

HR301\*

Heritage of Western Australia Act 1990

## Heritage of Western Australia Amendment Regulations 2012

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Heritage of Western Australia Amendment Regulations 2012*.

**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 of Western Australia Regulations 1991*.

**4. Regulation 3A inserted**

After regulation 2 insert:

**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 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.

**5. Regulation 3 amended**

Delete regulation 3(b) and insert:

- (b) the form in Schedule 1 is prescribed.

**6. Regulation 4 inserted**

After regulation 3 insert:

**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.

**7. Schedule replaced**

Delete the Schedule and insert:

**Schedule 1 — Register of heritage places**

[r. 3]

<b>REGISTER OF HERITAGE PLACES INTERIM/PERMANENT* ENTRY</b>	
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:

<b>REGISTER OF HERITAGE PLACES INTERIM/PERMANENT* ENTRY</b>	
9.	Heritage agreement:
10.	Statement of significance:
* Delete where inapplicable.	

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

[r. 4]

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

(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>	Date
Chairperson	
Heritage Council of Western Australia	
<b>www.heritage.wa.gov.au</b>	
491-493 Wellington Street Perth WA 6000	
<b>Tel 1300 524 000 Freecall 1800 524 000 Fax (08) 9221 4151</b>	

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.