

# Industry Bulletin 162

## Building Amendment Regulations 2024 – Amendments to *Heritage Act 2018* provisions

The Building Amendment Regulations 2024 (Amending Regulations) were published 17 April 2024 on the [WA legislation website](#) and have commenced operation.

The amendments adopt several new defined terms used in the *Heritage Act 2018* (Heritage Act), delete the requirements for notifications to be given to the Heritage Council of Western Australia (Heritage Council) and make several amendments consequential to new provisions in the Heritage Act.

### Key changes to the Building Regulations

#### 1. Regulation 3 is amended

- By deleting the definition of **Heritage Act**. This is no longer needed as the title of the Heritage Act is short so is referred to in full each time it is mentioned in the Building Regulations; and
- inserting definitions of **heritage works permit, protection order, repair notice and repair order**. These definitions reflect new provisions in the Heritage Act.

#### 2. Regulations 18(3) and 19(2)(a) are deleted

The Heritage Council advises that in the period subsequent to the implementation of the *Building Act 2011* (Building Act) and Building Regulations, the Planning and Development (Local Planning Schemes) Regulations 2015 have applied planning controls that apply to all 'heritage-protected places'. This has given the Heritage Council confidence that proposed changes to heritage places will be captured through the planning process, with the opportunity to amend proposals that may otherwise adversely affect heritage places.

The Heritage Council is of the view that the safeguards delivered through the Building Regulations can be reduced to matters relating to direct and immediate legal controls over works to a place. Accordingly, the Heritage Council recommended that regulations 18(3) and 19(2)(a) may be deleted, as they no longer serve a useful purpose.

#### 3. Regulation 42(a)(iii) is updated

Regulation 42(a)(iii) specifies demolition work for which a demolition permit is not required. This exemption now applies to the demolition

of a Class 10a building or incidental structure which is, among other things, not subject to a protection order, heritage works permit, repair notice or repair order under the Heritage Act.

#### 4. Schedule 4 is updated

Item 2(g) of the Table in Schedule 4 clause 2 specifies building work for which a building permit is not required. This exemption now applies to the renovation, alteration, improvement, repair or maintenance of a building or incidental structure if the building work is, among other things, not subject to a protection order, heritage works permit, repair notice or repair order under the Heritage Act.

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