

"Each Council shall appoint a competent person for the borough, hereinafter called "Inspector of Buildings"": The development of building controls in the second decade of the twentieth century

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ABSTRACT: In 1903 the first edition of the *Municipal Handbook of New Zealand* was released by the Census and Statistics Office. From then on published biennially, it provided detailed statistical and administrative information on each borough, city, independent town district, and harbour board. This included a brief statistical summary with details of the various activities as well as the names of "Chief Officials," including those responsible for buildings. These included engineers (e.g. Borough Engineer), inspectors (e.g. Building Inspector) and surveyors (e.g. Building Surveyor). From 1910 the numbers of these officials increased, suggesting a growing interest in building controls. The 1915 edition of the *Handbook* listed 176 municipalities, of which 44 (25%) listed a chief official with a role related to buildings. These included 35 engineers, eight inspectors and one surveyor. The paper explores, based on the *Municipal Handbook* series, the changing interest of New Zealand local government in the buildings constructed within their boundaries in the second decade of the twentieth century.

Introduction

Local councils were given authority to undertake their various tasks by central government through the Municipal Corporation Acts – five of which were passed between 1842 and 1900, plus various amendments, as well as a consolidated Act in 1908.

The Municipal Corporations Ordinance 1842¹ gave councils the power to consider the "good order health and convenience of the inhabitants of towns and their neighbourhoods" as they "themselves are best

qualified ... by their more intimate knowledge of local affairs" and in order to "keep alive a spirit of self-reliance and a respect for the laws, and to prepare men for the due exercise of other political privileges" (Preamble). However, with respect to buildings, councils were only allowed "to take order for the prevention of fires, the prevention and abatement of nuisances" (s 5). This limited role was continued in the Municipal Corporations Act 1844.

Although central government had also put in place the Raupo Houses Ordinance 1842, some provincial legislatures created their own building controls for their main cities: Auckland (Auckland) 1854; Taranaki (New Plymouth) 1858; Otago (Dunedin) 1862;

Canterbury (Christchurch) 1867.²

It was not until the Municipal Corporations Act 1867 that councils could make by-laws dealing more widely with buildings (s 181), but these were limited to issues listed in the Thirteenth Schedule, Part V, which were:

- * prohibiting or restraining the use of combustible materials in chimneys;
- * fixing the distance between buildings;
- * regulating the thickness, construction and materials of party walls, external walls and chimneys;
- * regulating the wall materials of buildings containing steam engines;
- * regulating the erection of tents; and

¹ Legislation was mainly sourced through the New Zealand Legal Information Institute's online databases "New Zealand Acts As Enacted" and historical provincial ordinances on the NZLII Databases website (<http://www.nzlii.org/databases.html>).

² see: Isaacs "Building Legislation 1840 - 1870" pp 179-184.

- * setting a time limit of up to seven years for replacement where not complying with the new by-laws.

In addition, for the first time the schedule permitted a council to charge a fee of up to two pounds (£2) for inspection or other service. These were continued in the Municipal Corporations Act 1886 (s 422).

The Municipal Corporations Act 1900 allowed by-laws "concerning the construction and repair of buildings" without the previous constraints (s 404). The 1900 Act also introduced the concept of central government produced "model forms of by-laws" which could be adopted in whole or part by any council (s 411). These in turn set the scene for the wide implementation of building controls, coupled with inspection to ensure they were correctly implemented.

Inspectors

The early provincial legislation had allowed for inspectors to ensure the legal requirements were met. For example, Mr James Baber was appointed "Inspector of Buildings" under the Auckland Building Act 1858,³ and was active

³ "Local Intelligence" p 3.

in enforcing the law including taking of recalcitrant owners to court.⁴

At the national level, although "Inspectors of Nuisances" had been allowed in the 1876 Municipal Corporations Act (Clauses 231-237),⁵ it was not until the Municipal Corporations Act 1900 that there was formal provision for the appointment of an "Inspector of Buildings":

318. (1.) Each Council shall appoint a competent person for the borough, hereinafter called "Inspector of Buildings," whose duty it shall be to inspect annually every building in the borough which is now or hereafter shall be erected for residential purposes, and he shall decide whether such building is provided with proper fire-escapes. or means of escape in case of fire, and upon being satisfied that such building has been so provided he shall annually give to the owner of such building a certificate in the prescribed form to that effect.

Although the title would suggest a broad coverage, the descriptive text made it clear that the role was solely concerned with issues of fire safety in residential buildings. The Fire Brigades Act 1907 removed much of the responsibility for fire brigades from councils where the area was a "Fire District," but not

⁴ e.g. building without notice: "Resident Magistrates Court" p 3.

