
HERITAGE

HR301

Heritage Act 2018

**Heritage Amendment (Valuation of Land)
Regulations 2020**

SL 2020/246

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Heritage Amendment (Valuation of Land) Regulations 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Heritage Regulations 2019*.

4. Part 5A inserted

After regulation 44 insert:

Part 5A — Valuation of land**44A. Taking account of matters affecting land use or development**

- (1) This regulation applies when, under section 82(1)(a) of the Act, the Valuer-General takes into account restrictions on the use of land arising out of —
 - (a) the entry of the land in the register; or
 - (b) a heritage agreement to which the land is subject.
- (2) The Valuer-General may take into account other restrictions on the use of land, including —
 - (a) a State planning policy as defined in the *Planning and Development Act 2005* section 4(1); and
 - (b) a local planning scheme; and

- (c) another planning instrument as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 77; and
- (d) a region planning scheme as defined in the *Planning and Development Act 2005* section 4(1); and
- (e) an improvement plan referred to in the *Planning and Development Act 2005* section 119; and
- (f) an improvement scheme as defined in the *Planning and Development Act 2005* section 4(1); and
- (g) an approved redevelopment scheme as defined in the *Metropolitan Redevelopment Authority Act 2011* section 3; and
- (h) a document referred to in the *Metropolitan Redevelopment Authority Act 2011* section 7(1)(b)(i); and
- (i) a master plan in force under the *Hope Valley-Wattleup Redevelopment Act 2000* Part 3.

44B. Supplementary valuation assumptions

- (1) This regulation applies when, under section 82(1)(b)(i) of the Act, the Valuer-General assumes that all improvements to or on land at the date of valuation that contribute to its cultural heritage significance must be conserved and are not to be demolished.
- (2) The Valuer-General may assume —
 - (a) that the improvements that must be conserved are to be conserved so that the current use of the land may be continued; and
 - (b) that the improvements that must be conserved are new, so that no allowance need be made in the valuation for their actual condition; and
 - (c) that the cost of construction of the improvements that must be conserved has no effect on land value, so that no allowance need be made in the valuation in respect of any difference between —
 - (i) the cost of construction of those improvements as new improvements; and
 - (ii) the cost of construction of other improvements used as a basis for comparison in the determination of land value.