

THE LAUNCESTON BUILDING ACT, 1912.

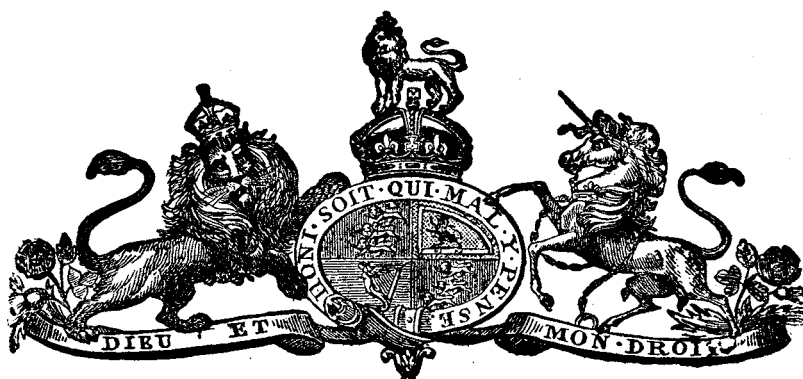
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10d.]



TASMANIA



1912.

ANNO TERCIO

GEORGII V. REGIS.

No. 10.

AN ACT to further amend "The Launceston Building Act, 1894." [6 December, 1912.]

A.D.
1912.

WHEREAS it is expedient to further amend "The Launceston Building Act, 1894," in the manner hereinafter appearing:

PREAMBLE.
58 Vict. No. 32.

Be it therefore 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 This Act may be cited as "The Launceston Building Act, 1912." Short title.

2 In this Act the expression "the said Act" shall mean "The Launceston Building Act, 1894." Interpretation.

3 The words "and which does not exceed Ten feet in height and is all on one floor" are inserted at the end of, and as part of, the interpretation of "outbuilding" in Section Three of the said Act. Amendment of Section 3 of 58 Vict. No. 32.

4 The words "as defined by the 'Launceston Corporation Act'" occurring at the end of Section Four of the said Act are hereby expunged. Amendment of Section 4 of 58 Vict. No. 32.

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Amendment of
Section 6 of 58
Vict. No. 32.

5 The Two paragraphs occurring in Section Six of the said Act, each of which commences with the words "all outbuildings which, if built of wood, are at least," and comprising from the Fifteenth to the Twenty-second lines inclusive of the said section, are hereby expunged, and the following paragraphs are inserted in lieu thereof:—

"All outbuildings which are at least Five feet distant from every boundary-line of every adjoining property (or have a good brick, stone, or cement concrete parapet-wall towards such boundary-line), and are at least Five feet distant from every wall of every building other than another outbuilding":

And "buildings for workshops or for stores constructed of timber-framing, sheeted outside with corrugated galvanized iron to the satisfaction of the surveyor, which are at least Five feet distant from every boundary-line of every adjoining property, and at least Five feet distant from every wall of every building."

The words "erected on brick piers or iron pillars" occurring in the Twenty-third line of Section Six of the said Act are hereby expunged, and the words "or have a good brick, stone, or cement concrete wall towards such street, and provided also such sheds are at least Five feet from every boundary-line of every adjoining property, or have a good brick, stone, or cement concrete parapet-wall towards such boundary-line" are inserted after the word "street" in the Twenty-ninth line of the said section.

The words "other than outbuildings" occurring in the Thirtieth line of Section Six of the said Act are hereby expunged, and the words "other than such buildings, outbuildings, buildings for workshops or for stores, and sheds for business purposes as are exempted by the foregoing paragraphs of this section" are hereby inserted in lieu thereof

The word "cement" is hereby inserted before the word "concrete" in the Thirty-seventh line of Section Six of the said Act.

The parapet-walls hereinbefore in this Act mentioned shall be carried up One foot at the least above the highest part of the roof-flat or gutter of the building or shed.

Amendment of
Section 15 of 58
Vict. No. 32.

6 The words "cement concrete" are hereby inserted after the word "brick" in the Fifth line, and also in the Twenty-sixth line, of Section Fifteen of the said Act, and also after the word "stone" in the Fifteenth line of the same section.

Amendment of
Section 23 of 58
Vict. No. 32.

7 The word "cement" is hereby inserted before the word "concrete" in the Third line of Section Twenty-three of the said Act, and the words "and such cement concrete, asphalt, or other damp-proof material shall be put in, rammed, and smoothed immediately after the roof of such building has been put on" are hereby inserted at the end of the said section

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8 The words "or iron and" occurring in the Fourteenth line of Section Twenty-eight of the said Act are hereby expunged, and the words "cement concrete or iron (provided that if of iron the iron must be covered and protected in every part by at least One inch of cement mortar in the form of plastering held in position by expanded metal or other form of metallic lathing to the satisfaction of the surveyor), and such opening shall," are hereby inserted in lieu thereof.

