



Western Australia

Town Planning and Development Act 1928

**Town Planning (Height of Obstructions at
Corners) General By-laws 1975**

Reprint 1: The by-laws as at 16 April 2004

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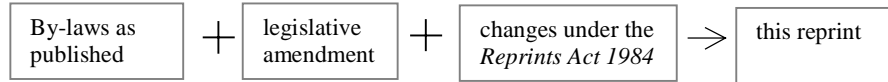
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Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original by-laws and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the by-laws being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a by-law that was inserted, or has been amended, since the by-laws being reprinted were made, editorial notes at the foot of the by-law give some history of how the by-law came to be as it is. If the by-law replaced an earlier by-law, no history of the earlier by-law is given (the full history of the by-laws is in the Compilation table).
Notes of this kind may also be at the foot of Schedules or headings.
2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the by-laws have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the by-laws were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the by-laws are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

THE TEXT OF THE LEGISLATION FOLLOWS

Reprinted under the
Reprints Act 1984 as at
16 April 2004

Western Australia

Town Planning (Height of Obstructions at Corners) General By-laws 1975

CONTENTS

1.	Citation	1
1A.	Erection of obstructions near street corners	1
2.	Removal of obstructions	2
3.	Penalty for breach of by-laws	2
4.	Application	2
	Notes	
	Compilation table	4



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Town Planning (Height of Obstructions at Corners) General By-laws 1975

1. Citation

These by-laws may be cited as the *Town Planning (Height of Obstructions at Corners) General By-laws 1975*¹.

[By-law 1 inserted in Gazette 5 Aug 1983 p. 2850.]

1A. Erection of obstructions near street corners

- (1) Subject to these by-laws, a person shall not have, erect or permit to be erected on land owned by him and referred to in sub-bylaw (2) a wall, fence, hedge, tree, shrub or other obstruction of a greater height than 0.75 metres measured from the level of the footpath, street, road or right-of-way adjoining the obstruction.
- (2) Sub-bylaw (1) —
 - (a) shall apply within an area enclosed by the edges of intersecting streets, roads or rights-of-way and a line joining points located at a distance of 6 metres from the point of intersection along the edge of each intersecting

bl. 2

street, road or right-of-way or from the point of intersection of a prolongation of the said boundaries;

- (b) shall not apply to land adjoining intersections or junctions having a standard truncation of 8.5 metres or more.
- (3) The local authority may, where it is satisfied that special circumstances warrant it so doing, authorise an owner of land to have, erect or permit to be erected a wall, fence, hedge, tree, shrub or other obstruction that would but for that authorisation be contrary to sub-by-law (1).

[By-law 1A inserted in Gazette 5 Aug 1983 p. 2850-1.]

2. Removal of obstructions

Where any such obstruction is found upon any land in contravention of by-law 1A, the Town or Shire Clerk of the local authority concerned, may serve upon the owner of the land notice in writing requiring him within 30 days from the receipt of the notice to alter or amend such obstruction so as to bring the same into conformity with the said by-law, and upon receipt of such notice the owner of the land shall within the time aforesaid duly comply with the requisitions thereof.

[By-law 2 amended in Gazette 5 Aug 1983 p. 2851.]

3. Penalty for breach of by-laws

Any person found guilty of a breach of these by-laws shall be liable to a penalty not exceeding \$200 for each such breach, and, where the breach is of a continuing nature, to an additional daily penalty not exceeding \$40.

[By-law 3 amended in Gazette 5 Aug 1983 p. 2851.]

4. Application

These by-laws shall have the force of law in the district of every local authority in the State of Western Australia.

[5. *Omitted under the Reprints Act 1984 s. 7(4)(f).*]

Notes

- ¹ This reprint is a compilation as at 16 April 2004 of the *Town Planning (Height of Obstructions at Corners) General By-laws 1975* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>By-laws for Limiting the Height of Obstructions at Corners of Streets, Roads or Rights-of-way</i> ²	14 Mar 1975 p. 896	14 Mar 1975
<i>Town Planning (Height of Obstructions at Corners) General Amendment By-laws 1983</i>	5 Aug 1983 p. 2850-1	5 Aug 1983

Reprint 1: The Town Planning (Height of Obstructions at Corners) General By-laws 1975 as at 16 Apr 2004 (includes amendments listed above)

- ² Now known as the *Town Planning (Height of Obstructions at Corners) General By-laws 1975*; citation changed (see note under bl. 1).