

Act No. 39, 1902.

An Act to consolidate the enactments relating ^{WIDTH OF STREETS}
to the regulation of the Width of Streets ^{AND LANES.}
and Lanes, and certain other purposes. [20th
August, 1902.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Width of Streets and Lanes Short title.
Act, 1902."

2. The Act forty-five Victoria number twenty-eight is hereby Repeal
repealed.

3.

Width of Streets and Lanes.

Subdivision of streets and lanes.
45 Vic. No. 28, s. 1.

3. Every street laid out or defined since the twentieth day of December, one thousand eight hundred and eighty-one, or hereafter laid out or defined, shall be sixty-six feet wide at least; and every lane laid out or defined since the said twentieth day of December, one thousand eight hundred and eighty-one, or hereafter laid out or defined, shall be twenty feet wide at least.

Improper sub-division of private lands.
Ibid. s. 2.

4. Any land which has been since the twentieth day of December, one thousand eight hundred and eighty-one, or is hereafter sold, transferred, leased, or built upon, in violation of the provisions of section one of the Act hereby repealed, or of section three of this Act, shall, when necessary to make the width of any such street or lane equal to the requirements of this Act, be deemed to that extent to form part of such street or lane :

Proviso.

Provided that when it is necessary to define the width of any street or lane under this Act, the necessary width may be determined by measuring from the centre of such street or lane.

Frontages of allotments.
Ibid. s. 3.

5. (1) Except in the case of allotments having water frontage, no dwelling-house shall be built fronting any lane within the operation of this Act unless such house and its appurtenances are twenty-three feet at the least from such lane.

Premises built in contravention of this section to be deemed encroachments.
Ibid. s. 3.

(2) Any premises built as a dwelling-house or occupied or inhabited as such, although such premises or any part thereof are occupied or used for other purposes at the same time shall, if built less than twenty-three feet from such lane, be deemed to be an encroachment, and if within the city of Sydney may be dealt with by the proper authority as an encroachment under the provisions of the Sydney Corporation Act, 1902, and if within any municipality shall be deemed to be a nuisance within the meaning of the two hundred and forty-sixth section of the Municipalities Act, 1897.

Not to affect prior alignments, &c.
Ibid. s. 4.

6. Nothing herein contained shall be deemed to affect any street or lane or any frontage to any street or lane or any continuation of any street or lane defined or built upon, or any building commenced or building agreement entered into before the twentieth day of December, one thousand eight hundred and eighty-one, or any law or regulation not repugnant to the provisions of this Act :

Provided that no such continuation as hereinbefore mentioned shall extend beyond the next intersecting street.