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Amendment of
Section 28 of 58
Vict. No. 32.

The words "or by Two doors of reinforced cement concrete or other fire-resisting material of such form and so fitted as shall be approved by the surveyor" are hereby inserted after the word "kind" in the Eighteenth line of Section Twenty-eight of the said Act.

The words "cement concrete" are hereby inserted after the word "brick" in the Twenty-first line of Section Twenty-eight of the said Act.

9 The plans and tracings to be submitted in accordance with Section Thirty-three of the said Act, and the working plans to be lodged in accordance with Section Thirty-seven of the said Act, and the plan to be forwarded in accordance with Section Forty-seven of the said Act, shall, in every case where it is intended to use reinforced concrete for or in any building, verandah, portico, or awning, clearly and plainly show and define the position and size of the reinforcements; and all the full calculations used in working out the dimensions of the steel proposed to be used shall also be submitted, lodged, and forwarded as part of such plans; and all such reinforcements shall be to the satisfaction of the surveyor.

Reinforcements to
be shown in plans.

10 Every public building occupied or intended to be occupied as a place of amusement, or for the congregation of people together, which is not a new building as defined by Section Eight of the said Act, shall nevertheless be altered, if necessary, by the owner so that by and after the First day of January, One thousand nine hundred and thirteen, all doors without exception open outwards.

Doors in public
buildings to open
outwards.
Cp Section 29
of 58 Vict. No. 32.

Provided that the surveyor may, if he shall think advisable, by writing signed by him, from time to time permit for any length of time any specified door or doors in any such public building to continue to open inwards.

Exception.

11 If any person shall after the First day of January, One thousand nine hundred and thirteen, permit, suffer, or allow more than Twenty persons to congregate in any public building occupied or intended to be occupied as a place of amusement, or for the congregation of people together, which has any door therein which does not open outwards, such person shall have every such door securely bolted open during such time as there are more than Twenty persons in such building, so that in the event of any alarm there will be no likelihood of the door shutting or of any person being pushed behind such door.

Doors not opening
out to be bolted
open.

12 The word and figure "Schedule (3)" occurring in the Second and Third lines respectively of Section Thirty-seven of the said Act are

Amendment of
Section 37 of 58
Vict. No. 32.

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hereby expunged, and the words "the Second Schedule annexed hereto" are hereby inserted in lieu thereof.

Amendment of
Section 43 of 58
Vict. No. 32.

13 The words "but no footpath in any street shall be blocked for more than Four weeks, except with the consent in writing of the surveyor, and when and as soon as the wall abutting on such footpath has been built, altered, or repaired as high as Twelve feet above the level of the footpath, or when and as soon as a period of Four weeks from the time of the commencement of the erection of such hoard, or fence, or scaffold has expired, whichever event shall first happen, every such person shall construct a covered gangway of such width and height and of such materials as the surveyor shall from time to time think desirable, and enable the said footpath or any part thereof as to the surveyor shall seem advisable to be continuously and safely used," are hereby inserted after the word "night" in the Seventeenth line of Section Forty-three of the said Act; and the words "or who shall fail to construct such gangway as aforesaid" are hereby inserted after the word "night" in the Twenty-first line of Section Forty-three of the said Act.

Protection of
footpaths, kerbs,
and gutters.

14 It shall not be lawful for any person to drive, propel, or in any way take, and no builder shall permit, suffer, or allow any person to drive, propel, or in any way take, any cart or other vehicle or any building material or engine or other appliance or any animal on to, across, or upon any footpath, kerb, or gutter for any purpose connected with the work of building, taking down, altering, or repairing any building or wall, or connected with the preparations for any such work, unless such footpath, kerb, or gutter is duly protected by timber or other guards securely fastened of such thickness and in such manner as the surveyor shall in each case deem satisfactory. And every builder shall, before commencing any work or preparations as aforesaid, ascertain from the surveyor what guards and what fastenings he deems satisfactory, and shall protect, and at all times during the continuance of such work and such preparations shall keep protected, such footpath, kerb, or gutter by such guards so fastened, and on the completion of the work shall forthwith remove such guards. And the surveyor may from time to time, in writing, notify any builder that he does not deem any such guards or fastenings satisfactory, and require the same to be altered as in such writing specified, and thereupon (although such guards and fastenings may have been previously deemed satisfactory) the same guards and fastenings shall not be deemed satisfactory, and the builder shall forthwith alter the same as required.

Repeal and re-
enactment of
Section 50 of 58
Vict. No. 32.

