width thereof.
35. The nature of the materials to be employed in the preparation of the concrete, and the proportions in which they are to be mixed, shall be stated in the description.
36. No reinforced work shall be carried out except under the immediate and continuous supervision of a builder or his foreman who has had not less than 12 months' practical experience in the actual execution of this form of construction.
37. All



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37. All cement used shall be cement in accordance with the British Engineering Standard Committee's specifications for the time being in force. Aggregate shall be composed of clean, sharp, coarse sand and approved gravel, quartzite, or other recognised material of suitable coarseness. Cement and aggregate.

38. Steel shall be of the following quality :—

Ultimate tensile strength, not less than 56,000lbs. per square inch. Elastic limit, not less than 50 or more than 65 per centum of ultimate strength. Elongation, not less than 20 per centum in length of 8in. A bar of steel shall bend cold 180° flat on itself without fracture of the outside fibres. The steel shall be free from grease, tar, paint, oil, mud, dirt, or foreign matter ; if the steel has more than a thin film of rust, it shall be cleaned before being placed in the work. Quality of steel.

39. The following details as to workmanship shall be observed :—

- (1) All reinforcing rods shall be placed and maintained in the exact position shown in the drawings. Erection concrete.
- (2) The quantity of cement shall be determined by weight, and 94lbs. shall be deemed to be equivalent to 1 cu. ft. The ingredients of the concrete shall be so thoroughly mixed that the cement will be uniformly distributed throughout the mass, and that the resulting concrete will be homogeneous. Concrete shall be composed of one part cement and not more than two parts sand and four parts of gravel or approved stone of gauge not exceeding  $\frac{3}{4}$ in.
- (3) Concrete shall be prepared only in such quantities as are required for immediate use, and shall be put in place immediately after mixing, and uniformly rammed. If in a plastic state, the ramming shall be continued at least until water appears on the surface. In ramming, properly shaped stamps of appropriate weight shall be used.
- (4) The concrete shall be filled in in separate layers not exceeding 6in. in thickness, and each layer shall be thoroughly rammed.
- (5) Main walls must be commenced and raised simultaneously throughout their whole length, unless otherwise sanctioned in writing by the surveyor. Good connections with adjoining cross walls shall be made. Layers which complete a storey must be finished off level.
- (6) Forms for concrete shall be tight, so that concrete does not leak through cracks or holes, and shall be thoroughly cleaned before use.
- (7) The forms shall possess sufficient resistance to bending and to shaking during ramming, and shall be so arranged as to be removable without disturbing the forms and supports which it is necessary to leave for any remaining portion of the work.
- (8) Shaking shall be avoided in removing the forms and supports.
- (9) No column or girder shall be left in an uncompleted state at the end of the day, and once the concreting is commenced it shall be carried on continuously until completed. Joints shall be formed only in such positions and in such manner as will not injure the strength of the completed structure.
- (10) When a fresh layer of concrete is to be laid on the surface of a recently laid layer, the surface shall be thoroughly wetted. When work is recommenced on a layer of hardened concrete, the old surface must be scratched, swept clean, and wetted with grout of neat cement and water.
- (11) Until sufficiently hardened, the concrete must be protected from the action of frost, or from premature drying, and also from shaking or overloading.

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- (12) Except with the written consent of the surveyor, the casings of concrete columns, side casings of beams, and the flat forms of floors of 5ft. or under, shall not be removed less than seven days, and all other centreing and struts shall not be removed less than fourteen days, after the completion of the ramming. In no case is centreing to be struck until the concrete is thoroughly set.
- (13) Concrete shall not be poured or filled in against the walls of an existing building unless the walls of such building are protected with waterproof building paper or other material approved by the surveyor so as to prevent the concrete adhering to the said walls.
- (14) A time-book of the work shall be kept, and shall be at all times open to inspection on the works.

