



Western Australia

Heritage of Western Australia Regulations 1991

Compare between:

[19 Dec 2003, 01-a0-05] and [28 Mar 2012, 01-b0-06]



Reprinted under the
Reprints Act 1984 as at
19 December 2003

Western Australia

Heritage of Western Australia Act 1990

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,

s. 3A

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 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) ~~an entry shall be in the form of Form 1 of the~~ in Schedule 1 is prescribed.

Schedule

Form 1

(Part 5, Division 2)

REGISTER OF HERITAGE PLACES INTERIM/PERMANENT* ENTRY

1. No.
2. Name
3. Location
4. Description of Place included in this entry
5. Local Government Area
6. Owner
7. Heritage Listings
— REGISTER OF HERITAGE PLACES:
— [Date(s) of Gazettal]
- NATIONAL TRUST CLASSIFICATION:
- LOCAL GOVERNMENT T.P.S. OR M.I.:
- REGISTER OF THE NATIONAL ESTATE:
8. Conservation Order
9. Heritage Agreement
10. Statement of Significance
.....
.....
.....

* Delete where inapplicable.

[Schedule amended in Gazette 3 Feb 1995 p. 347-8.]

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

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**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.]

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

[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.]

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

(reverse side)

This is to certify that I have appointed the person named on the
front of this card as an inspector under the *Heritage of Western
Australia Act 1990* section 71.

<u>(name of chairperson to be shown here)</u>	<u>Date</u>
<u>Chairperson</u>	
<u>Heritage Council of Western Australia</u>	

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[\[Schedule 2 inserted: Gazette 27 Mar 2012 p. 1504.\]](#)

Notes

- ¹ This ~~reprint~~ is a compilation ~~as at 19 December 2003~~ 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))

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