⁵ see also: Wood *Dirt* pp 142-145.

this role (s 50). The role was continued unchanged in the Municipal Corporations Act 1908 but the Municipal Corporations Amendment Act 1913 extended the coverage beyond residential by adding any building "which (being over one story in height) is erected or used for other purposes" (s 30(1)).

In an administrative shift, the Public Health Amendment Act 1918 (s 10) moved the role to the Public Health Act, but this was repealed by Health Act 1920 (s 146) and the role of Inspector of Buildings resumed its former place as a result of the Municipal Corporations Amendment Act 1921 (s 20). This expanded role was continued through to the Municipal Corporations Act 1954 (s 265).

The role did not necessarily occupy the appointee full time. On 15 August 1910 Mr James Sperry was appointed by the Hastings Borough Council as "Council Inspector of – Buildings, Nuisances, Drain Connections, Sanitary and Water Plumbing, and for Licensed Vehicles and Drivers,"⁶ while on 29 August 1910 the Auckland borough of Grey Lynn advertised widely for applications for the position of "Town Clerk, Collector,

⁶ "Borough of Hastings [advertisement]" p 8.

Treasurer, Building Surveyor, Inspector of Buildings, Returning Officer, etc."⁷

Municipal Handbook

The existence of the legal role of "Inspector of Buildings" suggests that councils would include information on the incumbent in their formal reporting. Although the local government statistics published since 1875 included tables of the numbers of employees, no indication is given of the numbers active in the inspection of buildings. It was not until the 1921-22 edition that building permit summary information is provided, but it still lacked data on the number of people engaged to inspect the work.⁸

The publication in 1903 of the *Municipal Handbook of New Zealand*⁹ provided descriptive material on local government. Each borough (including cities), town district and harbour board provided factual data (legal status, year constituted, wards, population, rateable value, area) and descriptive information (Recreation

⁷ "Borough of Grey Lynn [advertisement]" p 1.

⁸ New Zealand Census and Statistics Office "Statistical Report on Local Government in the Dominion of New Zealand: For the Financial Year 1921-22"

⁹ Statistics New Zealand *Statistical Publications, 1840-2000* p 37.

| | 1905 | 1911 | 1915 | 1924 |
|--|------|------|------|------|
| Engineer | 17 | 23 | 27 | 32 |
| Inspector | 17 | 19 | 22 | 31 |
| Surveyor | 2 | 3 | 2 | - |
| Any one of these | 35 | 43 | 51 | 63 |
| Number of Local Authorities | 101 | 110 | 175 | 238 |
| % with Building Related Official | 35% | 39% | 29% | 26% |
| No Building Official but other technical | 4 | 7 | 20 | 30 |
| % no Building Official but other technical | 4% | 6% | 11% | 13% |

Table 1: Local Authorities with Building-Related Official in *Municipal Handbook*

Reserves, Cemeteries, Street-lighting, Gasworks, Electric lighting, Water-supply, Drainage, Destructors, Refuse, Fire-prevention, Slaughterhouses, Markets, Libraries, Technical Education, Municipal Music, Rates, Tramways, Rates, Labour (wages), Representation of Council on Other Local Bodies, Municipal Lands Other than Recreation Reserves, Finance, Members of Council (or Commissioners), and Chief Official(s)).¹⁰

The material was provided by the Town Clerk, but the compiler noted:

It is feared there is a tendency on the part of some of these officers to underrate the importance of the operations of their boroughs, regarding them as too

¹⁰ Office of the Registrar General *Municipal Handbook of New Zealand 1911* pp 21–24.

insignificant to record.¹¹

This can be seen in the widely varying lists of "Chief Officials." For example, Hokitika in 1909 reported just three chief officials in the following order – Town Clerk and Treasurer, Overseer, and Inspector,¹² increasing in 1911 to four - Town Clerk and Treasurer, Overseer, Inspector, and Sexton,¹³ while in 1915 listed four - Town Clerk and Treasurer, Overseer and Turncock, Manager of Abattoir, and Inspector.¹⁴

¹¹ Office of the Registrar General, *Municipal Handbook of New Zealand 1911* p 20.

¹² Office of the Registrar General, *Municipal Handbook of New Zealand 1911* p 113.

¹³ Office of the Registrar General, *Municipal Handbook of New Zealand 1911* p 124.

¹⁴ Office of the Registrar General, *Municipal Handbook of New Zealand 1915* p 243.