**Powers of surveyor.**

40. The surveyor shall, for the purpose of due supervision of the construction of a building, be furnished with reasonable proof as to the quality of materials to be used in such construction, and may, if not furnished with such proof to his satisfaction, or for any other reason, require the builder or other person causing or directing the work to be executed to make any tests which the surveyor may consider necessary.

41. If at any time during construction, or within two months after the completion of the reinforced concrete construction, it is found necessary to test any part of such construction by reason of any sign of weakness or faulty work appearing in the construction, the builder or other person causing or directing the work to be executed shall make such tests as the surveyor may consider necessary, and in the event of the surveyor being satisfied that such construction is not as required by the provisions of these regulations, it shall be reconstructed and reinstated in accordance therewith.

42. The stresses induced in all parts of a structural member by its test load shall be the same as if the member were subjected to the dead load plus twice the live load. A period of not less than six weeks shall elapse between the date of construction and the date of test.

43. Reinforced concrete, the subject of these regulations, shall be concrete reinforced by metal so combined that the metal will—

- (a) be sufficient to take up all the direct tensile stresses ;
- (b) assist in the resistance to shear ; and
- (c) assist in the resistance to compression where necessary.

**Sustaining capacity of skeleton framework.**

44. The skeleton framework of a reinforced concrete building shall be capable of safely and independently sustaining the whole dead load and the super-imposed load bearing upon such framework.

The dead load of a building consists of the actual weight of walls, floors, roof, partitions, and all other permanent constructions comprised in such building.

The super-imposed load in respect of a building consists of all loads other than the dead load.

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

46. 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.

**Determination of external forces.**

47. For the purpose of determining external and internal forces and stresses the following provisions shall apply :—

- (1) In members subjected to bending, the moments and reactions are to be calculated by the formulæ for freely supported or continuous beams, according to the mode of support and distribution of load.
- (2) For freely supported decking, the free opening, and, for continuous decking, the distance between centres of support, or the distance between the main vertical sides of the supports, plus the effective depth of the beam or slab, whichever may be the lesser, is to be taken as the span.

(3) For

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- (3) 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; the decking shall be reinforced to take full negative bending moments.
- (4) The same rule applies to 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.
- (5) For T beams the floor slab is not to be taken into account for a width of more than one-fourth of the span of the beam, or three-quarters of the distance between two adjacent beams or fifteen times the effective depth of the floor slab, whichever is the least.
- (6) Where the principal slab reinforcement is parallel to the beam, transverse reinforcement shall be provided extending well into the slab, so as to ensure an effective bond between beam and slab.
- (7) The fire-protection covering of floor slabs shall not be included in computing the compression stresses of the T beam.
- (8) For columns, the possibility of eccentric loading is to be taken into account.
- (9) The modulus of elasticity of steel is to be taken as 15 times that of concrete, unless a different ratio is ascertained, viz.: steel, 30,000,000lbs. per square inch, and concrete 2,000,000lbs. per square inch.
- (10) 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.
- (11) The shearing stresses in the planes perpendicular to the neutral axis and in the planes parallel to the neutral axis as well as the shear forces tending to separate the flanges from the web of T beams 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.
- (12) Unless steel for reinforcement is of such form that displacement relatively to the concrete is prevented, the adhesive stresses must be calculated.
- (13) Calculations of the flexure of columns are to be made whenever the height exceeds 18 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 20 times the diameter of the rods. In calculating the strength of columns, not more than 2 per centum of the sectional area shall be considered as steel reinforcement.
- (14) Euler's, Gordon's, or other standard formula approved by the surveyor may be used in calculating the strength of long columns.

48. In members subjected to bending, the extreme fibre stress in the concrete in compression may be allowed to reach 600lbs. per square inch, and the tensile stress as nil; the tensile and compressive stresses in the steel shall not exceed 16,000lbs. per square inch, and the shearing stress shall not exceed 10,000lbs. per square inch; the tensile stress for hard cold-drawn steel wire, having an ultimate tensile strength of not less than 80,000lbs. and an elastic limit of not less than 40,000lbs., shall not exceed 20,000lbs. per square inch; when the concrete is not poorer than one in the proportion of 1, 1½, 3, the extreme fibre stress in compression shall not exceed 700lbs. per square inch.

