



Western Australia

Heritage of Western Australia Act 1990

Heritage of Western Australia Regulations 1991

These regulations were repealed as a result of the repeal of the *Heritage of Western Australia Act 1990* by the *Heritage Act 2018* s. 166 as at 1 Jul 2019 (see s. 2(b) and *Gazette* 27 Jun 2019 p. 2375).

Heritage of Western Australia Regulations 1991

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Heritage of Western Australia Regulations 1991

1. Citation

These regulations may be cited as the *Heritage of Western Australia Regulations 1991*¹.

2. Commencement

These regulations shall come into operation on 11 February 1991.

3A. Works, acts or things excluded from definition of *development*

- (1) For the purpose of the definition of *development* in section 3(1) of the Act, the following works, acts or things are excluded from the operation of that definition —
 - (a) building maintenance that does not involve the removal of, or damage to, the existing fabric of the building or the use of new materials;
 - (b) cleaning that is low pressure, non-abrasive and non-chemical;
 - (c) gardening or landscape maintenance that does not involve a major alteration of the layout, contours, structures, significant plant species or other significant features on the land;
 - (d) repairs, including replacing missing or deteriorated fabric with like for like fabric, that does not involve the

s. 3A

- removal of, or damage to, the significant fabric of the building;
- (e) replacement of utility services using existing routes or voids that does not involve the removal of, or damage to, the fabric of the building;
 - (f) repainting of the surface of a building —
 - (i) in the same colour scheme and paint type if they are appropriate to the substrate and do not endanger the survival of earlier paint layers; and
 - (ii) without disturbing or removing an earlier paint layer unless it is chalking, flaking or peeling;
 - (g) an excavation, that does not affect archaeological remains, for the purpose of exposing, inspecting, maintaining or replacing utility services;
 - (h) the erection or installation of a temporary security fence, scaffold, hoarding or surveillance system that does not affect the fabric of a building, the landscape or archaeological features of the land;
 - (i) signage that —
 - (i) does not obscure signage that has an integral relationship to the land; or
 - (ii) is temporary and does not have a deleterious effect on the fabric of a building; or
 - (iii) is temporarily located behind a shop window but is not internally illuminated or flashing; or
 - (iv) advertises that a place is for sale or lease but does not remain on the place for more than 10 days after the place is sold or leased;
 - (j) digging a new grave or the erection of a monument or grave marker of materials, size and form that are consistent with the character of the place.
- (2) The exclusion of works, acts or things from the operation of the definition of *development* in section 3(1) of the Act does not

derogate from any obligation a person has under the *Metropolitan Redevelopment Authority Act 2011* or the *Planning and Development Act 2005* in relation to a development as defined in those Acts.

[Regulation 3A inserted: Gazette 27 Mar 2012 p. 1501-3.]

3. Form of Register prescribed — section 46(1)

For the purposes of section 46(1) —

- (a) the Register shall be made up of all entries made by the Council, both interim and permanent, under Part 5 of the Act; and
- (b) the form in Schedule 1 is prescribed.

[Regulation 3 amended: Gazette 27 Mar 2012 p. 1503.]

4. Certificate of evidence of appointment of inspector prescribed — section 71(2)

Under section 71(2) of the Act, the form in Schedule 2 is prescribed.

[Regulation 4 inserted: Gazette 27 Mar 2012 p. 1503.]

Schedule 1 — Register of heritage places

[r. 3]

[Heading inserted: Gazette 27 Mar 2012 p. 1503.]

REGISTER OF HERITAGE PLACES INTERIM/PERMANENT* ENTRY	
1.	Data base no:
2.	Name: Other names:
3.	Location:
4.	Description of place included in this entry:
5.	Local government area:
6.	(a) Owner at interim registration: (b) Owner at permanent registration:
7.	Heritage listings:
8.	Orders under section 38 or 59 of the Act:
9.	Heritage agreement:
10.	Statement of significance: * Delete where inapplicable.

[Schedule 1 inserted: Gazette 27 Mar 2012 p. 1503-4.]

**Schedule 2 — Certificate of evidence of appointment of
inspector**

[r. 4]

[Heading inserted: Gazette 27 Mar 2012 p. 1504.]

<i>(Emblem of Government of Western Australia to be shown here)</i>	<i>(Emblem of Heritage Council of Western Australia to be shown here)</i>	STATE HERITAGE OFFICE
<i>(name of inspector to be shown here)</i> Inspector State Heritage Office		<i>(Photograph of inspector to be shown here)</i>
Expires: <i>(date of expiry of card to be shown here)</i>		
Heritage of Western Australia Act 1990		

(reverse side)

This is to certify that I have appointed the person named on the front of this card as an inspector under the <i>Heritage of Western Australia Act 1990</i> section 71.	
_____ <i>(name of chairperson to be shown here)</i> Chairperson Heritage Council of Western Australia	_____ Date
www.heritage.wa.gov.au	

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Tel 1300 524 000 **Freecall** 1800 524 000 **Fax** (08) 9221 4151

[Schedule 2 inserted: Gazette 27 Mar 2012 p. 1504.]

Notes

- ¹ This is a compilation of the *Heritage of Western Australia Regulations 1991* 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>Heritage of Western Australia Regulations 1991</i>	22 Feb 1991 p. 883	22 Feb 1991 ² (see r. 2)
<i>Heritage of Western Australia Amendment Regulations 1994</i>	3 Feb 1995 p. 347-8	3 Feb 1995
Reprint 1: The <i>Heritage of Western Australia Regulations 1991</i> as at 19 Dec 2003 (includes amendments listed above)		
<i>Heritage of Western Australia Amendment Regulations 2012</i>	27 Mar 2012 p. 1501-4	r. 1 and 2: 27 Mar 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Mar 2012 (see r. 2(b))

These regulations were repealed as a result of the repeal of the *Heritage of Western Australia Act 1990* by the *Heritage Act 2018* s. 166 as at 1 Jul 2019 (see s. 2(b) and *Gazette* 27 Jun 2019 p. 2375)

- ² The commencement date of 11 Feb 1991 that was specified was before the date of gazettal.