

# s. 92(1) General Permit Exemptions

## Frequently asked questions



### Purpose of general exemptions

#### 1. What are general exemptions and why have they been introduced?

General exemptions allow you to undertake works and activities to a registered place or object without prior approval from Heritage Victoria.

General exemptions have been designed to ensure that everyday activities, maintenance and changes to your property, which don't harm its cultural heritage significance, can be undertaken without the need to apply for approvals under the *Heritage Act 2017*.

#### 2. How do general exemptions change the way I manage my place?

General exemptions allow you to immediately undertake certain works and activities to your place or object, and provide clarity as to when approvals need to be sought from Heritage Victoria.

The guiding principle behind general exemptions is to achieve positive heritage outcomes by making it easier for you to manage your property, and cutting your red tape.

### Using general exemptions

#### 3. How do I know if I'm eligible to use general exemptions?

General exemptions apply to all places and objects included in the Victorian Heritage Register. To find out if your place or object is included in the Victorian Heritage Register, look it up in the [is my place heritage listed?](#) interactive map.

To ensure your works and activities are eligible, please read the *General Permit Exemptions* carefully. You must be able to clearly identify that your intended works and activities are eligible under general exemptions, and ensure you can comply with all relevant requirements and conditions.

#### 4. What other permit exemptions might apply to my place/object, and how can I find them?

Other permit exemptions specific to your place or object may apply. To find out if specific exemptions apply to your property, click through to its Victorian Heritage Database listing from the [is my place heritage listed?](#) interactive map, and navigate to "additional place information" and "permit exemptions."

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To read about other types of exemptions established by the *Heritage Act 2017* please click [here](#).

## 5. What do I do if general exemptions conflict with specific exemptions?

Specific exemptions have been tailored to the conservation and management needs of your place or object. If general exemptions conflict with specific exemptions, then specific exemptions prevail.

## 6. Do I need to comply with all general exemption conditions?

Yes, all conditions relating to a certain exemption must be complied with.

Three different types of conditions apply to general exemptions. These are:

- general conditions
- category conditions
- exemption conditions.

General conditions apply to *all* general exemptions. Category conditions apply to all works and activities permitted under a specific category (i.e. the category conditions for Category 2: Minor repairs apply to all exemptions within that category). Exemption conditions apply only to a specific exemption (i.e. the conditions associated with exemption 2.1 only apply to the specific works and activities permitted by exemption 2.1).

## 7. My project includes works and activities from multiple exemption categories – is this okay?

Yes – it is expected that many different exemption categories will apply to a single place or object.

For example, a registered train station may require operational works and activities that are exempt under Category 12: Transport operations in addition to works covered by other categories, such as graffiti removal (Category 1: Maintenance and cleaning) or works to repair termite damage (Category 2: Minor repairs).

Owners and managers of heritage assets are encouraged to read the *General Permit*

*Exemptions* in full to understand all eligible works and activities, across all exemption categories, which may apply to their place or object.

## 8. I can't find the works and activities I would like to complete under general exemptions. What does that mean for me?

If the works and activities you wish to undertake aren't included under general exemptions, then they are not exempt and cannot proceed without approval from Heritage Victoria.

Please [contact](#) the Heritage Victoria permits team to discuss whether or not you need to apply for a separate approval under the *Heritage Act 2017* before works commence.

## 9. Do general exemptions apply to archaeological sites?

General exemptions apply only to places and objects included in the Victorian Heritage Register. Therefore, eligible works and activities may be undertaken at an archaeological place included in the Victorian Heritage Register (i.e. works such as vegetation management, or minor repairs of above-surface structures), if all requirements and conditions of the relevant exemption can be met.

General exemptions do not apply to archaeological sites that are included in the Victorian Heritage Inventory, but that are not also included in the Victorian Heritage Register.

It should be noted that archaeological excavation is not permitted under general exemptions. Apply for a consent to disturb an archaeological site using [Heritage DESK](#).

## 10. Can I undertake the works and activities myself?

Yes, in many cases.

It is important that works or activities undertaken in accordance with general exemptions are carried out by practitioners with the relevant training, skills and experience.

However, some exempted works and activities, such as routine cleaning, gardening and

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maintenance, will not require any specialised training or experience. If you are carrying out works and activities under general exemptions, it is your responsibility to ensure that you, and any contractors you engage, are appropriately qualified to do so.

## **11. When do I need to obtain heritage advice? And how do I do this?**

Some general exemptions require the expertise of a heritage professional, such as a heritage architect, heritage consultant or local Council heritage advisor.

In such instances, the exemption conditions clearly indicate when you need to seek heritage advice.

A contractor directory is available via the [Victorian Heritage Services Directory](#).

## **12. I don't understand some of the terminology used in general exemptions. How do I find more information?**

A Definitions section is included in the *General Permit Exemptions*. Please read this section carefully.

If you still require assistance, please [contact](#) Heritage Victoria.

## **13. How do I identify "non-original" fabric?**

Non-original fabric has no clear association with a place or object's initial construction phase, other notable construction phases or additions, or with events in its history that relate to its cultural heritage significance.