Permissible stresses.

49. In columns other than hooped columns, the concrete is not to be stressed beyond 500lbs. per square inch. This may be increased up to 600lbs. per square inch, subject to the approval of the surveyor, with specially rich mixtures of concrete. In calculating the steel reinforcement for flexure a factor of safety of five is to be allowed.

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50. The shearing stress in the concrete is not to exceed 65lbs. per square inch. When a greater resistance to shearing is shown, the working stress is not to exceed one-fifth of the ultimate strength.
51. The adhesive stress is not to exceed the permissible shearing stress.
- Enclosure walls. 52. Reinforced concrete enclosure walls shall not be less than 6in. thick. If the area of the wall surface included between any two adjacent wall columns and floor girders exceeds 300 sq. ft. and is less than 400 sq. ft., the thickness of the wall shall not be less than 8in. For any area over 400 sq. ft. the thickness shall be increased to the requirements of the surveyor. In reinforced concrete walls the sectional area of reinforcement shall aggregate not less than one-half per centum of the area of the concrete. Additional reinforcement shall be placed round openings, and all reinforcements secured at intersections.
53. Curtain walls and self-supporting walls of brick may be used as provided for under the heading "*Steel Frame Construction.*"
- Curtain walls. 54. Curtain walls of brick may be used as provided for under the heading "*Steel Frame Construction.*"
- Floor and roof slabs. 55. (1) Floor and roof slabs shall be not less than 3in. in thickness.  
(2) The spacing of rods shall not be greater than three times the effective depth of the slabs.  
(3) Slabs shall contain not less than one-eighth of 1 per centum of the sectional area in the form of distributing rods, which shall be secured to main rods at every second intersection.
- Protection of steel. 56. The minimum covering of concrete over any portion of the reinforcing steel shall be as follows :—  
(a) For flat plates or slabs, not less than  $\frac{3}{4}$ in.  
(b) For beams or girders, not less than 1 $\frac{1}{2}$ in.  
(c) For columns, not less than 2in.
- Chafing land. 57. The bases of columns in buildings of the warehouse class shall be protected against chafing by wood or other lagging.
- Party walls. 58. Party walls may be constructed of reinforced concrete if the adjoining buildings are erected simultaneously.

## Sec. 30.

## THE THIRD SCHEDULE.

## CONDITIONS TO BE OBSERVED BY PERSONS SETTING UP WOODEN BUILDINGS OR STRUCTURES.

- Height of external walls. 1. The external walls of every such building or structure shall not exceed in height 27ft., measured from the floor level to the top of the wall plates.
- Building to be wholly in one occupation. Distance from street and from other building. 2. Such building or structure shall be constructed or adapted for one occupation only.  
3. Such building or structure shall be distant at least 8ft. from any street or way and 10ft. or the height of the walls, whichever is the greater, from the boundaries of the land not in the same occupation, or from any brick building. The distance between any two wooden buildings shall not be less than 20ft., except in the case of outbuildings in connection with dwellings which comply with the provisions of regulation 11 of this Part.
- Additions. 4. No additions in any materials shall be made to any wooden building or structure which will decrease the insulation required for such building or structure, nor shall any wooden building or structure be erected in such a position as will nullify the insulation of any existing building or structure.

