

Heritage (Consequential Provisions) Bill 1999

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Western Australia

LEGISLATIVE ASSEMBLY

**Heritage (Consequential Provisions)
Bill 1999**

A Bill for

**An Act to amend various Acts as a consequence of the enactment of
the *Heritage Act 1999*.**

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Heritage (Consequential Provisions) Act 1999*.

5 **2. Commencement**

(1) This Act, other than sections 23, 25, 26, 27 and 28, comes into operation on the day on which the *Heritage Act 1999* comes into operation.

(2) Sections 23, 25, 26, 27 and 28 come into operation —

10

(a) on the day on which Part 3 of the *Planning Legislation Amendment Act 1999* comes into operation; or

(b) if on that day the other provisions of this Act have not yet come into operation, on the day when they come into operation.

Part 2 — Constitution Acts Amendment Act 1899

3. Schedule V amended

5 Schedule V to the *Constitution Acts Amendment Act 1899** is amended in Part 3 in the item that begins “The Heritage Council of Western Australia” by deleting “under the *Heritage of Western Australia Act 1990*” and inserting instead —

“ by the *Heritage Act 1999* ”.

[* *Reprinted as at 22 January 1997.*

10 *For subsequent amendments see 1998 Index to Legislation of Western Australia, Table 1, p. 53.]*

**Part 3 — Government Employees Superannuation
Act 1987**

4. Schedule 1 amended

5 Schedule 1 to the *Government Employees Superannuation Act 1987** is amended in Part B by inserting in the appropriate alphabetical position —

“ Heritage Council of Western Australia ”.

[* Reprinted as at 22 January 1999.]

**Part 4 — *Local Government (Miscellaneous Provisions)*
*Act 1960***

5. The Act amended

5 The amendments in this Part are to the *Local Government (Miscellaneous Provisions) Act 1960**.

 [* Reprinted as at 18 September 1996.

 For subsequent amendments see 1998 Index to Legislation of Western Australia, Table 1, pp. 151-2.]

6. Section 374 amended

10 Section 374(6) is repealed.

7. Section 374A amended

(1) Section 374A(2A) is repealed.

15 (2) Section 374A(3) is amended by deleting “Except where the condition was by reason of the operation of section 78(4) of the *Heritage of Western Australia Act 1990* imposed so as to be consistent with conditions imposed under that Act in relation to a related or similar matter that affects all or part of the same land, any” and inserting instead —

 “ Any ”.

Part 5 — Metropolitan Region Town Planning Scheme Act 1959

8. The Act amended

5 The amendments in this Part are to the *Metropolitan Region Town Planning Scheme Act 1959**.

[* Reprinted as at 17 March 1996.

For subsequent amendments see 1998 Index to Legislation of Western Australia, Table 1, p. 161.]

9. Section 6 amended

10 Section 6 is amended by deleting the definition of “Heritage Council”.

10. Section 32A amended

Section 32A(2) is repealed.

11. Section 35B amended

15 Section 35B(4) is repealed.

12. Section 35C amended

Section 35C(4) is repealed.

Part 6 — *Strata Titles Act 1985*

13. Section 25 amended

- (1) The amendments in this Part are to the *Strata Titles Act 1985**.
- (2) Section 25(7) is repealed.
- 5 (3) Section 25(8) is repealed.

[* *Reprinted as at 20 January 1997.*

*For subsequent amendments see 1998 Index to Legislation of
Western Australia, Table 1, p. 242.]*

Part 7 — Swan Valley Planning Act 1995

14. Section 3 amended

Section 3 of the *Swan Valley Planning Act 1995** is amended by deleting the definition of “development” and inserting instead the following definition —

5

“

10

“development” means the development or use of any land, including any demolition, erection, construction, alteration of or addition to any building or structure on the land and the carrying out on the land of any excavation or other works;

”.

[* *Act No. 31 of 1995* .

For subsequent amendments see Act No. 14 of 1996.]

Part 8 — *Town Planning and Development Act 1928*

15. The Act amended

The amendments in this Part are to the *Town Planning and Development Act 1928**.

5 [* Reprinted as at 19 March 1999.]

16. Section 2 amended

(1) Section 2(1) is amended in the definition of “development” by deleting all the words after “works”.

10 (2) Section 2(1) is amended by deleting the definition of “Heritage Council”.

17. Section 7 amended

Section 7(6) is amended by deleting “or on any list maintained under section 46 or section 45 of the *Heritage of Western Australia Act 1990*” and inserting instead —

15 “ as defined in the *Heritage Act 1999* ”.

18. Section 7B amended

(1) After section 7B(5)(a)(ii) the following is inserted —

“ or ”.

(2) After section 7B(5)(a)(iii) “or” is deleted.

20 (3) Section 7B(5)(a)(iv) is deleted.

(4) Section 7B(6)(c) is amended by deleting “or of any Order made under Part 6, or Order in Council made under section 80, of the *Heritage of Western Australia Act 1990*”.

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- 5 (5) Section 7B(6)(d) is amended by deleting “, or, in the case of land in relation to which the local government has referred the application to the Heritage Council and has so notified the applicant, where a period of 60 days has elapsed since that notification and the local government has failed to make its decision known,”.

19. Section 12 amended

10 Section 12(2) is amended by deleting “land to which the *Heritage of Western Australia Act 1990* applies ” and inserting instead —

“ registered place or State heritage area as defined in the *Heritage Act 1999* ”.

20. Section 18C repealed

Section 18C is repealed.

15 **21. Section 20 amended**

Section 20(4) is repealed.

**Part 9 — Western Australian Planning Commission
Act 1985**

22. The Act amended

5 The amendments in this Part are to the *Western Australian
Planning Commission Act 1985**.

[* *Act No. 91 of 1985.*

*For subsequent amendments see 1998 Index to Legislation of
Western Australia, Table 1, p. 272.]*

23. Section 3 amended

10 Section 3 is amended by deleting the definition of “Heritage
Council”.

24. Section 18 amended

Section 18(1b)(a) is deleted.

25. Section 24 amended

15 Section 24(1)(d) is deleted.

26. Section 25 amended

(1) Section 25(2) is repealed and the following subsection is
inserted instead —

“

20 (2) Subject to subsection (3), if the Commission does not
grant or refuse permission within a period of 60 days
after the receipt by the Commission of an application to
carry out any development referred to in this Part the
Commission shall on the expiry of that period be
25 deemed to have refused that application and the
applicant may within 60 days after that expiry appeal

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against that deemed refusal under Part V of the *Town Planning and Development Act 1928*.

”.

(2) After section 25(3)(a) “or” is inserted.

5 (3) After section 25(3)(b) “; or” is deleted and a full stop is inserted instead.

(4) Section 25(3)(c) is deleted.

27. Section 37A amended

Section 37A(3) is repealed.

10 **28. Section 37B amended**

Section 37B(4) is repealed.

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