



Western Australia

**Town Planning and Development By-Laws —
By-laws in Respect of Excavations in Subdivided
Areas**

Compare between:

[11 Nov 1998, 00-a0-05] and [09 Apr 2006, 00-b0-08]

Western Australia

~~THE TOWN PLANNING AND DEVELOPMENT ACT 1928~~

[Planning and Development Act 2005](#) ²

Town Planning and Development By-Laws — By-laws in Respect of Excavations in Subdivided Areas

~~(Section 30, Second Schedule, Paragraphs 3 and 4.)~~

~~Town Planning Board,
Perth, 20th July, 1937.~~

~~His Excellency the Lieutenant Governor has been pleased to approve of
By-laws in respect of Excavations in Subdivided Areas made under
Section 30 of “The *Town Planning and Development Act 1928*,” as
hereunder.~~

~~DAVID L. DAVIDSON,
Town Planning Commissioner.~~

1. Quarrying and excavations in Metropolitan Area

Subject as hereinafter provided no person shall carry on or cause or permit or suffer to be carried on any quarrying or excavating for stone, sand, or other material upon land situate within the Metropolitan Area as defined by “The *Traffic Act 1919*,” or the regulations thereunder, or within any municipality or townsite: Provided that this By-law shall not apply to —

bl. 2

- (a) quarrying or excavating as aforesaid upon land comprised in a surveyed lot or parcel of land having an area exceeding one-half acre;
- (b) excavations for foundations, footings, basements, water supplies or sanitary services made necessary by or in respect of any building or structure authorised by a local authority in accordance with its By-laws;
- (c) excavations for or in connection with any public work undertaken by a local authority or any Government department.

2. Offence

If any person shall either by act or omission contravene By-law 1 of these By-laws he shall be guilty of an offence.

Penalty: Twenty pounds, and in addition a daily penalty of Two pounds for every day or part of a day where the offence is in its nature a continuing offence.

3. Application

These By-laws shall have effect and be in operation within the Metropolitan Area as defined in “*The Traffic Act 1919*,” or the regulations thereunder, and in every municipality and townsite within the State.

Notes

- ¹⁻ This is a compilation of the *Town Planning and Development By-Laws — By-laws in respect of Excavations in Subdivided Areas* ~~and includes the amendments referred to in the~~. [The following Table](#) ~~table~~ [contains information about those by-laws](#).

Table of By-laws

Compilation table

By-law	Gazettal	Commencement	Miscellaneous
<i>Town Planning and Development By-Laws — By-laws in respect of Excavations in Subdivided Areas</i>	23 July 1937 p.1198	23 July 1937	

- ² [Formerly made under s. 30 of the *Town Planning and Development Act 1928*, continued under s. 262 of the *Planning and Development Act 2005*.](#)