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5. The foundations for any walls of wood shall consist of redgum or jarrah stumps not less than 4in. by 4in., spaced not more than 4ft. apart, and sunk not less than 18in. below the natural surface of the ground. Foundation.
6. Wooden buildings, transported or removed either in whole or in part into the Municipality or from one part of the Municipality to another part shall, when completed, comply with all the provisions of these regulations in regard to the erection of new buildings. Removal and re-erection of wooden buildings.
7. The exterior surface of walls shall be covered with weatherboards, galvanized iron, fibro-cement sheets, stucco, or other materials approved by the surveyor. Weatherboards shall be of good, sound timber, free from large knots. Galvanized iron shall be of good quality not less than No. 26 gauge. Fibro-cement sheets shall be not less than three-sixteenths of an inch in thickness. Stucco or rough cast shall be applied to expanded metal lathing not less than No. 24 gauge, the first or scratch coat to be lime mortar gauged with cement and mixed with sufficient hair to thoroughly bind the same, the second coat to be cement mortar, and the final coat to consist of one part cement, one part lime, and three parts crushed stone, coke, or gravel. Exterior surface.
8. The interior surface of all walls and ceilings of wooden buildings of the domestic building class shall be finished in lath and plaster, or metal, asbestos, or fibrous plaster, but the surveyor may sanction in writing a wooden dado not exceeding 5ft. in height, and also the lining of the undersides of rafters in skillion roofs with tongued and grooved boards. Inner walls and ceilings.
9. Roofs shall be covered with tiles, slates, metal, or other fire-resisting materials. Roofs.
10. In the construction of all wooden buildings, except sheds, vermin plates shall be used. Vermin plates.
11. Outbuildings in connection with a dwelling-house, not more than two squares in area, or 8ft. in height, and not provided with a wooden floor, may be erected with studs of hardwood, covered with hardwood weatherboards, metal not less than 26 gauge, or cement sheeting not less than three-sixteenths of an inch in thickness. Such outbuildings shall be at least 5ft. from any dwelling-house or boundary of the allotment on which the dwelling-house stands unless the wall adjoining such dwelling-house or boundary, as the case may be, is of brickwork 9in. thick, and with parapet 12in. in height. Outbuildings not exceeding two squares in area.
12. Green-houses and sleeping-out porches attached to brick or stone buildings may have the necessary frame sashes and doors constructed of woodwork. Green-houses attached to buildings.

## THE FOURTH SCHEDULE.

Sec. 20 (1), (e).

## CONDITIONS TO BE COMPLIED WITH IN THE CASE OF STREET VERANDAHS AND PORTICOES.

1. Verandahs and porticoes shall be of cantilever form when practicable, and, unless otherwise permitted by the Council, the fascia shall finish flush with the face of the kerb.
2. All girders, rafters, purlins, and other framing shall be of steel or iron. Girders shall be encased and the underside of verandahs shall be lined if required by the surveyor and in the manner directed by him.
3. 2in. by 1in. redwood battens may be used for the encasing of girders and the attaching of the linings. The battens shall be secured to girders, rafters, and purlins by clip bolts, and no timber framing shall be used to support battens.
4. The cantilever and fascia girders shall not exceed 12in. in depth for verandahs over 12ft. in width, and 8in. in depth for verandahs less than 12ft. in width.
5. The roofs of cantilever verandahs shall have a pitch of  $\frac{1}{2}$ in. per foot towards the building, and shall be covered with No. 24 gauge galvanized corrugated iron **secured**

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secured to purlins with galvanized iron bolts or clips and washers at the top of corrugations. The iron shall be lapped two corrugations at sides and not less than 9in. at ends of sheets, and shall be riveted every 12in. at sides and at every third corrugation at ends.

6. Box gutters shall be formed at or near the building line and shall be made out of No. 24 gauge galvanized iron well lapped, riveted, and soldered at ends of each sheet, and be supported on metal straps.

7. Downpipes shall be of sufficient capacity to efficiently discharge rainwater falling on roofs. The first 6ft. length of pipes shall be wrought or cast iron. Pipes shall be chased to a height of 9ft. into walls or piers, or set back so as not to project beyond face of building, and shall discharge under footway into the street channel or be connected up to underground stormwater drains.

8. Skylights may be provided in verandahs over 12ft. in width. Glass shall be wire-rolled plateglass in single lengths set in approved glazing bars.

9. Pilar verandahs, when permitted, shall be of the form and dimensions approved by the Council.

Sec. 22.