Table 1 provides a count of the number of local authorities with a building-related official reported in the *Municipal Handbook of New Zealand* for the given year. The count was obtained manually from each handbook.

The reported titles varied widely from the simple "Inspector" to "Inspector of Works and Building" to the "Sanitary Inspector, Inspector of Buildings, & Inspector of Nuisances." Perhaps the highest performing local government employee was the "Engineer (also Manager Gasworks, Waterworks, Drainage & Public Works, Gasworks Clerk & Inspector of Nuisances)" reported by the Masterton Borough Council in the 1905 yearbook.¹⁵ The handbooks show a gradual increase in the number of local authorities reporting a building related official, almost doubling from 17 in 1905 to 32 in 1924,¹⁶ although as a percentage it decreased from 35% in 1905 to 26% in 1924.

Local authorities also report other technical officials – notably those responsible for gas work, electric supply and distribution, and

¹⁵ Office of the Registrar General, *Municipal Handbook of New Zealand 1905* p 50.

¹⁶ Census and Statistics Office of the Dominion of New Zealand *The Municipal Handbook of New Zealand 1924*.

waterworks. Table 1 also provides the count and percentage of local authorities with such a technical official but lacking a building-related official. In 1905 just four were listed, but by 1924 the 30 local authorities with such officials were under half of the 63 with a building-related official.

The numbers of the other specialist technical officials provide a comparison with the actual activities. In 1905 a total of 46 local authorities reported the availability of town gas (41 boroughs and all five cities), although 18 were supplied from municipal works and 28 from private companies. Of the 18 reporting the use of gas supplied from a municipal gas works, 15 had their own gasworks (e.g. the Petone municipal gas works supplied both Petone and Lower Hutt), but only six reported a gasworks "Chief Official" – just 40% of the possible total. This suggests not all Town Clerks valued the people responsible for the non-financial aspects of their domains.

Another cross-check is possible through comparing the number of councils which responded to the request for copies of their building codes to assist with the preparations for the 1924 "Building Conference Relating to the Use of Timber in Building-Construction"

held at the Dominion Farmers Building, Wellington from 18 to 20 June 1924. This conference also generated the first national New Zealand timber building code.¹⁷ Letters requesting copies of relevant building codes were sent to the engineers of 122 county councils and 17 city councils.¹⁸ A total of 37 codes were made available for analysis,¹⁹ a 27% response. Of the 37 councils which provided building codes in 1924, seven have no inspector "Chief Official" listed in any of the *Municipal Handbooks*, three only have an official listed in the 1924 handbook and one only has an official in the 1915 handbook. In 1924, only 27 of the councils (73%) had a building "Chief Official" listed in the 1924 *Municipal Handbook*.

This analysis of councils with known gas works or building by-laws suggests that the Municipal Handbook will provide somewhere between 40% and 73% of the actual number of councils with a building by-laws and/or

¹⁷ New Zealand State Forest Service *Recommendations of Building Conference Relating to the Use of Timber in Building-Construction* p XIV.

¹⁸ New Zealand State Forest Service "Building Conference"

¹⁹ New Zealand State Forest Service "Digest of New Zealand Local Body By-Laws" p i.

inspector. While the following analysis cannot claim to be comprehensive, until a more detailed examination is undertaken - possibly through direct contact with individual council archives, it at least provides guidance.

Regional Distribution

Table 2 gives the count of local authorities by province reporting building related "Chief Officials" for 1905, 1911, 1915 and 1924, those which provided codes for the 1924 Code Survey, and a count of those recorded in the 1921-22 local government building permit statistics as having issued one or more permits along with the total number of permits they issued. The table includes Boroughs and Town Districts (Independent) but excludes Town Districts (Dependent) which form part of a County. Counties account for 38% of the population, 52 of the building permits with a value £32,125.

Over the entire country, the rightmost columns of Table 2 show a total of 126 local authorities issued 4,963 building permits. House permits accounted for 86% (4,330) by count and 68% by value (£3,141,000) of the total. For comparison, the total number of reported dwellings in the 1916 census was

