

# s. 92(1) General Permit Exemptions



## How to Apply General Exemptions: Case Studies

### Introduction

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

This document provides three examples of how general exemptions may be used to undertake common works and activities often required at heritage properties.

Please refer to the *Frequently Asked Questions* and full suite of *General Permit Exemptions* for more information on how to use general exemptions for your project.

### Before you start

Before starting works and activities, it is essential to understand if you are eligible to use general exemptions, and whether or not you can comply with all guidelines and conditions. Please read the *General Permit Exemptions* carefully prior to commencing works.



**Figure 1** below outlines the process for self-assessing your eligibility, and the process for carrying out works and activities under general exemptions.

### Figure 1: Process for using general exemptions



**Search for your place.** Use the [Is my place is heritage listed?](#) map to see if it's included in the Victorian Heritage Register. General exemptions apply to all assets in the VHR.



**Check specific exemptions.** Use the map to access the VHD and look under 'Additional place information' and 'Permit exemptions'. Specific exemptions prevail if they conflict with general exemptions.



**Understand General Exemptions.** Read the General Permit Exemptions in full, as well as all supporting guidance.



**Engage qualified practitioners.** If you require a contractor, consult the [Victorian Heritage Services Directory](#) to find a practitioner qualified to undertake the work.



**Keep a record.** It's good practice to keep a record of your works. You can submit a [voluntary general exemptions record form](#) to keep a record in Heritage DESK.



**Notify Heritage Victoria.** You must [notify Heritage Victoria](#) when using some general exemptions, or if your works uncover previously hidden material such as historical archaeological remains.



## Case studies

### Case study 1: Repairing damaged heritage fabric

#### Step 1 and 2

**Search for your place or object, and check specific exemptions**

- Please refer to Figure 1 above for guidance on searching the Victorian Heritage Database and looking up specific exemptions.
- It is important to remember that if specific exemptions conflict with general exemptions, then **specific exemptions prevail**. For example, if specific exemptions allow you to undertake repair works to your place that are not expressly permitted under general exemptions, then you can still proceed with your project.

#### Step 3

**Understand general exemptions**

- Identify the general exemption category (or categories) that apply to your project. If your project relates to repairs, you may find the exemptions you're looking for under **Category 2. Minor repairs**. However, some other relevant exemption categories may apply, so be sure to read the full General Permit Exemptions document.
- Read and understand general conditions (which apply to all general exemptions), in addition to the category conditions and exemption conditions that apply.
- Ensure you can comply with all conditions, including those relating to other exemption categories that are referenced by the exemption you are using. For example, if you are undertaking repairs to fencing, then **exemption 2.6** may apply to your project. If your fencing repairs include structural or stabilisation works, then you are also required to comply with the requirements and exemption conditions of **exemption 7.2**, in addition to the category conditions of **Category 7. Safety and security**.

#### Step 4

**Engage qualified practitioners**

- You must ensure that personnel carrying out works and activities under general exemptions have the skills and qualifications appropriate to the task. If you require a contractor, consult the [Victorian Heritage Services Directory](#).
- For example, if you are using **exemption 2.1** to patch damaged fabric to a textile object included in the Victorian Heritage Register then **category condition c)** requires that *Works or activities must be carried out with reasonable care, skill and diligence by tradespeople or conservators experienced in working with heritage places and objects*. Additionally, **exemption condition a)** requires that *refixed fabric Must match the existing fabric in appearance, material and method of fixing*. Therefore, you would be required to engage a conservator skilled in textile repairs and conservation to undertake the patching repairs.

#### Step 5

**Keep a record**

- It is good practice to keep a record of works and activities undertaken to your heritage property. While keeping a record is not mandatory, we strongly recommend that you do so.
- We encourage you to submit a general exemptions record form in [Heritage DESK](#) to help you easily access and maintain a record of works and activities undertaken at your place or object. The process takes only a few minutes, and the information you lodge will be visible only to you and Heritage Victoria.

#### Step 6

**Notify Heritage Victoria**

- Some exemption conditions require you to notify the Executive Director, Heritage Victoria, by submitting an Executive Director notification form in [Heritage DESK](#).
- For example, if while undertaking repair works you find previously hidden material, such as historical archaeological remains, or decorative paint schemes, **general condition 3** requires you to notify Heritage Victoria as soon as possible.



## Case study 2: Graffiti removal and protection

### Step 1 and 2

Search for your place or object, and check specific exemptions

- Please refer to Figure 1 above for guidance on searching the Victorian Heritage Database and looking up specific exemptions.
- It is important to remember that if specific exemptions conflict with general exemptions, then specific exemptions prevail. For example, the removal of graffiti from registered murals is not permitted under general exemptions. However, a registered mural may have specific exemptions in place relating to graffiti removal works and activities. In such instances, works and activities may proceed in accordance with specific exemptions.