## THE FIFTH SCHEDULE

## CONDITIONS TO BE COMPLIED WITH IN THE CASE OF SIGNBOARDS.

Every signboard affixed to the front of any building shall be placed vertically against the wall so as not to cover any portion of any window or architectural projections, and so as not to overhang or extend over any public footway more than 4in. A signboard shall not be nearer than 2ft. to the ends of the building to which it is affixed, unless the ends of such signboard abut against brick, stone, or cement corbels, piers, or pilasters, at the least 9in. wide on the face and projecting not less than 1in. in front of, and 3in. above and below, such signboard. A signboard shall be so fixed that its top edge shall not stand at a higher level than the top of the parapet at the rear of it: Provided that signboards may be erected at right angles to the building line in lanes and alleys 20ft. or less in width. The dimensions of such signboards shall not exceed 3ft. by 2ft., and shall not project more than 3ft. from the face of the wall to their extreme edge. The minimum height from the pavement or roadway to the underside of such signboards shall be 12ft.

Electric signs consisting of metal trough letters and fitted with electric light globes may be affixed to the front of buildings. Such signs shall be attached to metal frames secured to the wall of the building in a manner approved by the surveyor.

Sec. 25.

## THE SIXTH SCHEDULE.

## CONDITIONS TO BE COMPLIED WITH IN THE CASE OF MIRRORS AND SHOW CASES.

1. Show cases shall be constructed of plateglass with metal moulds or wood moulds encased in metal not less than 26 gauge.

2. Mirrors and show cases shall be affixed flat against a wall, pier, or pilaster.

3. Show cases shall not extend more than 4½in. from the face of such wall, pier, or pilaster.

4. Moulds shall not project more than ½in. beyond the face of the glass in any mirror or show case, except in the case of cap moulds more than 9ft. above the levels of the pavement.

5. Backs of mirrors and show cases and also the bases of show cases may be of three-ply hardwood.

6. Mirrors and show cases shall be detachable from walls, piers, or pilasters, and shall be fixed 12in. above the pavement level. Brackets approved by the surveyor may be used in addition to wall plugs.

7. Tiling on any wall, pier, or pilaster shall not project beyond the street alignment as fixed by the surveyor.

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## THE SEVENTH SCHEDULE.

Sec. 5.

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

## (a) For general purposes :—

Brickwork constructed of bricks, well-burnt, hard, and sound, or of bricks of other approved manufacture, properly bonded and solidly put together with mortar, compounded of lime or cement and sharp clean sand, hard, clean, broken brick, broken stone, grit, or hard clinker.

Granite and other stone suitable for building purposes by reason of its solidity and durability.

Iron, steel, copper, and other approved metals.

Slate, tile, brick, and terra-cotta, when used for coverings or corbels.

Flagstones when used for floors over arches, such flagstones not being exposed on the underside, and not being supported at the ends only.

Concrete composed of broken brick, tile, stone, pumice, or coke breeze mixed with sand and lime, cement, or calcined gypsum in approved proportions.

Reinforced concrete.

## (b) For special purposes :—

In the case of stairs and landings, oak, jarrah, red gum, or other hard timber, the treads, risers, strings, and bearings being not less than 2in. (nominal) thick, and the ceilings and soffits, if any, being of plaster or cement, approved asbestos sheeting, tongued and grooved jarrah, or other hardwood not less than  $\frac{7}{8}$ in. thick, or iron not less than No. 26 Birmingham wire gauge. Jarrah, red gum, and other approved hardwood, when used for beams or posts or in combination with iron or steel, the iron or steel, if any, being protected by plastering or other incombustible or non-conducting external coating, not less than 2in. in thickness.

In the case of floors :—Brick, tile, terra-cotta, or concrete, not less than  $4\frac{1}{2}$ in. thick, in combination with iron or steel, and reinforced concrete not less than 3in. thick.

In the case of roofs :—Brick, concrete, terra-cotta, or reinforced concrete.

