

## No. XXV.

An Act to amend an Act intituled “ *An Act for* SYDNEY BUILDING.  
“ *regulating Buildings and Party-walls and for*  
“ *preventing Mischiefs by Fire in the Town of*  
“ *Sydney.*” [12th October, 1838.]

**W**HEREAS an Act was passed by the Governor and Council of Preamble.  
New South Wales in the eighth year of the reign of His late  
Majesty King William the Fourth intituled “ *An Act for regulating* 8 Gul. IV. No. 6.  
“ *Buildings and Party-walls and for preventing Mischiefs by Fire in*  
“ *the Town of Sydney*” and whereas it is expedient to amend the said  
recited Act in manner hereinafter provided Be it therefore enacted by Each rate of building  
to be increased one  
square.  
His Excellency the Governor of New South Wales with the advice of  
the Legislative Council thereof That in estimating the several rates of  
building according to the number of squares of building on the  
ground floor as in the said recited Act is provided there shall be added  
in the proportion of one square to every such rate Provided that such  
increase in the number of squares of building shall not be deemed  
otherwise to interfere with the dimensions or other regulations of the  
said recited Act as applicable to each such rate.

2. And be it enacted That every dwelling-house warehouse What shall be  
deemed to be a sixth  
rate building.  
stable and other building (except such buildings not being dwelling-  
houses as in the said recited Act and in this Act are declared to be of  
the first rate or class of building) which is or shall be at the distance  
of eight feet from any public road street or causeway and is or shall  
be detached from any other property not in the same possession there-  
with at least twenty feet or connected with any other building only  
by a fence or fence-wall shall be deemed to be of the sixth rate or  
class of building and shall and may be built of any dimensions and  
with any materials whatever any thing in the said recited Act to the  
contrary notwithstanding.

3. And be it enacted That in any case in which by the provi- Thickness of stone  
walls to be increased.  
sions of the said recited Act any wall shall be directed or permitted to  
be built of stone the thickness of such wall shall be increased in the  
proportion of six inches above the dimensions required by the said  
recited Act unless such wall be entirely built of thorough stones unless of thorough  
stones.  
wrought or hammered square on beds and faces.

4. Provided always and be it enacted That nothing in the said Proviso—  
Footings unneces-  
sary on a rock  
foundation.  
recited Act contained shall be deemed or taken to require any footing  
to a wall which shall be built upon a rock foundation any thing therein  
to the contrary notwithstanding.

5. And be it enacted That nothing in the said recited Act As to blinds and  
shutters.  
contained shall be deemed or construed to prevent the use of blinds or  
wooden shutters provided the same do not project from the upright  
line

*Sydney Building.*

line of the building to which they belong more than the distance prescribed by the said recited Act for the cornice or covering thereof to any shop window according to the width of the street as is therein directed Provided however that no such blind or wooden shutter shall be allowed on the ground floor to project over the footway in any street in the operation of opening or otherwise so as to become a nuisance or obstruction to passers-by.

Verandahs and balconies of hard-wood permitted under certain restrictions.

6. And be it enacted That nothing in the said recited Act contained shall be deemed or construed to prevent the erection of verandahs or balconies to any house within the town of Sydney if wholly constructed of hard wood the produce of the said Colony or of such hard wood and any incombustible material provided the same are not permitted to approach nearer to the angle of the house to which they belong than the distance of two feet or are separated from any adjoining verandah balcony or premises by a party-wall at least nine inches in thickness provided also that no such verandah or balcony be allowed to project into the street beyond the distance permitted by the provisions of the said recited Act.

8 Gul. IV. No. 6 s. 43.

Regulating the materials for covering roofs.

