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.

V. MOLAN, Clerk of the Executive Council.