15 Section Fifty of the said Act is hereby repealed, and the following section is hereby inserted in lieu thereof:—

"**50** If such order is not complied with, the builder on whom it is made shall incur a penalty not exceeding Five Pounds a day, to be recovered before any Two justices of the peace during every day of the continuance of such non-compliance, and in addition thereto the

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surveyor may, if he thinks fit, proceed with a sufficient number of workmen to enter upon the premises, and do all such things as may be necessary for enforcing the requisitions of such notice, and for bringing any building or work into conformity with the rules of this Act; and all expenses incurred by him in so doing, and in any such proceedings as aforesaid, may be recovered from the builder on whom such order was made in a summary manner before any Two justices of the peace, or may be recovered from the owner of the premises in the same manner; and if the owner cannot be found, or if on demand he refuses or neglects to pay the aforesaid expenses, the surveyor shall have the same power of selling the building in respect of which the order is made, and of applying the proceeds, as is by Part II. of this Act given to the Council with regard to expenses incurred by the Council in respect of any building, wall, hoarding, or other structure by virtue of Part II. of this Act.”

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16 The heading “Dangerous Structures” and Sections Fifty-seven, Fifty-eight, Fifty-nine, Sixty, and Sixty-one in Part II. of the said Act are hereby repealed, and the following heading and sections are hereby inserted in lieu thereof:—

Repeal and re-enactment of portion of Part II. of 58 Vict. No. 32.

“Ruinous or Unsuitable Structures.”

57 Whenever it is made known or reported to the Council that any building, wall, hoarding, or other structure is, or any part of the same is, in any of the conditions following; that is to say, is—

Survey may be required of certain structures.

- i. In a ruinous or an unsafe or a dangerous state : or
- ii. So far dilapidated as to be unfit for occupation or use : or
- iii. A receptacle for or a shelter or screen for filth or deposit of filth : or
- iv. From neglect or otherwise, unsightly or a disfigurement to the neighbourhood : or
- v. Used for human habitation or occupation, and is unfit for human habitation or occupation : or
- vi. Out of repair, or in its external or internal design or construction or otherwise unsuitable for the locality in which it is situated : or
- vii. Damp and unfit, or, from the effects of damp, unfit for occupation or use—

the Council may require a survey of such building, wall, hoarding, or other structure to be made by the surveyor or by some other competent surveyor; and it shall be the duty of the surveyor to make known to the Council any information or knowledge from time to time received or obtained with respect to any such building, wall, hoarding, or other structure being in any of the conditions aforesaid.

58 Upon the completion of the required survey the person making the same shall certify to the Council his opinion as to the condition of such building, wall, hoarding, or other structure.

Certificate of survey to be given.

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Notice may be served.

“**59** If the opinion in such certificate is to the effect that such building, wall, hoarding, or other structure is in any of the conditions mentioned in Section Fifty-seven, or if the Council shall without or irrespective of any such survey and certificate be of opinion that any building, wall, hoarding, or other structure is in any of the conditions mentioned in Section Fifty-seven, the Council may cause notice in writing of such opinion to be served on the owner or occupier of the land on which such building, wall, hoarding, or other structure is, and by the same notice or a subsequent notice to be served on such owner or occupier may require such owner or occupier to take down, secure, remove, or repair the same as to the Council shall seem expedient; and the Council may, if considered advisable, shore up or otherwise secure the same, and put up a hoarding or fence for the protection of the public, pending such taking down, securing, removal, or repairing.

Proceedings on non-compliance with such notice.

“**60** If the owner or occupier on whom a notice is served requiring such owner or occupier to take down, secure, remove, or repair any building, wall, hoarding, or other structure does not begin to comply with the requisition of such notice within Seven days after the service of such notice, or having begun to comply with such requisition fails to complete such taking down, securing, removing, or repairing as speedily as the nature of the case permits, the Council may make complaint thereof before a justice of the peace; and it shall be lawful for any Two justices, if it appears to such justices that such building, wall, hoarding, or other structure or any part thereof is in any of the conditions mentioned in Section Fifty-seven, to order the owner, or on his default the occupier, of the land on which such building, wall, hoarding, or other structure is, to take down, secure, remove, or repair the same to the satisfaction of the surveyor or some other competent surveyor within a time to be fixed by such justices; and in case the same is not taken down, secured, removed, or repaired to such satisfaction within the time so fixed, the Council may, with all convenient speed, cause such building, wall, hoarding, or other structure to be taken down, secured, removed, or repaired in such manner as may be requisite; and all expenses incurred by the Council in respect of such building, wall, hoarding, or other structure by virtue of Part II. of this Act shall immediately be paid by the owner of the land on which such building, wall, hoarding, or other structure was, but without prejudice to his right to recover such expenses from any lessee or other person liable to the expenses of repairs.

Council may sell.

