

WESTERN AUSTRALIA

ANNO QUINQUAGESIMO PRIMO

VICTORIÆ REGINÆ

No. 17

An Act to amend 'The Building Act, 1884.'

[Assented to 20th August, 1887.]

**B**E it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof :—

1. This Act may be cited as 'The Building Act Amendment Act, 1887,' and shall be read and construed with 'The Building Act, 1884.'

Short title

2. Whereas by the 3rd section of 'The Building Act, 1884,' power is given to the Governor with the advice of the Executive Council, under certain circumstances and in manner prescribed, to apply the provisions of the said Act *inter alia* to other portions of Perth and Fremantle than those to which it now applies, be it enacted that the notice in the 'Government Gazette' in the said section mentioned shall take effect and come into operation three calendar months after the date of such notice.

Notice of extension of Act

3. Notwithstanding the 13th section of 'The Building Act, 1884,' the Municipal Council shall have power in their discretion to permit, by written license, the erection of any building under such restrictions or for such time as the license shall specify.

Municipal Council may license buildings

*The Building Act Amendment Act, 1887*

Fees

4. Subject to the approval of the Governor in Executive Council, the Municipal Council shall have power to frame a scale of fees to be paid by any owner or builder to the Surveyor of the Municipal Council in respect of any order, license, or matter or thing required or permitted by this Act.

Plans of buildings to be approved by Municipal Council

5. No block of ground shall be laid out for building unless and until a plan showing clearly the number of houses proposed to be built and the area to be occupied by each house has been laid before and approved by the Municipal Council, and it shall be unlawful for the Municipal Council to approve of any plan which does not show that every proposed building intended to be or capable of being used as a dwelling house shall, unless all the rooms therein can be lighted and ventilated from a road, street, alley, or passage adjoining, have in the rear or on one side thereof an open space, exclusively belonging thereto, of the following extent :—

When such building has a frontage not exceeding fifteen feet, the extent of the open space shall be one hundred and fifty square feet at the least ;

When such building has a frontage exceeding fifteen feet, but not exceeding twenty feet, the extent of the open space shall be two hundred square feet at the least ;

When such building has a frontage exceeding twenty feet, and not exceeding thirty feet, the extent of the open space shall be three hundred square feet at the least ; and

When such building has a frontage exceeding thirty feet, the extent of the open space shall be four hundred and fifty square feet at the least.

Every such open space shall be free from any erection thereon above the level of the ceiling of the ground floor storey, and shall extend throughout the entire width (exclusive of party or external walls) of such building at the rear or side thereof.

Ventilation of ground floors

6. No building intended to be or capable of being used as a dwelling house shall be allowed to be built higher than the floor level of the ground floor, unless and until the builder shall have satisfied the Municipal Council that such floor is so constructed or raised to such a height as to admit of a free current of air passing thereunder.

When any house, intended to be, or capable of being used as a dwelling house or for offices, is built in a low or damp situation, the Municipal Council may require that the space between the ground and the ground floor level shall be filled up with sand, cement, or other suitable material to such height as they shall direct.

The Council shall, in addition to the powers to frame by-laws granted to them in and by the fortieth section of 'The Building Act, 1884,' have power to make by-laws to regulate the thickness of walls, party walls, and parapets, the height of rooms, and the size and position of flues.

Notice by Municipal Council of required alterations

7. The Municipal Council may at any time during or after the erection of any building give notice to the builder or owner thereof of any matter or thing in the construction of such building which tends to render such building insanitary, unsafe, or prejudicial to the

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*The Building Act Amendment Act, 1887*

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public interest; and thereupon such builder or owner shall pull down or so alter or add to the said building as to remove the ground of objection, unless he with due diligence prosecute an appeal or bring an action as hereinafter mentioned.

8. Any builder or owner feeling aggrieved by any refusal to sanction, or any notice or order of the Municipal Council, may appeal therefrom to the Supreme Court by motion on notice duly given, or may bring an action at law against the Municipal Council in respect of any refusal to sanction, or notice or order of the said Council, and the usual incidents of litigation shall apply to such motion or action. The Clerk of the Municipal Council shall be the person to receive notice of such motion or to be the defendant to such action, and should the Clerk as such person be ordered by the Court to pay costs or be cast in damages, such costs or damages shall be paid by the Municipal Council out of moneys raised by rates duly levied by them or by a rate levied for the purpose.

F. NAPIER BROOME,  
GOVERNOR.

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