| Province | Municipal Yearbook - Year | | | | 1924 Code | 1921-22 Building Permits | |
|-------------|---------------------------|-----------|-----------|-----------|-----------|--------------------------|--------------|
| | 1905 | 1911 | 1915 | 1924 | | Local Authority | Permits |
| Auckland | 7 | 8 | 20 | 28 | 11 | 41 | 2,385 |
| Hawke's Bay | 1 | 5 | 5 | 8 | 1 | 9 | 238 |
| Taranaki | 5 | 4 | 6 | 9 | 3 | 8 | 265 |
| Wellington | 8 | 14 | 20 | 21 | 10 | 26 | 927 |
| Marlborough | 2 | 1 | 2 | 2 | 1 | 2 | 57 |
| Nelson | 2 | 2 | 2 | 2 | 1 | 4 | 87 |
| Westland | 1 | 1 | 2 | 3 | 0 | 3 | 28 |
| Canterbury | 6 | 6 | 7 | 7 | 5 | 13 | 714 |
| Otago | 7 | 9 | 7 | 13 | 5 | 20 | 262 |
| Sum | 39 | 50 | 71 | 93 | 37 | 126 | 4,963 |

Table 2: Building "Chief Officials" by *Municipal Handbook* and 1924 Code Survey

266,535 and in 1921 243,086²⁰ - an annual increase of 4,690 dwellings per year. The *Handbooks* show a steady increase in the number of reported building-related chief officials, with Wellington and Auckland provinces showing the greatest numbers of officials. This pattern is maintained in the number of local authorities providing codes for consideration in the 1924 survey and in the number of local authorities reporting the issuing of one or more building permits during the 1921-22 year.

Table 3 lists for the 37 local authorities which supplied a building code to the 1924

²⁰ New Zealand Department of Statistics *New Zealand Official Yearbook 1924* Appendix A.

Conference: their province; the reviewed *Municipal Handbooks* in which they reported a "Chief Official" responsible for building inspection; and, for the 1921-22 year, the number of building permits they issued and their population. The borough of Gonville's population was included in Whanganui, while no building permits were reported for Fielding.

While Table 3 provides additional information on local authorities likely to have building officials, it does not provide sufficient information to resolve the question of the evolution of building inspection or building by-laws. Just 10 local authorities consistently reported building officials in the four

Table 3: Local Authority Codes Analysed for 1924 Conference (right)

reviewed *Municipal Handbooks*. These do not include Dunedin which, as noted earlier, had its own code from 1862. New Zealand's fifth city, Nelson, does not appear at all in Table 3, although 12 permits were reported issued under their building by-law in February 1914.²¹ The commencement year of the Nelson City Building By-law has not yet been identified.

For the local authorities that reported a building official and supplied building by-laws to the 1924 conference, Table 3 does provide some useful information. The top four boroughs (Christchurch (City), Auckland (City), Mount Albert and Wellington (City)) account for 1,557 or 52% of the building permits in Table 3 or 31% of total national permits, while the top 14 (which also includes Dunedin (City)) issued 2,512 or 50% of all national permits. The full 37 local authorities were responsible for 59% of the total building permits and covered 63% of the population in those areas which provided building permit statistics, but just 39% of the national