“**61** If such owner refuses, neglects, or fails to immediately pay the aforesaid expenses, the Council may recover the same from such owner in a summary manner before any Two justices of the peace, or may serve on such owner a notice to pay such expenses within One calendar month from the date of service of such notice, and that sale of such building, wall, hoarding, or other structure will be effected if such payment is not made within that time; and if such payment is not made within that time, the Council may sell such building, wall,

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hoarding, or other structure, or the materials thereof, and the purchaser, on payment to the Council of the purchase-money, may remove his purchase within a reasonable time, and for that purpose may enter on the land of such owner with all vehicles, appliances, and men as and when it shall be reasonable for the purpose of such removal. If there is any surplus after payment of such expenses out of the net proceeds of such sale, such surplus shall belong to such owner, but if such net proceeds are insufficient for the payment of such expenses such owner shall make good the deficiency to the Council.

“The remedies hereby given to the Council for the recovery of such expenses may be concurrent.”

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17 The words “the matter of the dangerous structure” occurring in the Third line of Section Sixty-six of the said Act are hereby expunged, and the words “respect of such building, wall, hoarding, or other structure” are hereby inserted in lieu thereof.

Amendment of
Section 66 of 58
Vict. No. 32.

18 The words “building or other” are hereby inserted before the word “structure” in both places where such word occurs in Section Sixty-seven of the said Act.

Amendment of
Section 67 of 58
Vict. No. 32.

19 The words “concrete or other solid substructure” occurring in the Seventh and Eighth lines of Paragraph (*f*) of Subsection v. of Section Seventy of the said Act are hereby expunged, and the words “cement concrete or other solid substructure, as may be approved by the surveyor” are hereby inserted in lieu thereof.

Amendment of
Section 70 of 58
Vict. No. 32.

20 The words “or in cases where any party structure is dangerous, in which cases the provisions hereby made as to dangerous structures shall apply” occurring in the Second, Third, and Fourth lines of Subsection i. of Section Seventy-two of the said Act are hereby expunged, and the words “or in cases where a notice has been served on such building owner, or the occupier of the structure of which such building owner is the owner, as provided by Section Fifty-nine of this Act, requiring such owner or occupier to take down, secure, remove, or repair any building, wall, hoarding, or other structure” are hereby inserted in lieu thereof.

Amendment of
Section 72 of 58
Vict. No. 32.

21 If any builder shall construct any building which shall not conform to all the requirements of the said Act and every amendment thereof, or if any person shall do anything which is forbidden to be done by or is not allowed by the provisions of the said Act or any amendment thereof, or shall omit to do anything which is by the said Act or any amendment thereof directed to be done, or shall depart from any of the directions or rules of the said Act or any amendment thereof in any particular, and for or in respect of which no penalty is otherwise provided, he shall for each offence incur a penalty not exceeding Twenty Pounds, and a further penalty not exceeding Five Pounds a day for every day until such requirement, provision, direction, or rule has been complied with.

Penalties.

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Amendment of
First Schedule
to 58 Vict. No. 32.

22 The First Schedule to the said Act is hereby amended as follows :—

Throughout the schedule “concrete” shall mean “cement concrete” :

In the “Preliminary” : In Clause One the word and figure “Schedule (1)” in the First and Second lines are hereby expunged, and the words “the Second Schedule” are hereby inserted in lieu thereof ; and the words “unless exempted by Section Six of the Act” are hereby inserted after the word “braces” at the end of the clause

The following clauses are added after Clause Eight :—

“9. The thickness of every plain concrete wall shall be the thickness stated in the table for brick walls.

“10. The thickness of concrete walls reinforced with steel rods shall be such as shall be approved by the surveyor in each particular case, but in no case shall such an external or party wall be less than Nine inches thick on the topmost storey, nor less than Ten and One-half inches thick on the second topmost storey, nor less than Twelve inches thick on the third topmost storey, and so on, increasing One and One-half inch for each storey, nor shall any cavity therein be more than One-half the width of the wall ; and every such wall shall contain cross-ties of reinforced concrete at least Three inches in thickness at intervals of not less than Two feet. Pilasters or buttresses may be added as increasing thickness on an average. At all angles, internal and external, and at all junctions of cross-walls, the external walls shall be solid.

“11. All steel used for reinforcements shall be of good quality, and of such dimensions as shall be approved by the surveyor, and shall be brushed or scraped free from all rust or dirt immediately before use, but in no case shall be galvanised, oiled, or painted.

“12. Every reinforced concrete wall shall be reinforced both vertically and horizontally.”

In Part I. Clause Eight is hereby expunged.

In Part II. Clause Seven is hereby expunged.

The words “and also all public buildings as defined by the Act” are hereby inserted after the word “Distilleries” at the end of Clause One.

The figures and word “17½ inches” at the end of the table in Clause Three are hereby expunged, and the figures and word “13 inches” inserted in lieu thereof.