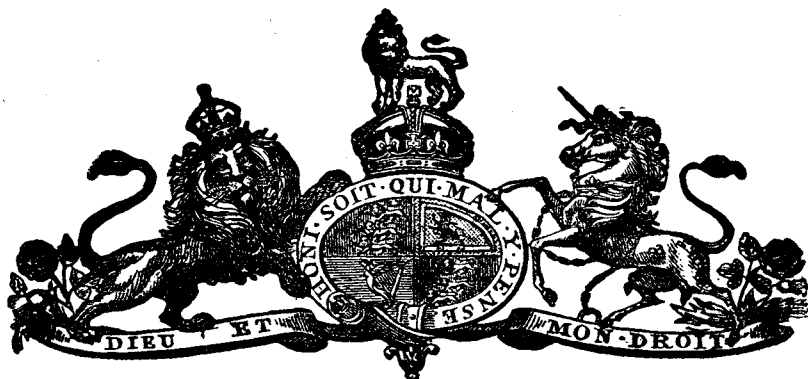


1383

TASMANIA.



1935.

ANNO VICESIMO SEXTO

GEORGII V. REGIS.

No. 84.

ANALYSIS.

- | | |
|--|---|
| <p>1. Short title.</p> <p>2. Amendment of 20 Geo. V. No. 44.
New section 158C
Subsidy to Tasmanian Museum trustees.</p> <p>3. Amendment of 21 Geo. V. No. 64.
New sections 28A and 28B.
Power to acquire Glenorchy rifle range.
Power to acquire land outside city.</p> <p>Section 38.
Incorporation of portions of 25 Geo. V. No. 47.</p> | <p>Section 71.
Interest on cost of extensions.</p> <p>New section 104A.
Culverts in lieu of retaining walls.</p> <p>Section 111.
Section 121.
By-laws, recreation grounds.</p> <p>New section 208A.
Residential areas and use of buildings for trade, &c.
Description of residential areas.
Description of classes of trades.</p> |
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AN ACT to amend the *Hobart Corporation Acts 1929-34.* [16 January, 1936.]

A.D. 1935.

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

1—(1) This Act may be cited as the *Hobart Corporation Act 1935.*

Short title.

(2) The *Hobart Corporation Acts 1929-34*, as amended by this Act, may be cited as the *Hobart Corporation Acts 1929-35*,

Hobart Corporation.

A.D. 1935.

Amendment
of 20 Geo.
V. No. 44.
New section
158C.

Subsidy to
Tasmanian
Museum
trustees.

2 The *Hobart Corporation Act* 1929 is hereby amended by inserting after section **158b** (inserted therein by the *Hobart Corporation Act* 1934) the following new section **158c** :—

“**158c** It shall be lawful for the Council to appropriate and grant out of the revenues of the Corporation to the trustees of the Tasmanian Museum and Botanical Gardens such annual subsidy or sum of money as may from time to time be determined by the Council.”

Amendment
of 21 Geo.
V. No. 64.

New
sections

28A & 28B. Power to
acquire
Glenorchy
rifle range.

Power to
acquire land
outside city.

3 The *Hobart Corporation Act* 1930 is hereby amended—

I. By inserting after section twenty-eight thereof the following new sections **28a** and **28b** :—

“**28A** It shall be lawful for the Council to purchase or acquire an area of land in the municipality of Glenorchy for the purpose of constructing a rifle range thereon, and to expend for such purpose a sum not exceeding twenty-five thousand five hundred pounds.

“**28B** The Council may, with the consent of the Governor, purchase or acquire such land in any part of Tasmania outside the city as it may deem necessary to be acquired for the purpose of executing or carrying-out any of the works or undertakings authorised by this Act or by any other Act relating to the Corporation.” :

Section 38.

Incorporation of
portions of 25
Geo. V.
No. 47.

II. By repealing section thirty-eight and substituting therefor the following new section thirty-eight :—

“**38** The provisions of sections seven to fourteen, twenty-six to twenty-nine, thirty-one, and thirty-three to thirty-five of the *Towns Act* 1934 shall, so far as the same are not inconsistent with this Act, be incorporated with this Act, and, for the purposes of such incorporation, the expressions ‘Council,’ ‘town,’ and ‘warden,’ when occurring therein, shall be read as meaning and implying ‘the City Council,’ ‘the City,’ and ‘the Lord Mayor,’ respectively.” :

Section 71.
25 Geo. V.
No. 69.

