



Western Australia

Planning and Development Act 2005 3

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

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

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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: 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-by-law (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-by-law (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 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.

bl. 2

- (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: 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: 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: 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 is a compilation 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).
- ³ Formerly made under s. 31 of the *Town Planning and Development Act 1928*, continued under s. 262 of the *Planning and Development Act 2005*.