

congregate, or carry on any occupation, and includes shops with dwelling-rooms attached.

"Inspector" means any Inspector appointed by the Board for the purposes of these by-laws or any of them.

"Offensive matter" includes malodorous fish, animal, or vegetable substances, nightsoil, faecal matter of any sort, refuse, garbage, rubbish, nightsoil-cans or other plant used in the removal of nightsoil, and includes any other matter or substance of an offensive or noxious nature.

PART I. BUILDING.

2. No person shall erect a new house within the district except in conformity with the following provisions:—

Site.

(a.) The ground upon which any house is erected, together with the whole curtilage thereof enclosed within the boundary-fences, walls, or lines of the premises, shall be deemed to be the site of such house within the meaning of these by-laws.

Definition of New House.

(b.) The erection of a house upon vacant land or upon a site previously occupied by any building, or the re-erection of any house pulled down to within 5 ft. of the ground, or the conversion into a house of any building not originally constructed for human habitation, or the conversion into more than one house of a building originally constructed as one house only, or an addition to or raising of a house (so far as such addition or raising is concerned), or the procuring of an existing house or of any other building or part of a building intended to be re-erected and used as a house or part of a house, and placing the same upon a site in the district, shall be deemed to be the erection of a new house within the meaning of these by-laws.

Plans to be provided.

(c.) The erection of a new house shall not be commenced or proceeded with until the person who purposes to carry out such work shall have made application to the Clerk in the form set forth in the First Schedule of these by-laws. Such person shall at the same time lodge with the Clerk complete plans, in duplicate, showing the block-plan and sections of the said site, the measurement of the area thereof, and the measurements of the height and distance from the boundaries of such house, as required by the provisions of these by-laws. Such plan and sections shall be in ink, on drawing-paper or tracing-cloth, and shall be to a scale not less than one-eighth of an inch to the foot. The Board shall be entitled to retain one copy of the said plans: Provided always that if the work proposed to be done is of such a trivial nature as, in the opinion of the Board, not to require the preparation of such plans and sections, the Board may dispense with the production of such plans. If all conditions required by these by-laws are or can be fulfilled by the proposed works as described in such plans, a permit for the erection of the house shall be issued by the Board; and such erection shall not be commenced or proceeded with until such permit shall have been issued, and then not otherwise than in accordance and conformity with the said plans. If a building in respect of which a permit has been issued shall not be commenced and substantially in course of erection within three months of the date of issue of the permit, such permit shall be void.

Building-site Area.

(d.) No person shall erect a new house in the district upon a site of less area than one-fifth of an acre, and unless such site shall have a frontage of at least 50 ft. to a public road; and such area and frontage shall not be thereafter reduced, but shall be maintained as part of the curtilage and as exclusively belonging and appropriated to such house while the same shall be standing: Provided that this subclause shall not apply to prevent the erection of one new house on an allotment, lot, or section which does not comply with the requirements thereof, but which is shown as a separate and distinct area on any public plan or on any plan lodged or deposited in the Deeds Register Office or District Land Registry Office at Auckland prior to the date of the passing of these by-laws, or on a site owned at such time by a person not owning any adjoining land.

Site-formation.

(e.) The ground on which any new house is to be erected, and the ground immediately adjoining any such new house, shall be so formed and graded by the person erecting the same that no water can lodge thereon or under such house, or run under any such house; and no person shall commence the erection of any building upon any site which shall have

been filled up with offensive matter, or which shall have thereon any material impregnated with faecal matter or impregnated with any animal or vegetable matter, or upon which any such matter may have been deposited, unless and until such matter shall have been properly removed by excavation or otherwise from such site.

Air-spaces.

(f.) No person shall erect a new house in the district unless he provide at the side or in the rear thereof an open space exclusively belonging to such dwellinghouse, and of an extent of not less than 400 square feet superficial. Such open space shall extend throughout the entire width or, in the alternative, throughout the entire depth of the site, and shall be free from any erection thereon above the level of the ground, and shall be so maintained while the site is occupied by the house. The minimum distance across such open space from every part of the house, and from any part of any wash-house, shed, convenience, or other erection added thereto, shall be as follows:—

- (i.) If the height of the house does not exceed 15 ft., 15 ft.;
- (ii.) If the height exceeds 15 ft. but does not exceed 25 ft., 20 ft.;
- (iii.) If the height exceeds 25 ft. but does not exceed 35 ft., 25 ft.;
- (iv.) If the height exceeds 35 ft., 30 ft.

For the purpose of these by-laws, where the side boundaries of any site are not of the same length the mean length of such side boundaries shall be taken as the depth of the site for the purpose of defining the distance across such open space; and the height of a house shall for the purposes of these by-laws be measured from the average level of the ground immediately adjoining the side or the rear of such house, as the case may be, to the level of half the vertical height of the roof or to the top of the parapet, whichever is the higher.

Preventing Reduction of Space.

(g.) No person shall make any alteration or addition to any house (whether erected before the coming into operation of these by-laws or not) whereby the open space attached to such house shall be diminished by such alteration or addition so as to leave less open space than is required by these by-laws to be provided, or whereby the open space existing at the time these by-laws come into force, being less (computed as aforesaid) than that provided for in these by-laws, shall be diminished or reduced.

Foundation of Concrete, &c.

(h.) In any foundation wall, either of concrete, or bricks, or stone, either separate or conjoined, a proper damp-proof course of sheet 4 lb. lead, asphalt, or slates, laid in cement or other durable material impervious to moisture, shall be laid beneath the level of the lowest timbers, and at a height of not less than 6 in. above the surface of the ground adjoining such wall.

Plates and Joists above Ground.

(i.) No part of any plate or joist of any house shall be at a less distance in the case of a plate than 3 in., and in the case of a joist than 6 in., from any portion of the ground below or immediately adjoining such plate or joist, as the case may be. The space between the lowest joist and the ground shall in all cases have sufficient and proper communication with the external air for the purpose of ventilation.

Ventilation and Lighting.

(j.) Every bedroom shall be provided with at least one window other than a skylight, opening directly into the external air. At least one-half of such window shall be movable or made to open, and the opening must extend to the top of the window, and the total glazed surface of such window shall be not less than 6 square feet.

Walls of Living-rooms.

(k.) No room in any house, other than a bathroom, closet, or store-room, shall have a less average height than 9 ft., nor less cubic capacity than 650 ft.

Walls of Bathrooms or Closets.

(l.) A portion of one wall of every bathroom or water-closet shall be in contact with the external air.

Insanitary Material.

(m.) No person shall use any materials in the erection, re-erection, or repair of any house which are unsound, insanitary, or improper to be used for their intended purpose; and no person shall bring or cause to be brought any such materials on the site whereon any building is being built, added to, altered, or repaired until such building, addition, alteration, or repair shall have been completed. The Inspec-