### Step 3

Understand general exemptions

- Identify the general exemption category (or categories) that apply to your project. If your project relates to graffiti removal, **exemptions 1.3 and 1.4 under Category 1. Maintenance and cleaning** will apply.
- Read and understand general conditions (which apply to all general exemptions), in addition to the category conditions and exemption conditions that apply.
- Ensure you can comply with all conditions, including those relating to other exemption categories that are referenced by the exemption you are using. For example, if you are painting over graffiti on a previously painted surface, you are also required to comply with the requirements and conditions of **Category 3. Painting and wallpapering**.
- Additionally, you must comply with the *Heritage Victoria Graffiti Mitigation Guidance*, as required by **exemption 1.3, condition e)**, and **exemption 1.4, condition a)**.

### Step 4

Engage qualified practitioners

- You must ensure that personnel carrying out works and activities under general exemptions have the skills and qualifications appropriate to the task. If you require a contractor, consult the [Victorian Heritage Services Directory](#).
- For example, if you are using **exemption 1.4** to apply a graffiti prevention barrier to unpainted metals and sculptures, the *Heritage Victoria Graffiti Mitigation Guidance* requires that a conservator be engaged to undertake these works.

### Step 5

Keep a record

- It is good practice to keep a record of works and activities undertaken to your heritage property. While keeping a record is not mandatory, we strongly recommend that you do so.
- We encourage you to submit a general exemptions record form in [Heritage DESK](#) to help you easily access and maintain a record of works and activities undertaken at your place or object. The process takes only a few minutes, and the information you lodge will be visible only to you and Heritage Victoria.

### Step 6

Notify Heritage Victoria

- Some exemption conditions require you to notify the Executive Director, Heritage Victoria, by submitting an Executive Director notification form in [Heritage DESK](#).
- For example, if while undertaking surface cleaning activities you encounter previously hidden material, such as decorative paint schemes, **general condition 3** requires you to notify Heritage Victoria as soon as possible.



## Case study 3: Removing a dead or dangerous tree

### Step 1 and 2

**Search for your place or object, and check specific exemptions**

- Please refer to **Figure 1** above for guidance on searching the Victorian Heritage Database and looking up specific exemptions.
- It is important to remember that if specific exemptions conflict with general exemptions, then **specific exemptions prevail**. For example, if specific exemptions expressly require you to contact Heritage Victoria **before** a particular tree is removed, then general exemptions relating to dead and dangerous tree removal **do not apply**.

### Step 3

**Understand general exemptions**

- Identify the general exemption category (or categories) that apply to your project. In the case of the removal of dead or dangerous trees, the relevant exemptions are **exemption 7.1 (Category 7. Safety and security)** and **exemption 9.6 (Category 9. Vegetation and landscape management)**.
- Read and understand general conditions (which apply to all general exemptions), in addition to the category conditions and exemption conditions that apply.
- Ensure you can comply with all conditions, including those relating to other exemption categories that are referenced by the exemption you are using. For example, **exemption 7.1** requires compliance with **exemption 9.6**, and therefore the category conditions for **Category 9. Vegetation and landscape management**.
- Additionally, **condition c)** of **exemption 9.6** requires that *There must be no ground disturbance works associated with tree removal in areas where the land has the potential to contain historical archaeological remains associated with the registered place. In such cases, tree removal must cease at ground level.*
- If you are unsure whether or not the subject area has the potential to contain historical archaeological remains, it is recommended that you lodge a general enquiry with Heritage Victoria using [Heritage DESK](#), or contact a qualified heritage practitioner for advice.

### Step 4

**Engage qualified practitioners**

- You must ensure that personnel carrying out works and activities under general exemptions have the skills and qualifications appropriate to the task. If you require a contractor, consult the [Victorian Heritage Services Directory](#).
- **Exemption 9.6** requires that trees can **only** be removed if they have been assessed as being dead or dangerous by a **qualified arborist**, and if the qualified arborist supervises the works. It is important to read the **Definitions** section of the *General Permit Exemptions* document to understand the level of qualification required.

### Step 5

**Keep a record**

- It is good practice to keep a record of works and activities undertaken to your heritage property. While keeping a record is not mandatory, we strongly recommend that you do so.
- We encourage you to submit a general exemptions record form in [Heritage DESK](#) to help you easily access and maintain a record of works and activities undertaken at your place or object. The process takes only a few minutes, and the information you lodge will be visible only to you and Heritage Victoria.

### Step 6

**Notify Heritage Victoria**

- Some exemption conditions require you to notify the Executive Director, Heritage Victoria, by submitting an Executive Director notification form in [Heritage DESK](#).
- **Exemption 9.6** requires you to notify Heritage Victoria within 5 business days of tree removal works occurring in accordance with general exemptions.



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