| | Local Authority | Province | 1905 | 1911 | 1915 | 1924 | Permits | Population |
|-----------------------------|---------------------|-------------|------|------|------|------|-----------|------------|
| 1 | Christchurch (City) | Canterbury | Y | Y | Y | Y | 430 | 67,291 |
| 2 | Auckland (City) | Auckland | Y | Y | Y | Y | 416 | 81,712 |
| 3 | Mount Albert | Auckland | - | - | Y | Y | 369 | 11,345 |
| 4 | Wellington (City) | Wellington | Y | Y | Y | Y | 342 | 88,920 |
| 5 | New Plymouth | Taranaki | Y | Y | Y | Y | 176 | 11,395 |
| 6 | Mount Eden | Auckland | - | - | Y | Y | 138 | 14,635 |
| 7 | Palmerston North | Wellington | Y | - | Y | Y | 127 | 15,649 |
| 8 | Dunedin (City) | Otago | - | Y | Y | Y | 100 | 58,074 |
| 9 | Gisborne | Auckland | - | Y | Y | Y | 91 | 10,931 |
| 10 | New Brighton | Canterbury | - | - | - | - | 86 | 3,864 |
| 11 | Whanganui | Wellington | - | - | Y | Y | 76 | 2,636 |
| 12 | Invercargill | Otago | Y | Y | Y | Y | 55 | 15,203 |
| 13 | Napier | Hawke's Bay | - | Y | Y | Y | 54 | 14,346 |
| 14 | Masterton | Wellington | Y | Y | - | Y | 52 | 2,916 |
| 15 | Blenheim | Marlborough | Y | - | - | Y | 51 | 4,345 |
| 16 | Pukekohe | Auckland | - | - | - | - | 40 | 1,891 |
| 17 | Petone | Wellington | Y | Y | Y | Y | 39 | 7,978 |
| 18 | Eastbourne | Wellington | - | - | - | - | 36 | 1,416 |
| 19 | Oamaru | Otago | Y | Y | Y | Y | 36 | 5,729 |
| 20 | Tauranga | Auckland | - | - | Y | Y | 34 | 4,632 |
| 21 | Otahuhu | Auckland | - | - | - | - | 33 | 2,813 |
| 22 | New Lynn | Auckland | - | - | - | Y | 30 | 1,386 |
| 23 | Gonville | Wellington | - | - | Y | Y | 27 | N/A |
| 24 | St. Kilda | Otago | - | Y | - | - | 26 | 6,085 |
| 25 | Riccarton | Canterbury | - | - | - | Y | 21 | 3,250 |
| 26 | Newmarket | Auckland | - | - | - | - | 18 | 3,083 |
| 27 | Patea | Taranaki | - | - | - | Y | 11 | 3,243 |
| 28 | Ashburton | Canterbury | Y | Y | Y | Y | 10 | 11,732 |
| 29 | Eltham | Taranaki | Y | Y | Y | Y | 10 | 3,529 |
| 30 | Thames | Auckland | - | - | - | Y | 10 | 1,780 |
| 31 | Te Kuiti | Auckland | - | - | Y | - | 8 | 2,247 |
| 32 | Kaiapoi | Canterbury | - | - | - | - | 6 | 1,693 |
| 33 | Johnsonville | Wellington | - | - | - | - | 5 | 1,013 |
| 34 | Ohakune | Wellington | - | - | Y | Y | 4 | 1,535 |
| 35 | Port Chalmers | Otago | Y | Y | Y | - | 1 | 2,594 |
| 36 | Westport | Nelson | Y | Y | Y | Y | 1 | 3,802 |
| 37 | Fielding | Wellington | Y | - | Y | Y | N/A | N/A |
| Sum | | | | | | | 2,969 | 474,693 |
| Total national permits | | | | | | | 5,015 | 750,552 |
| % of Total national permits | | | | | | | 59% | 63% |
| Total nation | | | | | | | 1,218,913 | |
| % Total nation | | | | | | | 39% | |

²¹ "City Council: Monthly Meeting: City Engineer's Report" p 2.

population

Conclusions

This paper has provided an overview of the development of the legal underpinning supporting the creation of local authority by-laws, leading to the creation of the role of "Inspector of Buildings" in 1900. Although the title was broad, the job was limited to issues of fire safety initially just in residential buildings. In 1913 it was extended to cover any building over one storey high. In starting the research for this paper it had been hoped that the *Municipal Handbooks* would record if the local authority had either such an Inspector or even building by-laws, but this did not prove to be uniformly the case.

The *Municipal Handbooks*, although comprehensive in coverage of the local authority activities with legal or financial requirements, did not have the same coverage of "Chief Officials." The basis on which the chief building official was (or was not) included is not clear, and appears to differ between local authorities. If it is assumed the basis is consistent over the 20-year period under consideration, there was an increase in the number of local authorities with some form of building inspection, the numbers

more than doubling from 39 in 1905 to 93 in 1924.

The survey of local authority building by-laws carried out in preparation for the 1924 conference on the use of timber in building construction provided a validated list of 37 local authorities with building by-laws. Comparison with the first statistical report on local authority building permits suggests these 37 accounted for over half (59%) of all building permits, although in the 1924 *Municipal Handbook* only 27 of them reported a chief official concerned with buildings.

Many questions must still remain about building inspection before, during and after the 1910s decade, including:

- * How many building permits had to be issued in a year before the local authority employed an Inspector Buildings?
- * How many local authorities had an Inspector of Buildings, and how many people were employed in this role, whether on a full or part-time basis?
- * What skills or training did the Inspector of Buildings require?

The 1910s were a period of transition from the

multitude of building by-laws in use around the nation to more structured codes and controls. In the following decade, building design, construction and inspection in the 1920s benefitted from the 1924 conference and its report which provided the first national building code for timber buildings. The 1930s saw the devastating impact of the 1931 Napier earthquake which in turn led to NZSS 95: 1935 "Standard Model Building By-Law," commonly considered the ancestor of the modern New Zealand Building Code.

This paper has shown there were a good number of local authorities with building by-laws in the 1910s which in turn allowed the implementation of a more uniform building by-law in the aftermath of the 1931 Napier earthquake. The Alexander Turnbull Library holds seven by-laws from the 1910s and nine from the 1920s – future research is planned to analyse them with the hope they may offer further insights.

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