7. And be it enacted That every flat gutter and roof of every building of the first second third fourth or fifth rate or class of building within the said town of Sydney which shall be built after the passing of this Act and every turret dormer and lanthorn light or other erection which shall be in the flat or roof of any such building and every external part of any flat gutter roof dormer and lanthorn in any building of the first second third fourth or fifth rate or class of building now built or which shall at any time after the passing of this Act be ripped or uncovered shall be covered with glass copper lead tin zinc or other metal slate tile artificial stone or hard wood the produce of the said Colony except the doors door-frames windows and window-frames of such dormers turrets lanthorn lights or other erections Provided always that nothing in the said recited Act contained shall be deemed or construed to prevent the use of shingles of hard wood the produce of the said Colony for the covering of any roof in any case in which slate or tile or any other incombustible material might be so used notwithstanding that such shingles shall be laid nearer than four inches to the external surface of any external wall any thing in the said recited Act to the contrary notwithstanding.

Not to prevent the use of shingles of hard wood.

Not to prevent the use of hard wood for external inclosures.

8. And be it enacted That nothing in the said recited Act contained shall be deemed or construed to prevent the use of hard wood the produce of the said Colony as the external inclosure to any building of the first second third fourth or fifth rate or class of building provided the same do not project into the street beyond the distance restricted by the said recited Act any thing therein to the contrary notwithstanding.

Gateways may be secured and arched with Colonial hard wood.

9. And be it enacted That nothing in the said recited Act contained shall be deemed to require any passage or way on the ground for foot-passengers cattle or carriages to be arched over with brick or stone but that the same may be secured or arched with hard wood the produce of the said Colony provided the same be covered with cemented plaster ceiling any thing in the said recited Act to the contrary notwithstanding unless such passage or way shall form a thoroughfare to any building or buildings not being an office or offices belonging to the building through which such passage may pass.

Stair and landing of Colonial hard wood allowed to offices.

10. And be it enacted That nothing in the said recited Act contained shall be deemed to prevent the erection of a stair and landing of hard wood the produce of the said Colony to any stable or other office attached to any building notwithstanding that such stairs or landing be laid nearer than four inches to the external surface of any external

*Flour &c. Exemption from Duty.*

external wall any thing in the said recited Act to the contrary notwithstanding.

11. And be it enacted That it shall not be lawful for any Surveyor or Supervisor appointed under the provisions of the said recited Act to charge any separate fee upon any office belonging to any building of the first second third or fourth rate or class of building provided such office shall be built at the same time as the building to which it may belong or be finished within six months after such building be covered in but that the same shall be deemed to be included in the fee which may be due to any such Surveyor or Supervisor for any such building Provided however that no stable warehouse store or workshop shall be deemed to be an office so as to exempt the owner or proprietor of the same from the payment of any fee on account thereof which may be chargeable under the provisions of the said recited Act.

No fee chargeable on detached offices.

Not to exempt stables warehouses or workshops.

12. Provided always and be it enacted and declared That nothing in the said recited Act contained shall be deemed to authorize or require the payment of any fee to any Surveyor or Supervisor appointed under the provisions thereof for any alteration or addition to any building which shall not interfere with the dimensions or materials as expressly regulated by the said recited Act any thing therein to the contrary notwithstanding.

As to fees chargeable on alterations or additions.

13. And whereas it is enacted by the said recited Act that the Colonial Secretary shall administer to the Surveyors and Supervisors appointed by the Governor to see the rules and regulations of the said recited Act well and truly observed in and throughout the town of Sydney the oath for the true and impartial execution of their office in that behalf and whereas it is expedient that the taking or administering of such oath should in future be dispensed with Be it therefore enacted That so much of the said recited Act as requires such oath to be taken or administered by or to any Surveyor or Supervisor as aforesaid shall be and the same is hereby repealed any thing in the said recited Act to the contrary in any wise notwithstanding.

Oath required by 8 Wm. 4 No. 6 to be administered to and taken by Surveyor or Supervisor dispensed with.

14. Provided always and be it enacted That any action or proceeding against any person for any thing which has been or shall be done against the provisions of the said recited Act shall be commenced and carried on only in conformity with the said provisions as the same are altered and amended by the provisions of the present Act.

Actions or proceedings to be in conformity with the Act 8 Wm. 4 No. 6 only so far as the said Act is altered and amended by this Act.