In the case of verandahs, outside landings, the treads, strings, and risers of outside stairs, outside steps, and porches :—Jarrah, red gum, or other hard timber not less than 2in. thick (nominal).

In the case of internal partitions forming party structures, enclosing walls to lifts, staircases, and passages :—Reinforced concrete not less than 4in. thick, terra cotta not less than 6in. thick, brickwork, concrete, or other incombustible material not less than 9in. thick.

In the case of glazing for vertical party structures and fixed borrowed lights in partitions of fire-resisting construction :—Two thicknesses of wired glass not less than  $\frac{1}{4}$ in. in thickness, fixed not less than 2in. apart, in panels not exceeding 30in. by 24in., the panels being secured in approved metal frames. In the case of glazing for horizontal party structures :—Floor lights of glass not less than  $\frac{3}{4}$ in. in thickness, or more than 4in. square, set in metal or other incombustible frames ; this shall only apply to floors of lobbies, passages, and landings.

e) Any material from time to time approved by the surveyor as fire-resisting.

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Sec. 100.

## THE EIGHTH SCHEDULE.

## FEES PAYABLE TO THE COUNCIL.

The following fees shall be charged and received by the Council for acts done or to be done by the Council or the surveyor under the provisions of this Act, and for permits and licences issued by the Council :—

## A. FEES IN RESPECT OF NEW BUILDINGS OR ADDITIONS.

5s. per square up to 20 squares.

2s. 6d. per square over 20 squares.

1s. per square for each additional storey based on floor of greatest area. Minimum fee, 10s.; Provided that the minimum fee in respect of any application dealing with any outhouse or other appurtenance to be erected in connection with any building already erected at the time of such application, and the estimated cost of which does not exceed £50, shall be £s.

## B. FEES IN RESPECT OF STRUCTURAL ALTERATIONS.

For every structural alteration made to any building the fee shall be one-fourth of the fee charged in the case of new buildings or additions, but shall in no case be less than 10s.

## C. OTHER FEES.

For the following duties performed by the surveyor, where such duties are not performed incidentally to the building or rebuilding of or adding to or altering any building in respect of which any other fees may be payable, that is to say—

	£	s.	d.
Showcase or mirror .....	0	10	0
Construction of stairs .....	1	0	0
Cutting away chimney breasts, &c. ....	1	0	0
Arches or floors .....	1	0	0
Openings in party or external walls .....	0	10	0
Condemning party fence walls .....	0	10	0
Inspection and removal of ruinous buildings .....	2	0	0
Surveying party walls, &c. ....	1	0	0
Surveying hoardings.....	1	0	0
Installation of petrol tank .....	1	0	0
Erection or construction of room for the storage of petrol, films, carbide or other inflammable materials .....	1	0	0
Installation of new shop front .....	1	0	0
Installation of new shop front requiring the provision of new girders or columns .....	2	0	0
Furnace, chimney shaft, or similar shaft for ventilation or other purposes, if not exceeding 75ft. in height.....	2	0	0
If exceeding 75ft. and not exceeding 100ft. in height .....	2	10	0
For every additional 10ft. or portion of 10ft. in height .....	0	10	0
Carrying of a flue from an oven, stove, steam boiler, furnace, or close fire into an old flue.....	0	10	0

Computation fees in respect of reinforced concrete and frame construction buildings :—

One-tenth of 1 per centum on value of the building up to £10,000 ; and

One twenty-fifth of 1 per centum on the amount exceeding £10,000, but in no case less than £1.

Calculation fee on brick or stone buildings in which the floors are carried by internal pillars or columns—

1/15 of 1 per centum for first £10,000 ; and

1/30 of 1 per centum for the remainder.

Calculation fee for reinforced concrete or fire-resisting floors, including girders or beams, £2.

Calculation fee for reinforced concrete or fire-resisting floors without girders or beams, £1.

Calculation fee in connection with reinforced concrete stairs, £1.

Fees for special services :—In respect of any other act by any officer of the Council in respect of any permit, licence, or sanction issued by the Council not otherwise provided for, £1.