Interest on
cost of
extensions.^a

III. As to section seventy-one thereof, by expunging subsection (2), inserted by section three of the *Hobart Corporation Act* 1934, and substituting therefor the following new subsections (2) and (3) :—

“(2) All interest on the capital cost of the extensions mentioned in subsection (1), together with the costs and expenses incurred in attempts to collect the same, shall be and remain a first charge upon the property in respect of which the same are due, and if such property is subdivided and sold, each allotment shall remain charged with, and

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the owner thereof shall become liable for, a part of the interest so payable as aforesaid in the proportion which the area of such allotment bears to the whole of such property.

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(3) All such interest, costs, and expenses, and such proportion thereof as aforesaid, shall also be recoverable in the same manner and by the same process as any city rate, and such charge shall be enforceable in the manner provided by sections one hundred and thirty-three and one hundred and thirty-four of the *Hobart Corporation Act 1929.* :

- IV. By inserting after section one hundred and four thereof the following new section **104A** :—

New section 104A.

“**104A**—(1) The Council may, in lieu of calling upon the owners of land abutting upon the said rivulets, or any part thereof, to erect retaining walls, as provided in section eighty-three, require such owners to construct and lay down culverts or pipes along the bed, or any portion of the bed, of the said rivulets. Culverts in lieu of retaining walls.

(2) Such culverts or pipes shall be constructed of such materials, and with such joints, and to such specifications and requirements, and be laid down in such position, and with such foundations, and covered in such manner as the Council shall in each case direct.

(3) All the provisions of Division (3) of this Part relating to retaining walls shall, as far as practicable or necessary, be extended to and made applicable to the construction, laying down, maintaining, and repairing of culverts and pipes to be constructed and laid down under the provisions of this section.” :

- V. By inserting at end of section one hundred and eleven the following new paragraph v. :—

Section 111.

“v. The provisions of this section restricting the leasing of the North Hobart Recreation Ground to a period of five years shall apply only to the oval thereon, and the remainder, or any part thereof, may be leased for any period not exceeding twenty-one years.” :

- VI. By inserting after paragraph iv. of section one hundred and twenty-one thereof the following new paragraph iv.A :—

Section 121.

“iv.A Preventing the disfigurement of, and damage to, any monument or memorial, and regulating, controlling, or prohibiting the use of the site on which any such monument or memorial is erected and the immediate surroundings thereof.” : By-laws, recreation grounds.

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New section 208A.

Residential areas and use of buildings for trade, &c.

Description of residential areas.

Description of classes of trades.

VII. By inserting after section two hundred and eight thereof the following new division and section :—

“ *Division XIII. A—Residential Areas.*

208A—(1) The Council may make such by-laws as to the Council seems meet for the purposes following :—

Prescribing areas within the city as residential areas, and prohibiting or regulating within the whole or any part of any such residential area the use of any land or the erection (including adaptation for use) or the use of any building for the purposes of such classes of trades, industries, manufactures, businesses, or public amusements as are specified in the by-law :

Provided, that no such by-law shall preclude the continuance of the use of any land or any building for any purpose for which the same was used immediately before the coming into operation of the by-law, or the enlargement, rebuilding, or extension of any building used for any such purposes whether or not such enlargement, rebuilding, or extension involved the use of adjoining land which, immediately before the coming into operation of the by-law, was in the same ownership, or for such other purpose as the Council thinks reasonable in the circumstances.

(2) In any by-laws prescribing residential areas under this section it shall be sufficient—

- i. If any such residential area is described by reference to streets or roads or portions thereof, and land abutting thereon to a depth specified in the by-law ; and
- ii. If the by-law specifies that it applies with respect to—
 - (a) All classes of trades, industries, manufactures, businesses, or public amusements ; and
 - (b) Any classes of trades, industries, manufactures, businesses, or public amusements mentioned in the by-law : or
 - (c) All classes of trades, industries, manufactures, businesses, or public amusements except those mentioned in the by-law.”