

Policy Guideline for Heritage Permit Exemptions

Matters to be considered in determining permit exemptions under sections 92 and 49 of the *Heritage Act 2017*



Department of Transport and Planning

Issued by the Executive Director, Heritage Victoria in accordance with section 19(1)(f)(i) of the *Heritage Act 2017*

1. Purpose

- 1.1 This guideline is intended to provide guidance as to the matters that should be considered by the Executive Director or the Heritage Council of Victoria (the Heritage Council) in determining that a permit is not required for particular works or activities in relation to a place or object included in the Victorian Heritage Register.
- 1.2 This guideline is intended to assist:
 - Owners of a place or object entered in the Victorian Heritage Register submitting a permit exemption request to the Executive Director.
 - Heritage Victoria staff assessing a permit exemption application in relation to a place or object included in the Victorian Heritage Register.
 - The Heritage Council in determining categories of works or activities which may be undertaken without the need for a permit.

2. Relevant legislation

- 2.1 Heritage Victoria has primary responsibility for administering the *Heritage Act 2017* which governs the identification and management of places and objects of State-level cultural heritage significance
- 2.2 Section 92(1) of the *Heritage Act 2017* provides that the Heritage Council, on the recommendation of the Executive Director, may determine categories of works or activities which may be undertaken in relation to any registered place, registered object or class of registered place or registered object without a permit under this Part. These are known as **general exemptions**.
- 2.3 Section 92(3) of the *Heritage Act 2017* provides that the Executive Director, on the application of the owner of a registered place or registered object, may determine that a permit is not required for particular works or activities in relation to the registered place or registered object.
- 2.4 Section 92(5) of the *Heritage Act 2017* provides that the Heritage Council or the Executive Director must not make a determination in relation to any works or activities if they consider the works or activities may harm the cultural heritage significance of the registered place or registered object.
- 2.5 Section 49(3) of the *Heritage Act 2017* provides that categories of works or activities exempt from permit requirement can be specified when a place or object is included in the Victorian Heritage Register if the Heritage Council considers that the cultural heritage significance of the place or object would not be harmed.

3. Criteria for consideration of a permit exemption

- 3.1 The general intent is to provide a permit exemption where the works will not harm the cultural heritage significance of a place or object.
- 3.2 As of December 2022, many no-harm works or activities are automatically exempt at places and objects included in the Victorian Heritage Register in accordance with section 92(1) **general exemptions**, if all requirements and conditions can be met. General exemptions cover a range of works and activities across 13 categories, including but not limited to, maintenance and cleaning, minor repairs, vegetation and landscape management, safety and security, and temporary events and structures. More information relating to general exemptions can be found [here](#).
- 3.3 Where works and activities are not eligible under, or not able to satisfy the requirements and conditions of, general exemptions, a permit exemption will be issued under section 92(3) in the following circumstances on receipt of sufficient detail, unless considered inappropriate by the Executive Director:
- The works are to the interiors of buildings constructed since the place was included in the Victorian Heritage Register or to the interiors of recognised non-significant buildings.
 - The works are to the exterior of buildings constructed since the place was included in the Victorian Heritage Register or to the exterior of recognised non-significant buildings, are minor in nature and will not be detrimental to the setting and/or views of the place.
 - The works will be for a short, temporary period and will not harm the cultural heritage significance of the place or object.
 - The works relate to conservation of a place or object.
 - Routine maintenance activities which will not harm the cultural heritage significance of the place or object.
 - The introduction or replacement of services such as cabling, pipes or fire services provided there is no harm to heritage fabric including views of the place.
 - The removal of dead, diseased or dangerous trees provided an arborist report is submitted verifying the condition of the tree.
 - Works of a routine nature for operational purposes which will not harm the cultural heritage significance of the place or object. For example, the renewal of watering systems, gravel surfaces and directional signage within a public garden.
 - Any other instance where the Executive Director is satisfied the works will not harm the heritage fabric or cultural heritage significance of the place or object.
- 3.4 A permit exemption may be issued by the Executive Director if he or she is satisfied the works will not harm the heritage fabric or cultural heritage significance of the place or object.
- 3.5 The potential for more substantial works to be declared permit exempt may occur where the heritage place covers a large area and the works will have no detrimental impacts on the setting of the place or the works occur in an area considerably altered from its original state. Examples of this could be the construction of a machinery shed on a farm where it is placed some distance from the heritage buildings and other significant features or the construction of an outbuilding to the rear of a house where it forms part of a heritage place which is a residential precinct.
- 3.6 Section 92(3) permit exemptions may be of a one-off nature or if appropriate can relate to ongoing works at a specific place or object. An example of an ongoing permit exemption might be the ability to undertake internal retail fit-outs to a heritage building, within specified parameters, to allow for a change of tenants.
- 3.7 In all instances, the applicant must provide sufficient documentation to Heritage Victoria to enable a proper assessment of the proposed works, including a conservation management plan where relevant.



Things to note

- Exempted works or activities should be planned and carried out in a manner which prevents damage to the registered place or registered object. If other previously hidden original or inaccessible details of the object or place are uncovered, any works that may affect such items should immediately cease and Heritage Victoria notified.
- All works should cease and Heritage Victoria immediately notified if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works.

4. Related information

- [Heritage Victoria section 92\(1\) General Permit Exemptions](#)

5. Document information

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