An example of non-original fabric might be a recently-installed fence or outbuilding, refurbished bathroom elements, or modern-day electrical services, such as an air conditioner.

Please refer to the Definitions section of the General Permit Exemptions for further information. If you are still unsure, please [contact](#) Heritage Victoria for assistance.

## **14. How can I find out if an element of my place was installed after it was included in the Victorian Heritage Register?**

If you are unsure whether or not an element of your place or object was added after its inclusion in the Victorian Heritage Register, please [contact](#) Heritage Victoria. A member of our team will be able to look up the permit application history for your property.

## **15. My project requires temporary installations, such as fencing, signage or structures, but I can't comply with the timeframes required by general exemptions. What does this mean for me?**

If you're not able to comply with the timeframes required by a general exemption, and if there are no specific exemptions relating to your place or object covering your project, you will need to [apply for an approval](#) under the *Heritage Act 2017*.

## **16. I want to complete routine works (i.e. removal of paint/graffiti from my property), but the methods I would normally use aren't covered by general exemptions. Can I still proceed?**

All works and activities must strictly comply with the requirements and conditions of general exemptions, and any standards or guidelines referenced. If the methods you would normally use for a certain activity are not allowed under general exemptions, you will need to [apply for an approval](#) under the *Heritage Act 2017* before proceeding.

## **17. Can eligible works start straight away? I don't need any approvals?**

Works and activities covered by general exemptions do not require any approvals under the *Heritage Act 2017*. You do not need to wait for an approval from Heritage Victoria before eligible works begin.

However, please note that this does not mean that your project is also exempt under other pieces of legislation, standards or codes.

If you are using general exemptions, it is your responsibility to ensure that you have obtained all

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relevant planning, environment and building approvals prior to works and activities commencing.

## **18. Other pieces of legislation and/or incorporated documents support the works I want to do. Why do I still need to comply with general exemptions?**

If your place or object is included in the Victorian Heritage Register, then it is subject to the provisions of the *Heritage Act 2017*.

Even if you have approvals in place for your project under other pieces of legislation, standards and processes, you will need to ensure that the works and activities are permitted under the *Heritage Act 2017* prior to commencing.

If you can't find your works and activities included under general exemptions, specific exemptions or other exemptions established by the *Heritage Act 2017*, then please contact Heritage Victoria to start a pre-application discussion.

## **Health and safety**

### **19. Parts of my place are unsafe, or have been impacted by inclement weather/vandalism. Are all works related to health and safety automatically exempt?**

Works and activities related to health and safety are not automatically exempt – however many works relating to health and safety are covered under general exemptions, particularly under Category 7: Safety and security. Other exemption categories may also apply, so we recommend you read the *General Permit Exemptions* carefully.

If you can't see the works and activities you wish to undertake listed under general exemptions, then please contact Heritage Victoria or apply for an approval before proceeding.

### **20. General exemptions instruct me to repair fabric on a "like-for-like" basis, but the fabric in question is dangerous (i.e. asbestos and/or lead paint). Can I introduce new materials instead?**

You are only able to introduce new materials under general exemptions if an exemption specifically allows it (i.e. i.e. exemption 2.5, which allows modified materials to ensure effective waterproofing and storm-proofing).

If the material you are working with is dangerous, such as lead paint and asbestos, or if you are finding it difficult to source "like-for-like" materials, you must contact Heritage Victoria prior to works commencing.

### **21. General exemptions allow for electrical line vegetation clearance in rail corridors, but what about roads?**

The removal or lopping of vegetation along roads for the purpose of electrical line clearance is not permitted under general exemptions. This is because many trees of State-level cultural heritage significance are planted near roads, such as the many avenues of honour included in the Victorian Heritage Register.

Any vegetation clearance along registered roads which are not also rail corridors (i.e. tram routes) requires approval from Heritage Victoria. Additionally, vegetation clearance along registered rail corridors must comply with all requirements and conditions of exemption 12.7.

Please contact Heritage Victoria if you would like to start a preapplication discussion.

## **Record keeping and notifying Heritage Victoria**

### **22. Do I need to keep records of works and activities completed under general exemptions?**

It is good practice to keep a record of works and activities undertaken at your registered place or object. While this is not mandatory, we strongly recommend that you do so.

Lodging a General Exemptions Record Form in Heritage DESK takes approximately three minutes, and will save a record of works and activities completed under general exemptions. This information is private and confidential, and is not visible to the public.

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## 23. The general exemption applicable to my project asks me to notify the Executive Director, Heritage Victoria. How do I do this?

If an exemption requires you to notify the Executive Director, Heritage Victoria, please lodge an Executive Director Notification Form in [Heritage DESK](#).

### Additional support

## 24. I'm not sure if my works and activities are eligible under general exemptions. Who can I ask for assistance?

If you are unsure about how to use general exemptions, or if they apply to you, please don't hesitate to [contact](#) Heritage Victoria.

We appreciate the important role owners and managers play in managing our State's heritage assets, and are always happy to assist.

## 25. How can I find out more about permits and permit exemptions?

For more information on how to apply for permits or permit exemptions please visit [click here](#).



Figure 1: Abercrombie House, South Melbourne (H0404).

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